Title 15: Mississippi State Department of Health

Part 19: Bureau of Professional Licensure

Subpart 60: Professional Licensure

CHAPTER 1: REGULATIONS GOVERNING LICENSURE OF ATHLETIC TRAINERS

Subchapter 1: General:

Rule 1.1.1 **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer athletic trainer services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering athletic trainer services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in this chapter

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.1.2 **Legal Authority:** The Mississippi State Board of Health is authorized to establish and enforce these rules and procedures by virtue of "The Mississippi Athletic Trainers Act of 1991," Sections 73-55-1 et seq. of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.1.3 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. "**Board**" shall mean the Mississippi State Board of Health.

2. "**Council**" shall mean the Mississippi Council of Advisors in Athletic Training

3. "**License**" shall mean the document of licensure issued by the Board.

4. "**Athletic Training**" means the treatment of an athlete for risk management and athletic injury prevention, the clinical evaluation and assessment of an athlete for an injury or illness, or both, the immediate care and treatment for an injury or illness, or both, and the rehabilitation and reconditioning of an athlete's injury or illness, or both, as long as those activities are performed under the direction of a licensed physician, nurse practitioner or physician assistant. The practice of athletic training does not include the practice of physical therapy, the practice of medicine, the practice of osteopathic medicine and surgery, the practice of nursing or the practice of chiropractic.

5. "**Athletic Trainer**" means a person licensed by the Department of Health as an athletic trainer after meeting the requirements of these rules and regulations who, upon the advice, consent and oral or written prescriptions or referrals of a licensed physician, nurse practitioner or physician assistant, carries out the practice of athletic training, and in carrying out these functions the athletic trainer is authorized to use physical modalities, such as heat, light, sound, cold, electricity or mechanical devices related to prevention, recognition, evaluation, management, disposition, rehabilitation and treatment. An athletic trainer shall practice only in those areas in which the athletic trainer is competent due to training or experience that can be substantiated by records or other evidence found acceptable by the board in the exercise of the board's considered discretion.

6. "**Practice and Performance of Athletic Training**" means functioning in the nonclinical and clinical setting under the direction of a physician, nurse practitioner, or physician assistant, evaluating, treating, and providing appropriate immediate care and treatment to injuries incurred by an athlete during participation in or training for scholastic, recreational, professional, or sanctioned amateur athletic activities. Evaluation and treatment by an athletic trainer in the nonclinical setting to supportive staff, spectators, and other persons other than an athlete shall be limited to immediate care and treatment. An athletic trainer functioning in a clinical setting may evaluate and provide treatment for an athletic injury under the direction or referral of a licensed physician, nurse practitioner or physician assistant. An athletic trainer functioning in the nonclinical and clinical setting may use therapeutic exercise and modalities such as heat, cold, light, air, massage, water, sound and electricity for the treatment of musculoskeletal injuries and the use of passive (manual and mechanical) techniques for the purpose of treatment.

7. "**Athlete**" means an individual who participates in exercises, sports, or games requiring physical strength, agility, flexibility, range of motion, speed or stamina; or an individual with an athletic injury that a licensed physician, nurse practitioner or physician assistant deems would benefit from athletic training services.

8. "**Athletic Injury**" means any injury sustained by a person as a result of the person's participation in sports, games or recreational activities requiring physical strength, flexibility, range of motion, speed or stamina, or comparable injury.

9. "**Clinical Setting**" means a hospital, department, outpatient facility, or clinic whose primary purpose is sports medicine, rehabilitation, or wellness.

10. "**Nonclinical Setting**" means a location where school, professional, recreational, or sanctioned amateur athletic activities are being held.

11. "**Physician**" means a physician licensed by the State Board of Medical Licensure.

12. "**BOC, Inc**.," means the Board of Certification, Incorporated, or its successor agency, the National Credentialing Agency of Athletic Trainers; formerly referred to as the National Athletic Trainers' Association Board of Certification, Inc.

