

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2416

1 AN ACT TO BRING FORWARD 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 SAID 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 brought forward 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 which

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554 hereby repealed.

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