

By: Representative Warren

To: Public Health and Human Services

HOUSE BILL NO. 236

1 AN ACT TO REENACT SECTIONS 73-38-1 THROUGH 73-38-36,  
2 MISSISSIPPI CODE OF 1972, WHICH REGULATE SPEECH PATHOLOGISTS AND  
3 AUDIOLOGISTS; TO AMEND SECTION 73-38-38, MISSISSIPPI CODE OF 1972,  
4 TO EXTEND THE REPEALER ON THOSE SECTIONS; AND FOR RELATED  
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 73-38-1, Mississippi Code of 1972, is  
8 reenacted as follows:

9 73-38-1. The State Board of Health, established and  
10 empowered by Section 41-3-1 et seq., shall discharge as additional  
11 duties and responsibilities the provisions of this chapter in the  
12 examination, licensing and regulation of persons who provide  
13 services in the areas of speech-language pathology and audiology.

14 **SECTION 2.** Section 73-38-3, Mississippi Code of 1972, is  
15 reenacted as follows:

16 73-38-3. The following definitions apply as used in this  
17 chapter, unless the context otherwise requires:

18 (a) "Board" means the Mississippi State Board of  
19 Health.

20 (b) "Council" means the Mississippi Council of Advisors  
21 in Speech-Language Pathology and Audiology as established in  
22 Section 73-38-11.

23 (c) "Person" means any individual, organization or  
24 corporate body, except that only an individual may be licensed  
25 under this chapter.

26 (d) "Speech-language pathologist" means an individual  
27 who practices speech-language pathology and who presents himself  
28 to the public by any title or description of services

29 incorporating the words "speech pathologist," "speech-language  
30 pathologist," "speech therapist," "speech correctionist," "speech  
31 clinician," "language pathologist," "language therapist,"  
32 "logopedist," "communicologist," "voice therapist," "voice  
33 pathologist," or any similar title or description of services.

34 (e) "Speech-language pathology" means the application  
35 of principles, methods and procedures for the measurement,  
36 testing, evaluation, prediction, counseling, instruction,  
37 habilitation or rehabilitation related to the development and  
38 disorders of speech, voice, language, swallowing or feeding, or  
39 for the purpose of evaluating, preventing, ameliorating or  
40 modifying such disorders and conditions in individuals and/or  
41 groups of individuals.

42 (f) "Audiologist" means an individual who practices  
43 audiology and who presents himself to the public by any title or  
44 description of services incorporating the words "audiologist,"  
45 "hearing clinician," "hearing therapist," or any similar title or  
46 description of service.

47 (g) "Audiology" means the application of principles,  
48 methods and procedures of measurement, testing, evaluation,  
49 prediction, consultation, counseling, instruction, habilitation or  
50 rehabilitation related to disorders of hearing and balance for the  
51 purpose of evaluating, identifying, preventing, ameliorating or  
52 modifying such disorders and conditions in individuals and/or  
53 groups of individuals; and for the purpose of this subsection the  
54 words "habilitation" and "rehabilitation" include, but are not  
55 limited to, hearing aid dispensing and evaluation, and auditory  
56 training, and speech reading.

57 (h) "Speech-language pathology aide" means an  
58 individual who meets minimum qualifications which the council may  
59 establish for speech-language pathology aides, which  
60 qualifications shall be less than those established by this  
61 chapter as necessary for licensure as a speech-language

62 pathologist, and who works under the supervision of a licensed  
63 speech-language pathologist.

64 (i) "Audiology aide" means an individual who meets  
65 minimum qualifications which the council may establish for  
66 audiology aides, which qualifications shall be less than those  
67 established by this chapter as necessary for licensure as an  
68 audiologist, and who works under the supervision of a licensed  
69 audiologist.

70 (j) "ASHA" means the American Speech-Language-Hearing  
71 Association.

72 **SECTION 3.** Section 73-38-5, Mississippi Code of 1972, is  
73 reenacted as follows:

74 73-38-5. (1) Licensure shall be granted either in  
75 speech-language pathology or audiology independently. A person  
76 may be licensed in both areas if he meets the respective  
77 qualifications.