13. "**Act**" means the Mississippi Athletic Trainers Licensure Act of 1991, Section 73-55-1 et seq. of Mississippi Code of 1972, annotated.

14. "**Department**" shall mean the Mississippi State Department of Health.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.1.4 **Publication:** The Department shall publish, a list of the names and addresses of all persons licensed by the Board as Athletic Trainers, and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured or reprimanded.

SOURCE: Miss. Code Ann. §73-55-17.

Subchapter 2: Athletic Trainers Advisory Council ("Council")

Rule 1.2.1 **Council Structure and Purpose:** The Council shall consist of five (5) members as set forth in the Act, for the terms indicated therein, and shall serve under the jurisdiction of the Mississippi State Board of Health. The purpose of the Council is to aid the Board in administering the provisions of the Act.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.2.2. **Meeting:** The Council shall meet as set forth in the Act. A quorum shall consist of three (3) members of the Council, including the chairperson, and shall be necessary for the Council to take action by vote.

SOURCE: Miss. Code Ann. §73-55-17.

Subchapter 3: State Board of Health ("Board")

Rule 1.3.1 **Responsibilities:** The Board, authorizes the Department with the advice of the council to:

1. establish licensing and renewal of license criteria for applicants;

2. maintain an up-to-date list of all individuals licensed to practice as athletic trainers, with such list being available, upon request, to the public;

3. refer disciplinary actions of any individual engaged in the practice of athletic training to the appropriate government agency for prosecution, whether licensed or otherwise, or, in its discretion, refer same to the appropriate committee or council;

4. conduct disciplinary hearings, upon specified charges, of a licensee;

5. maintain an up-to-date list of all individuals whose license has been suspended, revoked, or denied, and make such list available to public inspection, and shall supply such list to similar regulatory boards in other states or jurisdictions;

6. keep a record of all proceedings of the Board, and make said record available to the public.

7. delegate, authorize, promulgate and regulate, as may be necessary, to accomplish the purpose of the Act.

SOURCE: Miss. Code Ann. §73-55-17.

Subchapter 4: Licensure

Rule 1.4.1 **Licensure Requirements:** An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant;

1. Has satisfactorily completed all of the BOC, Inc, qualifications and is certified as an athletic trainer by BOC, Inc, and is in good standing, or

2. Holds a degree in physical therapy and has completed the BOC, Inc., certification requirements.

SOURCE: Miss. Code Ann. § 73-55-7; *Miss. Code Ann.* § 73-55-17.

Rule 1.4.2 **Abandonment:** An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for licensing have not been completed and submitted to the Department.

SOURCE: Miss. Code Ann. §73-55-17.

Subchapter 5: Professional Identification

Rule 1.5.1 **Titles and Abbreviation:** No person shall engage in athletic training or use the titles "athletic trainer," "certified athletic trainer" or "licensed athletic trainer" or use the letters "LAT," or "AT" or any other facsimile thereof, whether or not compensation is received or expected, unless he or she is licensed as an athletic trainer in the State of Mississippi.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.5.2 **Production and Display of License:** A person issued a license to practice athletic training by the Mississippi State Board of Health shall show said license when requested.

SOURCE: Miss. Code Ann. §73-55-17.

Subchapter 6: Renewal of License

Rule 1.6.1 **General Provisions**

1. The Board shall issue licenses that shall be renewed annually.

2. The licensure year shall be construed as January 1 through December 31.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.6.2 **Procedure for Renewal of License:** The Department shall mail a renewal notice, at least thirty (30) days prior to the renewal date, to the last address registered with the Department, to the persons to whom licenses were issued or renewed during the preceding renewal period. The licensee shall, either in written form or electronically if within the specified renewal time:

1. complete the renewal form, and

2. submit proof of continuing education credit as detailed in Subchapter 7 of these regulations, if required, and

3. enclose the renewal fee, and

4. file the above with the Department prior to the end of the renewal period.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.6.3 **Failure to Renew**

1. A licensee who does not file, with the Department, his renewal application within the renewal period will be deemed to have allowed his license to lapse. Said licensee may be reinstated by the Department, in its discretion, by the payment of the renewal fee and a reinstatement fee, provided said application for reinstatement is made within one (1) year of the end of the renewal period.

