

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2017

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

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

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

22 73-38-1. The State Board of Health, established and
 23 empowered by Section 41-3-1 et seq., shall discharge as additional
 24 duties and responsibilities the provisions of this chapter in the
 25 examination, licensing and regulation of persons who provide
 26 services in the areas of speech-language pathology and audiology.

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

29 73-38-3. The following definitions apply as used in this
 30 chapter, unless the context otherwise requires:

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

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



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

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

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

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

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



68 include, but are not limited to, hearing aid dispensing and
69 evaluation, and auditory training, and speech reading.

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

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

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

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

87 73-38-5. (1) Licensure shall be granted either in
88 speech-language pathology or audiology independently. A person
89 may be licensed in both areas if he meets the respective
90 qualifications.

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

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

96 73-38-7. Nothing in this chapter shall be construed as
97 preventing or restricting:

98 (a) A physician from engaging in the practice of
99 medicine in this state, or a person using an audiometer to test
100 hearing under the direct supervision of a licensed physician,



101 provided such person does not present himself to the public by any
102 title or description of services incorporating the words
103 "audiologist," "hearing clinician," "hearing therapist," or any
104 similar title or description of services;

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

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

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

129 (e) The activities and services of persons pursuing a
130 course of study leading to a degree in speech-language pathology
131 at a college or university if such activities and services
132 constitute a part of the supervised course of study and that such
133 person is designated speech-language pathology intern,



134 speech-language pathology trainee, or by other such titles clearly
135 indicating the training status appropriate to his level of
136 training;

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

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

162 (h) Any person employed by a private industry or firm
163 for the purpose of conducting hearing tests incident to the
164 operations of such firm or industry relative to its employees and
165 employment practices.



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

168 73-38-9. To be eligible for licensure by the board as a
169 speech-language pathologist or audiologist and to be eligible for
170 registration as a speech-language pathology aide or audiology
171 aide, a person shall:

172 (a) Be of good moral character;

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

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

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

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

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

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

193 73-38-11. (1) There is established the Mississippi Council
194 of Advisors in Speech-Language Pathology and Audiology under the
195 jurisdiction of the Mississippi State Board of Health. The
196 council shall aid the board in administering the provisions of
197 this chapter.



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

211 (3) Two (2) members shall be appointed from each Supreme
212 Court district as presently constituted; and one (1) member shall
213 be appointed from the state at large. No more than three (3)
214 members of the council shall be appointed from any one (1) Supreme
215 Court district as presently constituted. The board shall, within
216 sixty (60) days of the effective date of this section, appoint the
217 health profession's member of the advisory council for a term of
218 two (2) years, and the public member of the advisory council for a
219 term of three (3) years. Thereafter, appointments made shall be
220 for three-year terms, with no person being eligible to serve more
221 than two (2) full consecutive terms. Terms shall begin on the
222 first day of the calendar year and end on the last day of the
223 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 and the public member from licensed
235 speech pathologists and audiologists. In the event of a vacancy,
236 the board shall, within thirty (30) days after such vacancy,
237 appoint a person from the previous list of names submitted who
238 shall fill the unexpired term.

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

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

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

260 73-38-13. (1) The board shall have full authority to
261 investigate and evaluate each and every applicant applying for a
262 license to practice speech-language pathology or a license to
263 practice audiology with the advice of the council.



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

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

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

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

278 73-38-15. (1) The administration of the provisions of this
279 chapter shall be financed from income accruing from fees, licenses
280 and other charges assessed and collected by the board and from
281 such other funds available to the board.

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

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

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



296 73-38-17. (1) The board shall issue licenses and notices of
297 renewal, revocation, suspension or reinstatement and shall publish
298 annually the names of persons licensed under this chapter.

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

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

306 73-38-19. (1) A person eligible for licensure under Section
307 73-38-9 and desirous of licensure shall make application for
308 examination to the board at least thirty (30) days prior to the
309 date of examination upon a form and in such manner as the board
310 shall prescribe.

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

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

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

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

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



329 73-38-21. (1) Each applicant for licensure under this
330 chapter shall be examined by the board in written examination.
331 Standards for acceptable performance shall be established by the
332 board with the advice of the council.

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

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

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

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

351 73-38-23. * * *

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

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

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



362 73-38-25. (1) The board shall issue a license to any person
363 who meets the requirements of this chapter and who pays to the
364 board the fees prescribed in Section 73-38-31.

365 (2) (a) An applicant who fulfills all the requirements for
366 licensure except professional employment and/or examination or
367 persons granted a waiver under subsection (1) of Section 73-38-23
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 or unless
379 the applicant is granted a waiver under subsection (1) of Section
380 73-38-23.

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

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

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

392 (c) Speech-language pathology and audiology aides shall
393 pay to the board a registration fee as prescribed in Section
394 73-38-31, subsection (1).



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

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

403 (a) Negligence in the practice or performance of
404 professional services or activities;

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

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

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

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

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

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



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

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

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

437 (j) Engaging in lewd conduct in connection with
438 professional services or activities;

439 (k) Engaging in false or misleading advertising;

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

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

445 (n) Revealing confidential information except as may be
446 required by law;

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

450 (p) Charging excessive or unreasonable fees or engaging
451 in unreasonable collection practices;

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

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



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

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

467 (t) Violations of any rules or regulations promulgated
468 pursuant to this chapter.

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

473 * * *

474 (3) In addition to the reasons specified in subsection (1)
475 of this section, the board shall be authorized to suspend the
476 license of any licensee for being out of compliance with an order
477 for support, as defined in Section 93-11-153. The procedure for
478 suspension of a license for being out of compliance with an order
479 for support, and the procedure for the reissuance or reinstatement
480 of a license suspended for that purpose, and the payment of any
481 fees for the reissuance or reinstatement of a license suspended
482 for that purpose, shall be governed by Section 93-11-157 or
483 93-11-163, as the case may be. * * * If there is any conflict
484 between any provision of Section 93-11-157 or 93-11-163 and any
485 provision of this chapter, the provisions of Section 93-11-157 or
486 93-11-163, as the case may be, shall control.

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

489 73-38-29. (1) Licenses issued under this chapter shall
490 expire and become invalid at midnight of the expiration date.

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



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

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

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

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

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

525 73-38-31. (1) The board shall assess fees for the following
526 purposes:



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

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

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

542 (4) Fees listed in subsection (1) of this section shall be
543 commensurate to the extent feasible with the cost of fulfilling
544 the duties of the board and council as defined by this chapter;
545 however, no individual fee shall exceed One Hundred Dollars
546 (\$100.00).

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

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

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

554 73-38-35. Any person who violates any provision of this
555 chapter shall, upon conviction, be guilty of a misdemeanor and
556 shall be punished by a fine of not more than One Thousand Dollars
557 (\$1,000.00) or imprisoned in the county jail for a period not
558 exceeding six (6) months, or both.



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

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

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

569 73-38-38. Sections 73-38-1 through 73-38-36 shall stand
570 repealed on July 1, 2005.

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