78 (2) No person shall practice or represent himself as a  
79 speech-language pathologist or audiologist in this state unless he  
80 is licensed in accordance with the provisions of this chapter.

81 **SECTION 4.** Section 73-38-7, Mississippi Code of 1972, is  
82 reenacted as follows:

83 73-38-7. Nothing in this chapter shall be construed as  
84 preventing or restricting:

85 (a) A physician from engaging in the practice of  
86 medicine in this state, or a person using an audiometer to test  
87 hearing under the direct supervision of a licensed physician,  
88 provided such person does not present himself to the public by any  
89 title or description of services incorporating the words  
90 "audiologist," "hearing clinician," "hearing therapist," or any  
91 similar title or description of services;

92 (b) Any person licensed as a hearing aid dispenser from  
93 measuring and testing hearing in relation to the fitting, usage  
94 and dispensing of hearing aids or rendering post fitting services

95 to his clients or using any title provided in Sections 73-14-1  
96 through 73-14-47;

97 (c) Any person licensed in this state by any other law  
98 from engaging in the profession or occupation for which he is  
99 licensed;

100 (d) A person from being employed or working in a  
101 volunteer capacity without a license, as provided in this chapter,  
102 as a speech-language pathologist or audiologist by the government  
103 of the United States or by the governing authority of any school  
104 district or private or parochial school in this state, if such  
105 person performs speech-language pathology or audiology services  
106 solely within the confines or under the jurisdiction of the  
107 organization by which he is employed, or working in a volunteer  
108 capacity; however, such person may, without obtaining a license  
109 under this chapter, consult with or disseminate his research  
110 findings and other scientific information to speech-language  
111 pathologists and audiologists outside the jurisdiction of the  
112 organization by which he is employed; such person may also offer  
113 lectures to the public for a fee, monetary or other, without being  
114 licensed under this chapter; such person may additionally elect to  
115 be subject to this chapter.

116 (e) The activities and services of persons pursuing a  
117 course of study leading to a degree in speech-language pathology  
118 at a college or university if such activities and services  
119 constitute a part of the supervised course of study and that such  
120 person is designated speech-language pathology intern,  
121 speech-language pathology trainee, or by other such titles clearly  
122 indicating the training status appropriate to his level of  
123 training;

124 (f) The activities and services of a person pursuing a  
125 course of study leading to a degree in audiology at a college or  
126 university if such activities and services constitute a part of a  
127 supervised course of study and such person is designated audiology

128 intern, audiology trainee, or by any other such titles clearly  
129 indicating the training status appropriate to his level of  
130 training; or

131 (g) The performance of speech-language pathology or  
132 audiology services in this state by any person not a resident of  
133 this state who is not licensed under this chapter if such services  
134 are performed for no more than five (5) days in any calendar year  
135 and in cooperation with a speech-language pathologist or  
136 audiologist licensed under this chapter, and if such person meets  
137 the qualifications and requirements for application for licensure  
138 described in subsections (a) through (c) of Section 73-38-9;  
139 however, a person not a resident of this state who is not licensed  
140 under this chapter, but who is licensed under the law of another  
141 state which has established licensure requirements at least  
142 equivalent to those established by Section 73-38-9, or who is the  
143 holder of the ASHA Certificate of Clinical Competence in  
144 Speech-Language Pathology or Audiology or its equivalent, may  
145 offer speech-language pathology or audiology services in this  
146 state for no more than thirty (30) days in any calendar year if  
147 such services are performed in cooperation with a speech-language  
148 pathologist or audiologist licensed under this chapter; or

149 (h) Any person employed by a private industry or firm  
150 for the purpose of conducting hearing tests incident to the  
151 operations of such firm or industry relative to its employees and  
152 employment practices.

