

By: Representative Moody

To: Public Health and Welfare

HOUSE BILL NO. 1111  
(As Passed the House)

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-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS; TO  
4 AMEND REENACTED SECTION 73-38-3, MISSISSIPPI CODE OF 1972, TO  
5 REVISE DEFINITIONS UNDER THE LICENSURE STATUTES; TO AMEND  
6 REENACTED SECTION 73-38-11, MISSISSIPPI CODE OF 1972, TO  
7 RECONSTITUTE THE MEMBERSHIP OF THE MISSISSIPPI COUNCIL OF ADVISORS  
8 IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY; TO AMEND REENACTED  
9 SECTION 73-38-23, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN  
10 EXEMPTIONS FROM LICENSURE REQUIREMENTS; TO AMEND REENACTED SECTION  
11 73-38-25, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR TEMPORARY  
12 LICENSES; TO AMEND REENACTED SECTION 73-38-27, MISSISSIPPI CODE OF  
13 1972, TO REVISE THE GROUNDS FOR THE DENIAL, SUSPENSION AND  
14 REVOCATION OF LICENSES; TO AMEND REENACTED SECTION 73-38-29,  
15 MISSISSIPPI CODE OF 1972, TO CLARIFY THE LICENSURE EXPIRATION  
16 DATE; TO AMEND SECTION 73-38-38, MISSISSIPPI CODE OF 1972, TO  
17 EXTEND THE AUTOMATIC REPEALER ON THOSE STATUTES THAT PROVIDE FOR  
18 THE LICENSURE AND REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS AND  
19 AUDIOLOGISTS; AND FOR RELATED PURPOSES.

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

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

23 73-38-1. The State Board of Health, established and  
24 empowered by Section 41-3-1 et seq., shall discharge as additional  
25 duties and responsibilities the provisions of this chapter in the  
26 examination, licensing and regulation of persons who provide  
27 services in the areas of speech-language pathology and audiology.

28 **SECTION 2.** Section 73-38-3, Mississippi Code of 1972, is  
29 reenacted and amended as follows:

30 73-38-3. The following definitions apply as used in this  
31 chapter, unless the context otherwise requires:

32 (a) "Board" means the Mississippi State Board of  
33 Health.



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

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

40 (d) "Speech-language pathologist" means an individual  
41 who practices speech-language pathology and who presents himself  
42 to the public by any title or description of services  
43 incorporating the words "speech pathologist," "speech-language  
44 pathologist," "speech therapist," "speech correctionist," "speech  
45 clinician," "language pathologist," "language therapist,"  
46 "logopedist," "communicologist," "voice therapist," "voice  
47 pathologist," or any similar title or description of services.

48 (e) "Speech-language pathology" means the application  
49 of principles, methods and procedures for the measurement,  
50 testing, evaluation, prediction, counseling, instruction,  
51 habilitation or rehabilitation related to the development and  
52 disorders of speech, voice, language, swallowing or feeding, or  
53 for the purpose of evaluating, preventing, ameliorating or  
54 modifying such disorders and conditions in individuals and/or  
55 groups of individuals.

56 (f) "Audiologist" means an individual who practices  
57 audiology and who presents himself to the public by any title or  
58 description of services incorporating the words "audiologist,"  
59 "hearing clinician," "hearing therapist," or any similar title or  
60 description of service.

61 (g) "Audiology" means the application of principles,  
62 methods and procedures of measurement, testing, evaluation,  
63 prediction, consultation, counseling, instruction, habilitation or  
64 rehabilitation related to \* \* \* disorders of hearing and balance  
65 for the purpose of evaluating, identifying, preventing,  
66 ameliorating or modifying such disorders and conditions in



67 individuals and/or groups of individuals; and for the purpose of  
68 this subsection the words "habilitation" and "rehabilitation"  
69 include, but are not limited to, hearing aid dispensing and  
70 evaluation, and auditory training, and speech reading.

71 (h) "Speech-language pathology aide" means an  
72 individual who meets minimum qualifications which the council may  
73 establish for speech-language pathology aides, which  
74 qualifications shall be less than those established by this  
75 chapter as necessary for licensure as a speech-language  
76 pathologist, and who works under the supervision of a licensed  
77 speech-language pathologist.