2. Any person seeking re-licensure after allowing a license to lapse shall be required to meet all licensing requirements in effect at the time of the application for relicensure.

SOURCE: Miss. Code Ann. §73-55-17.

Subchapter 7: Continuing Education

Rule 1.7.1 **Definition and philosophy:** Each individual licensed as an Athletic Trainer is responsible for optimum service to the consumer and is accountable to the consumer, the employer, and the profession for evidence of maintaining high levels of skill and knowledge. Pursuant to the Act, continuing education is mandatory. Continuing education is defined as education beyond the basic

preparation required for entry into the profession, directly related to the performance and practice of Athletic Training.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.7.2 **Requirements**

1. Continuing education requirements for license renewal shall be fulfilled during two-year periods running concurrently with the requirement to maintain certification through the BOC, Inc. Proof of the completion of continuing education as required by this section shall be turned in to the Department at the time of renewal of license, if requested.

2. Persons who fail to accrue the required continuing education hours shall be issued a probationary license for a term of one (1) year. Failure to accrue the delinquent hours will result in the revocation of the license. Hours accrued are first credited for the delinquent hours lacking from the previous continuing education cycle.

3. Probationary licenses will be issued for one licensure term only. No ensuing license may be probationary as a result of not meeting continuing education requirements.

4. Continuing education requirements for all licensees, as to the substance and the number of hours, shall be the same as that for BOC certification.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.7.3 **Sources of Continuing Education:** Continuing education hours may be accrued from the following sources: Attendance at Mississippi Athletic Trainers Association (MATA) sponsored meetings; National Athletic Trainers Association (NATA) sponsored meetings approved for continuing education credit by BOC, Inc., or other meetings or sources approved for continuing education credit by BOC, Inc.

SOURCE: Miss. Code Ann. §73-55-17.

Subchapter 8: Revocation, Suspension and Denial of License

Rule 1.8.1 **Standards of Conduct:** Licensees may, at the discretion of the Board, have their license suspended, revoked, or denied at the time of renewal if the Board determines that the licensee is guilty of any of the following:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice athletic training.

2. Is unfit or incompetent by reason of gross ignorance, negligence, habits, or other causes of incompetency.

3. Is habitually intemperate in the use of alcoholic beverage.

4. Is convicted of an offense involving moral turpitude.

5. Is knowingly practicing while suffering with a contagious or infectious disease.

6. Is in violation of any of the applicable provisions of the Code for Professional Practice of the National Athletic Trainers Association, Inc.

7. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics.

8. Is guilty of dishonest or unethical conduct.

9. Has practiced athletic training without a valid license.

10. Has violated, aided, or abetted others in violation of any provision of the Act, or these regulations.

11. Has engaged in any conduct considered by the Board to be detrimental to the profession of athletic training.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.8.2 **Summary Suspension:** The Board may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that:

1. The health, safety, or welfare of the general public is in imminent danger; or

2. The licensee's physical capacity to practice his profession is in issue; or

3. The licensee's mental capacity to practice his profession is in issue.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.8.3 **Complaints:** All complaints concerning a licensee, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. licensee's name

2. name of the complaining party, if known;

3. date of complaint;

4. brief statement of complaint; and

5. disposition

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.8.4 **Investigation:** All complaints will be investigated and evaluated by the administrative secretary or other authorized employee of the Department.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.8.5 **Notice of Charges and Hearing:**

1. Following the investigative process, the Department may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.

2. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least thirty (30) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the state agency.

