

By: Representative Whittington

To: Public Health and Welfare

HOUSE BILL NO. 560

1 AN ACT TO AMEND SECTIONS 73-30-5, 73-30-7 AND 73-30-29,  
2 MISSISSIPPI CODE OF 1972, TO REVISE THE MAKE UP OF THE MISSISSIPPI  
3 STATE BOARD OF EXAMINERS FOR LICENSED PROFESSIONAL COUNSELORS AND  
4 TO ESTABLISH FIVE-YEAR TERMS FOR BOARD MEMBERS; TO AUTHORIZE THE  
5 BOARD, UPON COMPLAINT BY ANY CITIZEN OR UPON THE BOARD'S OWN  
6 MOTION, TO COMPEL ATTENDANCE OF WITNESSES AND THE PROTECTION OF  
7 DOCUMENTS, TO ADMINISTER OATHS AND TO RECEIVE TESTIMONY AND  
8 EVIDENCE; TO PROVIDE FOR CONTINUING EDUCATION REQUIREMENTS FOR A  
9 LICENSE TO BE RENEWED; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 73-30-5, Mississippi Code of 1972, is  
12 amended as follows:

13 73-30-5. (1) There is hereby established the Mississippi  
14 State Board of Examiners for Licensed Professional Counselors  
15 which shall consist of five (5) members. The initial appointments  
16 to the board shall consist of one (1) member from each of the five  
17 (5) congressional districts of Mississippi, who shall be appointed  
18 by the Governor with the advice and consent of the Senate. From  
19 and after January 1, 2004, the board shall be reconstituted to  
20 consist of five (5) members, one (1) member from each of the four  
21 (4) congressional districts, as such districts existed on January  
22 1, 2002, and one (1) member to be selected from the state at  
23 large, who shall be appointed by the Governor with the advice and  
24 consent of the Senate. A list shall be provided to the Governor  
25 by the Mississippi Counseling Association from which the Governor  
26 may choose board members. At least two (2) names shall be  
27 included from each congressional district. Such appointments  
28 shall be made initially within sixty (60) days of the submission  
29 of the list of qualified counselors by the Mississippi Counseling  
30 Association. Thereafter, all vacancies occurring on the board



31 shall be filled by the Governor within sixty (60) days after the  
32 vacancy occurs. The Mississippi Counseling Association shall  
33 provide a list of suggested board members for each vacancy.

34 (2) The board shall consist of five (5) licensed counselors,  
35 three (3) of whom are primarily engaged as licensed counselors in  
36 private or institutional practice and two (2) who are primarily  
37 engaged in teaching, training or research in counseling at the  
38 corporate or university level. All members shall be qualified  
39 electors of the State of Mississippi.

40 (3) The initial appointments to the board shall be for  
41 staggered terms, to be designated by the Governor at the time of  
42 appointment as follows: two (2) members to serve for three (3)  
43 years, two (2) members to serve for two (2) years, and one (1)  
44 member to serve for one (1) year. When the board is reconstituted  
45 on January 1, 2004, all members serving on the board on that date  
46 shall continue to serve for a term of five (5) years from the  
47 beginning of the term to which he or she was appointed. From and  
48 after January 1, 2004, all subsequent appointments shall be for  
49 five-year terms. No board member shall succeed himself without  
50 waiting a period of at least five (5) years after having served  
51 one (1) full five-year term.

52 (4) There shall be appointed to the board no more than one  
53 (1) person who is employed by, or receives compensation from, any  
54 one (1) institution, organization or partnership at the time of  
55 appointment.

56 (5) Board members shall be reimbursed for necessary and  
57 ordinary expenses and mileage incurred while performing their  
58 duties as members of the board, at the rate authorized for public  
59 employees, from fees collected for license applications and  
60 renewals.

61 **SECTION 2.** Section 73-30-7, Mississippi Code of 1972, is  
62 amended as follows:



63           73-30-7. (1) The members of the board shall take an oath to  
64 perform faithfully the duties of their office. The oath shall be  
65 administered by a person qualified by law to administer oaths.  
66 Upon taking the oath as board members, the initial members shall  
67 be deemed licensed counselors for all purposes under this chapter.  
68 Within thirty (30) days after taking the oath of office, the first  
69 board appointed under this chapter shall meet for an  
70 organizational meeting on call by the Governor. At such meeting  
71 and at an organizational meeting in January every odd-numbered  
72 year thereafter, the board shall elect from its members a  
73 chairman, vice chairman and secretary-treasurer to serve for terms  
74 of two (2) years.

75           (2) The board shall adopt rules and regulations in  
76 compliance with the Mississippi Administrative Procedures Law,  
77 using the standards of the American Association for Counseling and  
78 Development as a guide, not inconsistent with this chapter, for  
79 the conduct of its business and the carrying out of its duties.

80           (3) After a person has applied for licensure, no member of  
81 the board may supervise such applicant for a fee, nor shall any  
82 member vote on any applicant previously supervised by that member.

83           (4) The board shall hold at least two (2) regular meetings  
84 each year, and additional meetings may be held upon the call of  
85 the chairman of the board or at the written request of any four  
86 (4) members of the board.

87           (5) The board-approved examination for licensure shall be  
88 administered at least once a year. Examinations may be written,  
89 oral, situational, or any combination thereof, and shall deal with  
90 theoretical and applied fields in counseling. In written  
91 examinations, the examinee's name shall not be disclosed to any  
92 person grading the examination until that grading is complete.

93           (6) The board shall be empowered to make reasonable rules  
94 and regulations regarding its operation and to receive and  
95 disburse revenues derived from application, licensing, examination



96 and renewal fees. All monies received by the board shall be  
97 deposited in a special account in the State Treasury to be  
98 designated "Board of Examiners for Licensed Professional  
99 Counselors Account." This account shall fund all activities of  
100 the board.

101 (7) Upon the filing of a complaint by any citizen of this  
102 state with the board against a licensed professional counselor or  
103 upon the board's own motion, the board may:

104 (a) Compel the attendance of witnesses;

105 (b) Request the production of books, documents and  
106 other papers;

107 (c) Administer oaths to witnesses; and

108 (d) Hear testimony and receive evidence concerning all  
109 matters within its jurisdiction.

110 (8) The members of the board are hereby individually exempt  
111 from any civil liability as a result of any action taken by the  
112 board.

113 **SECTION 3.** Section 73-30-29, Mississippi Code of 1972, is  
114 amended as follows:

115 73-30-29. (1) The annual renewal of license fee under this  
116 chapter shall be Fifty Dollars (\$50.00) per year. License renewal  
117 fees may be increased by the board as deemed necessary, but may  
118 not be increased by more than ten percent (10%) of the previous  
119 year's fee.

120 (2) From and after January 1, 2004, a licensed professional  
121 counselor must complete twelve (12) hours of continuing education  
122 before a license may be renewed. Continuing education courses  
123 must be in the field in which the counselor practices. A minimum  
124 of three (3) hours of continuing education must be in the field of  
125 professional ethics. The board may determine which continuing  
126 education courses are admissible, and the decisions of the board  
127 are final. Courses submitted for other certification processes  
128 will be admissible. The board must adhere to the guidelines as



129 provided by the National Board of Certified Counselors with regard  
130 to credit for teaching courses, workshops and serving on boards.

131       **SECTION 4.** This act shall take effect and be in force from  
132 and after January 1, 2004.