78 (i) "Audiology aide" means an individual who meets  
79 minimum qualifications which the council may establish for  
80 audiology aides, which qualifications shall be less than those  
81 established by this chapter as necessary for licensure as an  
82 audiologist, and who works under the supervision of a licensed  
83 audiologist.

84 (j) "ASHA" means the American Speech-Language-Hearing  
85 Association.

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

88 73-38-5. (1) Licensure shall be granted either in  
89 speech-language pathology or audiology independently. A person  
90 may be licensed in both areas if he meets the respective  
91 qualifications.

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

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

97 73-38-7. Nothing in this chapter shall be construed as  
98 preventing or restricting:



99           (a) A physician from engaging in the practice of  
100 medicine in this state, or a person using an audiometer to test  
101 hearing under the direct supervision of a licensed physician,  
102 provided such person does not present himself to the public by any  
103 title or description of services incorporating the words  
104 "audiologist," "hearing clinician," "hearing therapist," or any  
105 similar title or description of services;

106           (b) Any person licensed as a hearing aid dispenser from  
107 measuring and testing hearing in relation to the fitting, usage  
108 and dispensing of hearing aids or rendering post fitting services  
109 to his clients or using any title provided in Sections 73-14-1  
110 through 73-14-47;

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

114           (d) A person from being employed or working in a  
115 volunteer capacity without a license, as provided in this chapter,  
116 as a speech-language pathologist or audiologist by the government  
117 of the United States or by the governing authority of any school  
118 district or private or parochial school in this state, if such  
119 person performs speech-language pathology or audiology services  
120 solely within the confines or under the jurisdiction of the  
121 organization by which he is employed, or working in a volunteer  
122 capacity; however, such person may, without obtaining a license  
123 under this chapter, consult with or disseminate his research  
124 findings and other scientific information to speech-language  
125 pathologists and audiologists outside the jurisdiction of the  
126 organization by which he is employed; such person may also offer  
127 lectures to the public for a fee, monetary or other, without being  
128 licensed under this chapter; such person may additionally elect to  
129 be subject to this chapter.

130           (e) The activities and services of persons pursuing a  
131 course of study leading to a degree in speech-language pathology



132 at a college or university if such activities and services  
133 constitute a part of the supervised course of study and that such  
134 person is designated speech-language pathology intern,  
135 speech-language pathology trainee, or by other such titles clearly  
136 indicating the training status appropriate to his level of  
137 training;

138 (f) The activities and services of a person pursuing a  
139 course of study leading to a degree in audiology at a college or  
140 university if such activities and services constitute a part of a  
141 supervised course of study and such person is designated audiology  
142 intern, audiology trainee, or by any other such titles clearly  
143 indicating the training status appropriate to his level of  
144 training; or

145 (g) The performance of speech-language pathology or  
146 audiology services in this state by any person not a resident of  
147 this state who is not licensed under this chapter if such services  
148 are performed for no more than five (5) days in any calendar year  
149 and in cooperation with a speech-language pathologist or  
150 audiologist licensed under this chapter, and if such person meets  
151 the qualifications and requirements for application for licensure  
152 described in subsections (a) through (c) of Section 73-38-9;  
153 however, a person not a resident of this state who is not licensed  
154 under this chapter, but who is licensed under the law of another  
155 state which has established licensure requirements at least  
156 equivalent to those established by Section 73-38-9, or who is the  
157 holder of the ASHA Certificate of Clinical Competence in  
158 Speech-Language Pathology or Audiology or its equivalent, may  
159 offer speech-language pathology or audiology services in this  
160 state for no more than thirty (30) days in any calendar year if  
161 such services are performed in cooperation with a speech-language  
162 pathologist or audiologist licensed under this chapter; or

163 (h) Any person employed by a private industry or firm  
164 for the purpose of conducting hearing tests incident to the



165 operations of such firm or industry relative to its employees and  
166 employment practices.