3. The notice of the formal hearing shall consist at a minimum of the following information:

    a. The time, place and date of hearing;

    b. That the licensee shall appear personally at the hearing and may be represented by counsel;

    c. That the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;

    d. That the hearing could result in disciplinary action being taken against the licensee's license;

    e. That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and

    f. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.

4. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.

5. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.

6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to State law.

SOURCE: Miss. Code Ann. § 73-55-17.

Rule 1.8.6 **Board Sanctions:** The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any of the above offenses:

1. Revocation of the license;

2. Suspension of the license, for any period of time;

3. Censure the licensee;

4. Issue a letter of reprimand to the licensee;

5. Place a license on probationary status and require the licensee to submit to any of the following:

   a. report regularly to the Board upon matters which are the basis of probation;

   b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

   c. such other reasonable requirements or restrictions as are proper.

6. Refuse to renew a license; or

7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

SOURCE: Miss. Code Ann. § 73-55-17.

Rule 1.8.7 **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal to the Chancery Court of the county where the hearing was held in the manner provided for in the enabling statute and the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. § 73-55-17.

Subchapter 9: Exceptions and Exemptions

Rule 1.9.1 **Exceptions:** No person shall represent himself to be an athletic trainer unless he is licensed by the Board.

1. The provisions of this chapter shall not restrict coaches and physical education instructors in the performance of their duties.

2. The provisions of this chapter shall not restrict athletic trainers from other nations, states, or territories performing their duties for their respective teams or organizations and only during the course of their team or organization's stay in this state.

3. Nothing in these regulations is intended to limit, preclude, or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of Mississippi.

4. Nothing in these regulations shall be construed to authorize the practice of medicine or nursing by any person not licensed by the State Board of Medical Licensure or the Mississippi Board of Nursing.

SOURCE: Miss. Code Ann. § 73-55-17.

Subchapter 10: Criminal Offenses and Punishment

Rule 1.10.1 **Offenses:** It is a violation for any person to:

1. Sell, fraudulently obtain or furnish any athletic trainer permit, license, record, or aid or abet therein.

2. Practice athletic training under cover of any athletic training diploma, permit, license, or record illegally or fraudulently obtained or issued.

3. Impersonate in any manner or pretend to be an athletic trainer or use the titles, "Athletic Trainer" the letters, "A.T." or any other words letters, signs, symbols or devices to indicate the person using them is a licensed Athletic Trainer, unless duly authorized by license or permit.

4. Practice athletic training during the time his license or permit is suspended, revoked, or expired.

5. Fail to notify the board of the suspension, probation or revocation of any past or currently held licenses, required to practice athletic training in this or any other jurisdiction.

6. Make false representations, impersonate, act as a proxy for another person, allow, or aid any person to impersonate him in connection with any examination or application for licensing or request to be examined or licensed.

7. Make a material, false statement in an application for licensure, or in a response to any inquiry by the State Department of Health or the Board.

8. Otherwise violate any provisions of the Act.

SOURCE: Miss. Code Ann. § 73-55-17.

Rule 1.10.2 **Punishment:** Such violation shall be punishable by a fine of not less than One Hundred Dollars ($100.00), nor more than Five Hundred Dollars ($500.00) or by imprisonment of not less than ten (10) days nor more than sixty (60) days, or by both fine and imprisonment for each violation.

SOURCE: Miss. Code Ann. §73-55-17.

Subchapter 11: Fees

Rule 1.11.1 **Method of Payment:** The following fees, where applicable, are payable to the Mississippi State Department of Health by personal check, certified check, cashier's check, or money order. Fees paid to the State Board of Health are non-refundable.

SOURCE: Miss. Code Ann. §73-55-17.

Rule 1.11.2 **Schedule of Fees:**

Application and Initial Licensure Fee - $100.00
Renewal Fee - $50.00
Reinstatement Fee - $200.00
Replacement Fee - $50.00

SOURCE: Miss. Code Ann. §73-55-17.