153 **SECTION 5.** Section 73-38-9, Mississippi Code of 1972, is  
154 reenacted as follows:

155 73-38-9. To be eligible for licensure by the board as a  
156 speech-language pathologist or audiologist and to be eligible for  
157 registration as a speech-language pathology aide or audiology  
158 aide, a person shall:

159 (a) Be of good moral character;

160 (b) (1) For speech-language pathologists or  
161 audiologists, possess at least a master's degree or its equivalent  
162 in the area of speech-language pathology or audiology, as the case  
163 may be, from an educational institution recognized by the board;

164 (2) For speech-language pathology aide or  
165 audiology aide, the board shall set minimum educational standards  
166 which shall be less than a bachelor's degree;

167 (c) For speech-language pathologists and audiologists,  
168 submit evidence of the completion of the educational, clinical  
169 experience and employment requirements, which requirements shall  
170 be based on appropriate national standards and prescribed by the  
171 rules and regulations adopted pursuant to this chapter;

172 (d) For speech-language pathologists and audiologists,  
173 pass an examination approved by the board. This examination may  
174 be taken either before or after the completion of the employment  
175 requirement specified pursuant to subsection (c) of this section;

176 (e) For speech-language pathology aides and audiology  
177 aides, no examination shall be required.

178 **SECTION 6.** Section 73-38-11, Mississippi Code of 1972, is  
179 reenacted as follows:

180 73-38-11. (1) There is established the Mississippi Council  
181 of Advisors in Speech-Language Pathology and Audiology under the  
182 jurisdiction of the Mississippi State Board of Health. The  
183 council shall aid the board in administering the provisions of  
184 this chapter.

185 (2) The council shall be comprised of seven (7) members.  
186 Two (2) council members shall be speech-language pathologists, two  
187 (2) council members shall be audiologists, and two (2) council  
188 members shall be a licensed member of the health professions and a  
189 member of the public, both with an interest in the consumption of  
190 speech-language pathology or audiology services, with the seventh  
191 council member being a licensed physician, board certified in  
192 otolaryngology. All council members who are speech-language

193 pathologists or audiologists shall at all times be holders of  
194 active and valid licenses for the practice of speech-language  
195 pathology and audiology in this state and shall be holders of the  
196 ASHA Certificate of Clinical Competence in Speech-Language  
197 Pathology or Audiology or its equivalent.

198 (3) Two (2) members shall be appointed from each Supreme  
199 Court district as presently constituted; and one (1) member shall  
200 be appointed from the state at large. No more than three (3)  
201 members of the council shall be appointed from any one (1) Supreme  
202 Court district as presently constituted. The board shall, not  
203 later than August 31, 2002, appoint the health profession's member  
204 of the advisory council for a term of two (2) years, and the  
205 public member of the advisory council for a term of three (3)  
206 years. Thereafter, appointments made shall be for three-year  
207 terms, with no person being eligible to serve more than two (2)  
208 full consecutive terms. Terms shall begin on the first day of the  
209 calendar year and end on the last day of the calendar year.

210 (4) Not less than sixty (60) days before the end of each  
211 calendar year, the Mississippi Speech-Language-Hearing Association  
212 will submit the names of at least three (3) persons for each  
213 speech-language pathologist or audiologist vacancy and the  
214 Mississippi Eye, Ear, Nose and Throat Association will submit the  
215 names of at least three (3) persons for an otolaryngologist  
216 vacancy occurring at the end of the calendar year. The board  
217 shall make all appointments of council members from the list of  
218 names submitted by each association within sixty (60) days after  
219 receiving the lists. The board shall solicit nominations for the  
220 health profession member from licensed speech pathologists and  
221 audiologists, and shall appoint the health profession member from  
222 the nominations submitted. In the event of a vacancy, the board  
223 shall, within thirty (30) days after such vacancy, appoint a  
224 person from the previous list of names submitted who shall fill  
225 the unexpired term.

226 (5) The council shall meet during the first month of each  
227 calendar year to select a chairman and for other appropriate  
228 purposes. At least one (1) additional meeting shall be held  
229 before the end of each calendar year. Further meetings may be  
230 convened at the call of the chairman or the written request of any  
231 two (2) council members. All meetings of the council shall be  
232 open to the public, except that the council may hold closed  
233 sessions to prepare, approve, grade or administer examinations, or  
234 upon request of an applicant who fails an examination, to prepare  
235 a response indicating any reason for his failure. The public  
236 shall be notified of meetings of the council through at least one  
237 (1) newspaper of general circulation in the state and public  
238 information channels not less than ten (10) calendar days before  
239 such meetings are held.