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

169 73-38-9. To be eligible for licensure by the board as a  
170 speech-language pathologist or audiologist and to be eligible for  
171 registration as a speech-language pathology aide or audiology  
172 aide, a person shall:

173 (a) Be of good moral character;

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

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

181 (c) For speech-language pathologists and audiologists,  
182 submit evidence of the completion of the educational, clinical  
183 experience and employment requirements, which requirements shall  
184 be based on appropriate national standards and prescribed by the  
185 rules and regulations adopted pursuant to this chapter;

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

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

192 **SECTION 6.** Section 73-38-11, Mississippi Code of 1972, is  
193 reenacted and amended as follows:

194 73-38-11. (1) There is established the Mississippi Council  
195 of Advisors in Speech-Language Pathology and Audiology under the  
196 jurisdiction of the Mississippi State Board of Health. The



197 council shall aid the board in administering the provisions of  
198 this chapter.

199 (2) The council shall be comprised of seven (7) members.  
200 Two (2) council members shall be speech-language pathologists, two  
201 (2) council members shall be audiologists, and two (2) council  
202 members shall be a licensed member of the health professions and a  
203 member of the public, both with an interest in the consumption of  
204 speech-language pathology or audiology services, with the seventh  
205 council member being a licensed physician, board certified in  
206 otolaryngology. All council members who are speech-language  
207 pathologists or audiologists shall at all times be holders of  
208 active and valid licenses for the practice of speech-language  
209 pathology and audiology in this state and shall be holders of the  
210 ASHA Certificate of Clinical Competence in Speech-Language  
211 Pathology or Audiology or its equivalent.

212 (3) Two (2) members shall be appointed from each Supreme  
213 Court district as presently constituted; and one (1) member shall  
214 be appointed from the state at large. No more than three (3)  
215 members of the council shall be appointed from any one (1) Supreme  
216 Court district as presently constituted. The board shall, not  
217 later than August 31, 2002, appoint the health profession's member  
218 of the advisory council for a term of two (2) years, and the  
219 public member of the advisory council for a term of three (3)  
220 years. Thereafter, appointments made shall be for three-year  
221 terms, with no person being eligible to serve more than two (2)  
222 full consecutive terms. Terms shall begin on the first day of the  
223 calendar year and end on the last day of the calendar year.

224 (4) Not less than sixty (60) days before the end of each  
225 calendar year, the Mississippi Speech-Language-Hearing Association  
226 will submit the names of at least three (3) persons for each  
227 speech-language pathologist or audiologist vacancy and the  
228 Mississippi Eye, Ear, Nose and Throat Association will submit the  
229 names of at least three (3) persons for an otolaryngologist



230 vacancy occurring at the end of the calendar year. The board  
231 shall make all appointments of council members from the list of  
232 names submitted by each association within sixty (60) days after  
233 receiving the lists. The board shall solicit nominations for the  
234 health profession member from licensed speech pathologists and  
235 audiologists, and shall appoint the health profession member from  
236 the nominations submitted. In the event of a vacancy, the board  
237 shall, within thirty (30) days after such vacancy, appoint a  
238 person from the previous list of names submitted who shall fill  
239 the unexpired term.

240 (5) The council shall meet during the first month of each  
241 calendar year to select a chairman and for other appropriate  
242 purposes. At least one (1) additional meeting shall be held  
243 before the end of each calendar year. Further meetings may be  
244 convened at the call of the chairman or the written request of any  
245 two (2) council members. All meetings of the council shall be  
246 open to the public, except that the council may hold closed  
247 sessions to prepare, approve, grade or administer examinations, or  
248 upon request of an applicant who fails an examination, to prepare  
249 a response indicating any reason for his failure. The public  
250 shall be notified of meetings of the council through at least one  
251 (1) newspaper of general circulation in the state and public  
252 information channels not less than ten (10) calendar days before  
253 such meetings are held.

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

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

261 73-38-13. (1) The board shall have full authority to  
262 investigate and evaluate each and every applicant applying for a





263 license to practice speech-language pathology or a license to  
264 practice audiology with the advice of the council.

265 (2) The board shall have the authority to issue subpoenas,  
266 examine witnesses and administer oaths, and shall, at its  
267 discretion, investigate allegations or practices violating the  
268 provisions of this chapter.