Subchapter 12: Administrative Grievance Procedure

Rule 1.12.1 **Administrative Appeals:** All persons aggrieved by a decision regarding the initial application for licensure, or the renewal of licensure, shall have the right of administrative appeal and a hearing to be conducted according to the policy of the Department of Health.

SOURCE: Miss. Code Ann. § 73-55-17.

Rule 1.12.2 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

SOURCE: Miss. Code Ann. § 73-55-17.

Rule 1.12.3 **Hearing:** If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

SOURCE: Miss. Code Ann. § 73-55-17.

CHAPTER 2: REGULATIONS GOVERNING LICENSURE OF PROFESSIONAL ART THERAPISTS

Subchapter 1: General Provisions

Rule 2.1.1 **Legal Authority:** The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of Chapter 73-65-1 et seq of the Mississippi Code 1972 Annotated.

SOURCE: Miss. Code Ann. §73-65-1

Rule 2.1.2 **Purpose:** The purpose of these regulations is to safeguard the public(s health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to perform art therapy. Further, in order to insure the highest degree of professional conduct by those engaged in the performance of art therapy, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in this chapter.

SOURCE: Miss. Code Ann. §73-65-1

Rule 2.1.3 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. **Board** shall mean the Mississippi State Board of Health.

2. **Council** shall mean the Professional Art Therapists Advisory Council.

3. **Licensed Professional Art Therapist** means a person who has completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution and who is licensed by the Board, or who received registration from the American Art Therapy Association (ATR) before 1980.

4. **License Holder** means a licensed professional art therapist licensed under the provisions of this act.

5. **Accredited Institution** means a university or college accredited by a nationally recognized accrediting agency of institutions of higher education, or an institution and clinical program approved by the American Art Therapy Association, Inc.

6. **Department** shall mean the Mississippi Department of Health.

7. **Act** shall mean Chapter 73-65-1 et seq of the Mississippi Code 1972 Annotated.+

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.1.4 **Publication:** The Department shall publish, annually, a list of the names and addresses of all persons licensed by the Board as Professional Art Therapists, and a list of all persons whose license has been suspended, revoked, denied renewal, put on probationary status, censured or reprimanded.

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 2: Professional Art Therapists Advisory Council ("Council")

Rule 2.2.1 **Council Structure and Purpose:** The Council shall consist of six (6) members as set forth in the Act, for the terms indicated therein, and shall serve under the jurisdiction of the Board. The purpose of the Council is to serve in an advisory capacity to the Board in matters relating to the administration and interpretation of provisions of the Act.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.2.2 **Meetings:** The Council shall meet at least twice annually. A chairperson and a secretary shall be elected at the first meeting of the year. Additional meetings may be called at the discretion of the chairperson, upon written request of two (2) members of the Council. A quorum shall consist of three (3) members of the Council, including the chairperson, and shall be necessary for the Council to take action by vote.

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 3: State Board of Health ("Health")

Rule 2.3.1 **Responsibilities:** The Board shall:

1. Establish examination, licensure, and renewal of licensure criteria for applicants;

2. Maintain an up-to-date list of all individuals licensed as Professional Art Therapists, with such list being available, upon request, to the public;

3. Refer disciplinary actions of any individual engaged in art therapy to the appropriate government agency for prosecution, whether licensed or otherwise, or in its discretion, refer same to the appropriate committee or council;

4. Conduct disciplinary hearings, upon specified charges;

5. Maintain an up-to-date list of all individuals whose license has been suspended, revoked, or denied, and make such list available to public inspection, and shall supply such list to similar regulatory boards in other states or jurisdictions;