240 (6) Four (4) members of the council shall constitute a  
241 quorum for all purposes, but in no instance shall a meeting of  
242 four (4) council members be considered a quorum if there is not at  
243 least one (1) speech-language pathologist and one (1) audiologist  
244 present.

245 **SECTION 7.** Section 73-38-13, Mississippi Code of 1972, is  
246 reenacted as follows:

247 73-38-13. (1) The board shall have full authority to  
248 investigate and evaluate each and every applicant applying for a  
249 license to practice speech-language pathology or a license to  
250 practice audiology with the advice of the council.

251 (2) The board shall have the authority to issue subpoenas,  
252 examine witnesses and administer oaths, and shall, at its  
253 discretion, investigate allegations or practices violating the  
254 provisions of this chapter.

255 (3) The board shall adopt such rules and regulations not  
256 inconsistent with the laws of this state as may be necessary to  
257 effectuate the provisions of this chapter and may amend or repeal



258 the same as may be necessary for such purposes, with the advice of  
259 the council.

260 (4) The conferral or enumeration of specific powers  
261 elsewhere in this chapter shall not be construed as a limitation  
262 of the general functions conferred by this section.

263 **SECTION 8.** Section 73-38-15, Mississippi Code of 1972, is  
264 reenacted as follows:

265 73-38-15. (1) The administration of the provisions of this  
266 chapter shall be financed from income accruing from fees, licenses  
267 and other charges assessed and collected by the board and from  
268 such other funds available to the board.

269 (2) The board shall receive and account for all funds  
270 received and shall keep such funds in a separate fund. Funds  
271 collected under the provisions of this chapter shall be used  
272 solely for the compensation and expenses of the council and the  
273 board and to administer the provisions of this chapter, which may  
274 include full or partial financing of continuing education programs  
275 promulgated by the council under Section 73-38-33. Such funds  
276 shall be subject to audit by the Auditor of the State of  
277 Mississippi.

278 (3) Members of the council shall receive no compensation for  
279 their services, but shall receive travel and other expenses  
280 necessarily incurred in the discharge of official duties.

281 **SECTION 9.** Section 73-38-17, Mississippi Code of 1972, is  
282 reenacted as follows:

283 73-38-17. (1) The board shall issue licenses and notices of  
284 renewal, revocation, suspension or reinstatement and shall publish  
285 annually the names of persons licensed under this chapter.

286 (2) The board shall publish and disseminate to all  
287 licensees, in an appropriate manner, the licensure standards  
288 prescribed by this chapter, any amendments thereto, and such rules  
289 and regulations as the board may adopt under the authority vested  
290 by Section 73-38-13 within sixty (60) days of their adoptions.

291           **SECTION 10.** Section 73-38-19, Mississippi Code of 1972, is  
292 reenacted as follows:

293           73-38-19. (1) A person eligible for licensure under Section  
294 73-38-9 and desirous of licensure shall make application for  
295 examination to the board at least thirty (30) days prior to the  
296 date of examination upon a form and in such manner as the board  
297 shall prescribe.

298           (2) Any application shall be accompanied by the fee  
299 prescribed by Section 73-38-31, which fee shall in no case be  
300 refunded.

301           (3) A person who fails an examination may make application  
302 for reexamination if he again meets the requirements of  
303 subsections (1) and (2) of this section.

304           (4) A person certified by ASHA or licensed under the law of  
305 another state, a territory of the United States, or the District  
306 of Columbia as a speech-language pathologist or audiologist who  
307 has applied for examination under this section may perform  
308 speech-language pathology and audiology services in this state  
309 prior to a determination by the board that such person has  
310 successfully completed examination for licensure.

311           (5) Each application or filing made under this section shall  
312 include the social security number(s) of the applicant in  
313 accordance with Section 93-11-64, Mississippi Code of 1972.