269 (3) The board shall adopt such rules and regulations not  
270 inconsistent with the laws of this state as may be necessary to  
271 effectuate the provisions of this chapter and may amend or repeal  
272 the same as may be necessary for such purposes, with the advice of  
273 the council.

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

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

279 73-38-15. (1) The administration of the provisions of this  
280 chapter shall be financed from income accruing from fees, licenses  
281 and other charges assessed and collected by the board and from  
282 such other funds available to the board.

283 (2) The board shall receive and account for all funds  
284 received and shall keep such funds in a separate fund. Funds  
285 collected under the provisions of this chapter shall be used  
286 solely for the compensation and expenses of the council and the  
287 board and to administer the provisions of this chapter, which may  
288 include full or partial financing of continuing education programs  
289 promulgated by the council under Section 73-38-33. Such funds  
290 shall be subject to audit by the Auditor of the State of  
291 Mississippi.

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



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

297           73-38-17. (1) The board shall issue licenses and notices of  
298 renewal, revocation, suspension or reinstatement and shall publish  
299 annually the names of persons licensed under this chapter.

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

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

307           73-38-19. (1) A person eligible for licensure under Section  
308 73-38-9 and desirous of licensure shall make application for  
309 examination to the board at least thirty (30) days prior to the  
310 date of examination upon a form and in such manner as the board  
311 shall prescribe.

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

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

318           (4) A person certified by ASHA or licensed under the law of  
319 another state, a territory of the United States, or the District  
320 of Columbia as a speech-language pathologist or audiologist who  
321 has applied for examination under this section may perform  
322 speech-language pathology and audiology services in this state  
323 prior to a determination by the board that such person has  
324 successfully completed examination for licensure.

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



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

330           73-38-21. (1) Each applicant for licensure under this  
331 chapter shall be examined by the board in written examination.  
332 Standards for acceptable performance shall be established by the  
333 board with the advice of the council.

334           (2) Applicants for licensure shall be examined at a time and  
335 place and under such supervision as the board may determine.  
336 Examinations shall be given at such places within this state as  
337 the board may determine at least twice each year and the board  
338 shall make public, in a manner it considers appropriate, notice of  
339 such examinations at least sixty (60) days prior to their  
340 administration, and shall appropriately notify all individual  
341 examination applicants of the time and place of their  
342 administration.

343           (3) The board may examine in whatever theoretical or applied  
344 field of speech-language pathology and audiology it considers  
345 appropriate and may examine with regard to a person's professional  
346 skills and judgment in the utilization of speech-language  
347 pathology or audiology techniques and methods.

348           (4) The board shall maintain a permanent record of all  
349 examination scores.

350           **SECTION 12.** Section 73-38-23, Mississippi Code of 1972, is  
351 reenacted and amended as follows:

352           73-38-23. \* \* \*

353           (1) The board may waive the examination for licensure of any  
354 applicant who shall present proof of current licensure in another  
355 state, including the District of Columbia, or territory of the  
356 United States which maintains professional standards considered by  
357 the council to be equivalent to those set forth in this chapter.

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



361           **SECTION 13.** Section 73-38-25, Mississippi Code of 1972, is  
362 reenacted and amended as follows:

363           73-38-25. (1) The board shall issue a license to any person  
364 who meets the requirements of this chapter and who pays to the  
365 board the fees prescribed in Section 73-38-31.

366           (2) (a) An applicant who fulfills all the requirements for  
367 licensure except professional employment and/or examination \* \* \*  
368 may apply to the board for a temporary license.

369           (b) Upon receiving an application provided under  
370 subsection (2)(a), the board shall issue a temporary license which  
371 entitles the applicant to practice speech-language pathology or  
372 audiology under the supervision of a licensee with licensure in  
373 the appropriate specialty while completing the requirements for  
374 licensure.

375           (c) No temporary license shall be issued by the board  
376 under this section unless the applicant shows to the satisfaction  
377 of the board that he is or will be supervised and trained by a  
378 person who holds a license in the appropriate specialty \* \* \*.

