

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 676

1 AN ACT TO REENACT SECTIONS 73-38-1 THROUGH 73-38-36,
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE LICENSURE AND
3 REGULATION OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS BY THE STATE
4 BOARD OF HEALTH; TO REPEAL SECTION 73-38-38, MISSISSIPPI CODE OF
5 1972, WHICH PROVIDES AN AUTOMATIC REPEALER ON THOSE SECTIONS; AND
6 FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

160 (a) Be of good moral character;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

377 (c) Speech-language pathology and audiology aides shall
378 pay to the board a registration fee as prescribed in Section
379 73-38-31, subsection (1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

526 (4) Fees listed in subsection (1) of this section shall be
527 commensurate to the extent feasible with the cost of fulfilling
528 the duties of the board and council as defined by this chapter;
529 however, no individual fee shall exceed One Hundred Dollars
530 (\$100.00).

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

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

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

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

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

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

551 **SECTION 20.** Section 73-38-38, Mississippi Code of 1972,
552 which provides an automatic repealer on those statutes that

553 license and regulate speech pathologists and audiologists, is
554 repealed.

555 **SECTION 21.** This act shall take effect and be in force from
556 and after June 30, 2005.