314           **SECTION 11.** Section 73-38-21, Mississippi Code of 1972, is  
315 reenacted as follows:

316           73-38-21. (1) Each applicant for licensure under this  
317 chapter shall be examined by the board in written examination.  
318 Standards for acceptable performance shall be established by the  
319 board with the advice of the council.

320           (2) Applicants for licensure shall be examined at a time and  
321 place and under such supervision as the board may determine.  
322 Examinations shall be given at such places within this state as  
323 the board may determine at least twice each year and the board

324 shall make public, in a manner it considers appropriate, notice of  
325 such examinations at least sixty (60) days prior to their  
326 administration, and shall appropriately notify all individual  
327 examination applicants of the time and place of their  
328 administration.

329 (3) The board may examine in whatever theoretical or applied  
330 field of speech-language pathology and audiology it considers  
331 appropriate and may examine with regard to a person's professional  
332 skills and judgment in the utilization of speech-language  
333 pathology or audiology techniques and methods.

334 (4) The board shall maintain a permanent record of all  
335 examination scores.

336 **SECTION 12.** Section 73-38-23, Mississippi Code of 1972, is  
337 reenacted as follows:

338 73-38-23. (1) The board may waive the examination for  
339 licensure of any applicant who shall present proof of current  
340 licensure in another state, including the District of Columbia, or  
341 territory of the United States which maintains professional  
342 standards considered by the council to be equivalent to those set  
343 forth in this chapter.

344 (2) The board shall waive the examination for licensure of  
345 any person certified as clinically competent by ASHA in the area  
346 for which such person is applying for licensure.

347 **SECTION 13.** Section 73-38-25, Mississippi Code of 1972, is  
348 reenacted as follows:

349 73-38-25. (1) The board shall issue a license to any person  
350 who meets the requirements of this chapter and who pays to the  
351 board the fees prescribed in Section 73-38-31.

352 (2) (a) An applicant who fulfills all the requirements for  
353 licensure except professional employment and/or examination may  
354 apply to the board for a temporary license.

355 (b) Upon receiving an application provided under  
356 subsection (2)(a), the board shall issue a temporary license which

357 entitles the applicant to practice speech-language pathology or  
358 audiology under the supervision of a licensee with licensure in  
359 the appropriate specialty while completing the requirements for  
360 licensure.

361 (c) No temporary license shall be issued by the board  
362 under this section unless the applicant shows to the satisfaction  
363 of the board that he is or will be supervised and trained by a  
364 person who holds a license in the appropriate specialty.

365 (d) The temporary license shall be effective for a  
366 period to be determined by the department.

367 (3) (a) Each person licensed under this chapter who  
368 supervises a speech-language pathology or audiology aide shall  
369 register the same with the board.

370 (b) The licensee who supervises aides or temporary  
371 licensees is responsible for the services provided to the client  
372 by said aides or temporary licensees and may suffer suspension,  
373 revocation or other appropriate penalty for failure to exercise  
374 his responsibilities in the supervision of aides or temporary  
375 licensees.

376 (c) Speech-language pathology and audiology aides shall  
377 pay to the board a registration fee as prescribed in Section  
378 73-38-31, subsection (1).

379 **SECTION 14.** Section 73-38-27, Mississippi Code of 1972, is  
380 reenacted as follows:

381 73-38-27. (1) The board may refuse to issue or renew a  
382 license, or may suspend or revoke a license where the licensee or  
383 applicant for license has been guilty of unprofessional conduct  
384 which has endangered or is likely to endanger the health, welfare  
385 or safety of the public. Such unprofessional conduct may result  
386 from:

387 (a) Negligence in the practice or performance of  
388 professional services or activities;

389           (b) Engaging in dishonorable, unethical or  
390 unprofessional conduct of a character likely to deceive, defraud  
391 or harm the public in the course of professional services or  
392 activities;

393           (c) Perpetrating or cooperating in fraud or material  
394 deception in obtaining or renewing a license or attempting the  
395 same;

396           (d) Being convicted of any crime which has a  
397 substantial relationship to the licensee's activities and services  
398 or an essential element of which is misstatement, fraud or  
399 dishonesty;