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

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

384           (b) The licensee who supervises aides or temporary  
385 licensees is responsible for the services provided to the client  
386 by said aides or temporary licensees and may suffer suspension,  
387 revocation or other appropriate penalty for failure to exercise  
388 his responsibilities in the supervision of aides or temporary  
389 licensees.

390           (c) Speech-language pathology and audiology aides shall  
391 pay to the board a registration fee as prescribed in Section  
392 73-38-31, subsection (1).



393           **SECTION 14.** Section 73-38-27, Mississippi Code of 1972, is  
394 reenacted and amended as follows:

395           73-38-27. (1) The board may refuse to issue or renew a  
396 license, or may suspend or revoke a license where the licensee or  
397 applicant for license has been guilty of unprofessional conduct  
398 which has endangered or is likely to endanger the health, welfare  
399 or safety of the public. Such unprofessional conduct may result  
400 from:

401           (a) Negligence in the practice or performance of  
402 professional services or activities;

403           (b) Engaging in dishonorable, unethical or  
404 unprofessional conduct of a character likely to deceive, defraud  
405 or harm the public in the course of professional services or  
406 activities;

407           (c) Perpetrating or cooperating in fraud or material  
408 deception in obtaining or renewing a license or attempting the  
409 same;

410           (d) Being convicted of any crime which has a  
411 substantial relationship to the licensee's activities and services  
412 or an essential element of which is misstatement, fraud or  
413 dishonesty;

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

416           (f) Engaging in or permitting the performance of  
417 unacceptable services personally or by others working under the  
418 licensee's supervision due to the licensee's deliberate or  
419 negligent act or acts or failure to act, regardless of whether  
420 actual damage or damages to the public is established;

421           (g) Continued practice although the licensee has become  
422 unfit to practice as a speech-language pathologist or audiologist  
423 due to: (i) failure to keep abreast of current professional  
424 theory or practice; or (ii) physical or mental disability; the  
425 entry of an order or judgment by a court of competent jurisdiction



426 that a licensee is in need of mental treatment or is incompetent  
427 shall constitute mental disability; or (iii) addiction or severe  
428 dependency upon alcohol or other drugs which may endanger the  
429 public by impairing the licensee's ability to practice;

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

432 (i) Making differential, detrimental treatment against  
433 any person because of race, color, creed, sex, religion or  
434 national origin;

435 (j) Engaging in lewd conduct in connection with  
436 professional services or activities;

437 (k) Engaging in false or misleading advertising;

438 (l) Contracting, assisting or permitting unlicensed  
439 persons to perform services for which a license is required under  
440 this chapter;

441 (m) Violation of any probation requirements placed on a  
442 license by the board;

443 (n) Revealing confidential information except as may be  
444 required by law;

445 (o) Failing to inform clients of the fact that the  
446 client no longer needs the services or professional assistance of  
447 the licensee;

448 (p) Charging excessive or unreasonable fees or engaging  
449 in unreasonable collection practices;

450 (q) For treating or attempting to treat ailments or  
451 other health conditions of human beings other than by speech or  
452 audiology therapy as authorized by this chapter;

453 (r) For applying or offering to apply speech or  
454 audiology therapy, exclusive of initial evaluation or screening  
455 and exclusive of education or consultation for the prevention of  
456 physical and mental disability within the scope of speech or  
457 audiology therapy, or for acting as a speech-language pathologist  
458 or audiologist, or speech-language pathologist or audiologist aide



459 other than under the direct, on-site supervision of a licensed  
460 speech-language pathologist or audiologist;

461 (s) Violations of the current codes of conduct for  
462 speech-language pathologists or audiologists, and speech-language  
463 pathologist or audiologist assistants adopted by the American  
464 Speech-Language-Hearing Association;

465 (t) Violations of any rules or regulations promulgated  
466 pursuant to this chapter.