400           (e) Being convicted of any crime which is a felony  
401 under the laws of this state or the United States;

402           (f) Engaging in or permitting the performance of  
403 unacceptable services personally or by others working under the  
404 licensee's supervision due to the licensee's deliberate or  
405 negligent act or acts or failure to act, regardless of whether  
406 actual damage or damages to the public is established;

407           (g) Continued practice although the licensee has become  
408 unfit to practice as a speech-language pathologist or audiologist  
409 due to: (i) failure to keep abreast of current professional  
410 theory or practice; or (ii) physical or mental disability; the  
411 entry of an order or judgment by a court of competent jurisdiction  
412 that a licensee is in need of mental treatment or is incompetent  
413 shall constitute mental disability; or (iii) addiction or severe  
414 dependency upon alcohol or other drugs which may endanger the  
415 public by impairing the licensee's ability to practice;

416           (h) Having disciplinary action taken against the  
417 licensee's license in another state;

418           (i) Making differential, detrimental treatment against  
419 any person because of race, color, creed, sex, religion or  
420 national origin;

- 421           (j) Engaging in lewd conduct in connection with  
422 professional services or activities;
- 423           (k) Engaging in false or misleading advertising;
- 424           (l) Contracting, assisting or permitting unlicensed  
425 persons to perform services for which a license is required under  
426 this chapter;
- 427           (m) Violation of any probation requirements placed on a  
428 license by the board;
- 429           (n) Revealing confidential information except as may be  
430 required by law;
- 431           (o) Failing to inform clients of the fact that the  
432 client no longer needs the services or professional assistance of  
433 the licensee;
- 434           (p) Charging excessive or unreasonable fees or engaging  
435 in unreasonable collection practices;
- 436           (q) For treating or attempting to treat ailments or  
437 other health conditions of human beings other than by speech or  
438 audiology therapy as authorized by this chapter;
- 439           (r) For applying or offering to apply speech or  
440 audiology therapy, exclusive of initial evaluation or screening  
441 and exclusive of education or consultation for the prevention of  
442 physical and mental disability within the scope of speech or  
443 audiology therapy, or for acting as a speech-language pathologist  
444 or audiologist, or speech-language pathologist or audiologist aide  
445 other than under the direct, on-site supervision of a licensed  
446 speech-language pathologist or audiologist;
- 447           (s) Violations of the current codes of conduct for  
448 speech-language pathologists or audiologists, and speech-language  
449 pathologist or audiologist assistants adopted by the American  
450 Speech-Language-Hearing Association;
- 451           (t) Violations of any rules or regulations promulgated  
452 pursuant to this chapter.

453           (2) The board may order a licensee to submit to a reasonable  
454 physical or mental examination if the licensee's physical or  
455 mental capacity to practice safely is at issue in a disciplinary  
456 proceeding.

457           (3) In addition to the reasons specified in subsection (1)  
458 of this section, the board shall be authorized to suspend the  
459 license of any licensee for being out of compliance with an order  
460 for support, as defined in Section 93-11-153. The procedure for  
461 suspension of a license for being out of compliance with an order  
462 for support, and the procedure for the reissuance or reinstatement  
463 of a license suspended for that purpose, and the payment of any  
464 fees for the reissuance or reinstatement of a license suspended  
465 for that purpose, shall be governed by Section 93-11-157 or  
466 93-11-163, as the case may be. If there is any conflict between  
467 any provision of Section 93-11-157 or 93-11-163 and any provision  
468 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
469 as the case may be, shall control.

470           **SECTION 15.** Section 73-38-29, Mississippi Code of 1972, is  
471 reenacted as follows:

472           73-38-29. (1) Licenses issued under this chapter shall  
473 expire and become invalid at midnight of the expiration date.

474           (2) Every person licensed under this chapter shall, on or  
475 before the license expiration date, pay a fee for the biennial  
476 renewal of license to the board. The board may suspend the  
477 license of any person who fails to have his license renewed by the  
478 expiration date. After the expiration date, the board may renew a  
479 license upon payment of a fee to the board. No person who  
480 requests renewal of license, whose license has expired, shall be  
481 required to submit to examination as a condition to renewal, if  
482 such renewal application is made within two (2) years from the  
483 date of such expiration.

484           (3) A suspended license is subject to expiration and may be  
485 renewed as provided in this section, but such renewal shall not

486 entitle the licensee, while the license remains suspended and  
487 until it is reinstated, to engage in the licensed activity, or in  
488 any other conduct or activity in violation of the order or  
489 judgment by which the license was suspended.

490 (4) A license revoked on disciplinary grounds is subject to  
491 expiration as provided in subsection (1) of this section, but it  
492 may not be renewed. If such license is reinstated after its  
493 expiration, the licensee, as a condition of reinstatement, shall  
494 pay a reinstatement fee in an amount equal to the fee for a  
495 license issued after the expiration date which is in effect on the  
496 last preceding regular renewal date before the date on which it is  
497 reinstated. The procedure for the reinstatement of a license that  
498 is suspended for being out of compliance with an order for  
499 support, as defined in Section 93-11-153, shall be governed by  
500 Section 93-11-157 or 93-11-163, as the case may be.

501 (5) Any person who fails to renew his license within the two  
502 (2) years after the date of its expiration may not renew it, and  
503 it may not be restored, reissued or reinstated thereafter, but  
504 such person may apply for and obtain a new license if he meets the  
505 requirements of this chapter.

506 **SECTION 16.** Section 73-38-31, Mississippi Code of 1972, is  
507 reenacted as follows:

508 73-38-31. (1) The board shall assess fees for the following  
509 purposes:

- 510 (a) Initial licensing;
- 511 (b) Renewal of licensure;
- 512 (c) License issued after expiration date;
- 513 (d) Late renewal payment penalty;
- 514 (e) Temporary license;
- 515 (f) Renewal of temporary license; and
- 516 (g) Registration of aides.

517 (2) Every person to whom a license is issued pursuant to  
518 this chapter shall, as a condition precedent to its issuance, and



519 in addition to any application, examination or other fee, pay the  
520 prescribed initial license fee.

521 (3) Fees prescribed in subsection (1) of this section shall  
522 be exclusive and no municipality shall have the right to require  
523 any person licensed under this chapter to furnish any bond, pass  
524 any examination, or pay any license fee or occupational tax.

525 (4) Fees listed in subsection (1) of this section shall be  
526 commensurate to the extent feasible with the cost of fulfilling  
527 the duties of the board and council as defined by this chapter;  
528 however, no individual fee shall exceed One Hundred Dollars  
529 (\$100.00).

530 **SECTION 17.** Section 73-38-33, Mississippi Code of 1972, is  
531 reenacted as follows:

532 73-38-33. The board shall require the applicant for license  
533 renewal to present evidence of the satisfactory completion of  
534 continuing education requirements as determined by the board.

535 **SECTION 18.** Section 73-38-35, Mississippi Code of 1972, is  
536 reenacted as follows:

537 73-38-35. Any person who violates any provision of this  
538 chapter shall, upon conviction, be guilty of a misdemeanor and  
539 shall be punished by a fine of not more than One Thousand Dollars  
540 (\$1,000.00) or imprisoned in the county jail for a period not  
541 exceeding six (6) months, or both.

542 **SECTION 19.** Section 73-38-36, Mississippi Code of 1972, is  
543 reenacted as follows:

544 73-38-36. All fees collected by the State Board of Health  
545 under this chapter and any penalties collected by the board for  
546 violations of this chapter shall be deposited in a special fund  
547 hereby created in the State Treasury and shall be used for the  
548 implementation and administration of this chapter when  
549 appropriated by the Legislature for such purpose.

550 **SECTION 20.** Section 73-38-38, Mississippi Code of 1972, is  
551 amended as follows:

552           73-38-38. Sections 73-38-1 through 73-38-36 shall stand  
553 repealed on July 1, 2007.

554           **SECTION 21.** This act shall take effect and be in force from  
555 and after July 1, 2005.