467 (2) The board may order a licensee to submit to a reasonable  
468 physical or mental examination if the licensee's physical or  
469 mental capacity to practice safely is at issue in a disciplinary  
470 proceeding. \* \* \*

471 \* \* \*

472 (3) In addition to the reasons specified in subsection (1)  
473 of this section, the board shall be authorized to suspend the  
474 license of any licensee for being out of compliance with an order  
475 for support, as defined in Section 93-11-153. The procedure for  
476 suspension of a license for being out of compliance with an order  
477 for support, and the procedure for the reissuance or reinstatement  
478 of a license suspended for that purpose, and the payment of any  
479 fees for the reissuance or reinstatement of a license suspended  
480 for that purpose, shall be governed by Section 93-11-157 or  
481 93-11-163, as the case may be. \* \* \* If there is any conflict  
482 between any provision of Section 93-11-157 or 93-11-163 and any  
483 provision of this chapter, the provisions of Section 93-11-157 or  
484 93-11-163, as the case may be, shall control.

485 **SECTION 15.** Section 73-38-29, Mississippi Code of 1972, is  
486 reenacted and amended as follows:

487 73-38-29. (1) Licenses issued under this chapter shall  
488 expire and become invalid at midnight of the expiration date.

489 (2) Every person licensed under this chapter shall, on or  
490 before the license expiration date, pay a fee for the biennial  
491 renewal of license to the board. The board may suspend the



492 license of any person who fails to have his license renewed by the  
493 expiration date. After the expiration date, the board may renew a  
494 license upon payment of a fee to the board. No person who  
495 requests renewal of license, whose license has expired, shall be  
496 required to submit to examination as a condition to renewal, if  
497 such renewal application is made within two (2) years from the  
498 date of such expiration.

499 (3) A suspended license is subject to expiration and may be  
500 renewed as provided in this section, but such renewal shall not  
501 entitle the licensee, while the license remains suspended and  
502 until it is reinstated, to engage in the licensed activity, or in  
503 any other conduct or activity in violation of the order or  
504 judgment by which the license was suspended.

505 (4) A license revoked on disciplinary grounds is subject to  
506 expiration as provided in subsection (1) of this section, but it  
507 may not be renewed. If such license is reinstated after its  
508 expiration, the licensee, as a condition of reinstatement, shall  
509 pay a reinstatement fee in an amount equal to the fee for a  
510 license issued after the expiration date which is in effect on the  
511 last preceding regular renewal date before the date on which it is  
512 reinstated. The procedure for the reinstatement of a license that  
513 is suspended for being out of compliance with an order for  
514 support, as defined in Section 93-11-153, shall be governed by  
515 Section 93-11-157 or 93-11-163, as the case may be.

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

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

523 73-38-31. (1) The board shall assess fees for the following  
524 purposes:





- 525 (a) Initial licensing;
- 526 (b) Renewal of licensure;
- 527 (c) License issued after expiration date;
- 528 (d) Late renewal payment penalty;
- 529 (e) Temporary license;
- 530 (f) Renewal of temporary license; and
- 531 (g) Registration of aides.

532 (2) Every person to whom a license is issued pursuant to  
533 this chapter shall, as a condition precedent to its issuance, and  
534 in addition to any application, examination or other fee, pay the  
535 prescribed initial license fee.

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

540 (4) Fees listed in subsection (1) of this section shall be  
541 commensurate to the extent feasible with the cost of fulfilling  
542 the duties of the board and council as defined by this chapter;  
543 however, no individual fee shall exceed One Hundred Dollars  
544 (\$100.00).

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

547 73-38-33. The board shall require the applicant for license  
548 renewal to present evidence of the satisfactory completion of  
549 continuing education requirements as determined by the board.

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

552 73-38-35. Any person who violates any provision of this  
553 chapter shall, upon conviction, be guilty of a misdemeanor and  
554 shall be punished by a fine of not more than One Thousand Dollars  
555 (\$1,000.00) or imprisoned in the county jail for a period not  
556 exceeding six (6) months, or both.



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

559           73-38-36. All fees collected by the State Board of Health  
560 under this chapter and any penalties collected by the board for  
561 violations of this chapter shall be deposited in a special fund  
562 hereby created in the State Treasury and shall be used for the  
563 implementation and administration of this chapter when  
564 appropriated by the Legislature for such purpose.

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

567           73-38-38. Sections 73-38-1 through 73-38-36 shall stand  
568 repealed on July 1, 2005.

569           **SECTION 21.** This act shall take effect and be in force from  
570 and after June 30, 2002.