6. Keep a record of all proceedings of the Board, and make said record available to the public;

7. Delegate, authorize, and direct the Department to promulgate regulations to accomplish the purpose of the Act.

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 4: Licensure

Rule 2.4.1 **Licensure Requirements**

1. An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant:

2. Is at least twenty-one (21) years of age;

3. Has passed the Art Therapy Credentials Board Examination as administered by the Art Therapy Credentials Board, Inc.;

4. Is registered as an art therapist as defined by the Art Therapy Credentials Board, Inc.;

5. Is certified as an art therapist by the Art Therapy Credentials Board, Inc.; and,

6. Has been awarded a master's degree or doctoral degree in art therapy that includes six hundred (600) hours of supervised internship experience from an accredited institution and has completed an additional one thousand (1000) client contact hours of postgraduate experience under appropriate supervision; or,

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.4.2 **Licensed By Endorsement** An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that:

1. The applicant holds a valid regulatory document issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia, or any foreign nation;

2. The requirements for said document are substantially equivalent to, or exceed, the requirements as set forth in Rule 2.4.1 of these regulations; and,

3. Said document is in good standing, and is not, presently suspended or revoked.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.4.3 [Reserved]

SOURCE: Miss. Code Ann. §73-65-1

Rule 2.4.4 **Provisional Licensure** The Board may, in its discretion, issue a provisional license to an applicant at least 21 years of age, pending the completion of the requirements for licensure, providing the applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that the applicant:

1. Will be supervised according to Rule 2.4.5 of the regulations; and,

2. Has not taken the examination recognized by the Department or received registration from the Art Therapy Credentials Board, Inc.

3. In its discretion, and upon application, the Board may renew a provisional license. Proof satisfactory to the Department that the provisional license holder has been in the process of meeting the licensure requirements must be submitted at the time of renewal.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.4.5 **Conditions of a Provisional License**

1. Documentation in form and substance satisfactory to the Department that the conditions of Rule 2.4.5(2)(3) of the regulations have been met must be on file with the Department before a provisional license will be issued.

2. A provisional license holder may only practice under the supervision of the individual licensed as a professional art therapist in Mississippi who is the listed supervisor on file with the Department.

3. A provisional license holder must be supervised one (1) hour for every ten (10) hours of face-to-face client contact.

4. A provisional license holder shall restrict his practice to the State of Mississippi.

5. Only an individual issued a regular license by the Department may supervise a provisional license holder.

6. Notice of Termination: The supervisor shall notify the Department in writing of the termination of the supervisory relationship with a provisional license holder. The notice shall include the effective date of the termination and must be filed with the Department or postmarked no later than three (3) calendar days from the date of termination.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.4.6 **Retirement of Licensure:** A license holder shall notify the Department in writing of intent to retire as a licensed professional art therapist prior to the expiration date of his current license.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.4.7 **Renewal/reinstatement of Licensure**

1. The license holder shall request a renewal/reinstatement application from the Department in writing within five (5) years of the year of retirement.

2. The license holder shall submit the renewal/reinstatement application, all lapsed license renewal fees, and the continuing education requirement to the Department for review.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.4.8 **Conditions of a Universal Occupational License**:

1. Notwithstanding any other provision of law, the Department shall issue a license in art therapy and at the same practice level to a person who establishes residence in this state if, upon application to the Department:

   a. The applicant holds a current and valid license in good standing in another state in an occupation with a similar scope of practice, as determined by the Department, and has held this license from the occupational licensing board in the other state for at least one (1) year; and

   b. There were minimum education requirements and, if applicable, work experience, examination, and clinical supervision requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed in that state; and

   c. The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and

the applicant does not have a disqualifying criminal record as determined by the Department under Mississippi law; and

d. The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

e. The applicant does not have a complaint, allegation, or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation, or investigation pending, the Department shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the Department; and

f. The applicant pays all applicable fees in Mississippi.

2. Notwithstanding any other law, the Department shall issue a license to an applicant in art therapy and at the same practice level, as determined by the Department, to a person who establishes residence in this state based on work experience in another state, if all the following apply:

a. The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the Department;

b. The applicant worked for at least three (3) years in the lawful occupation; and

c. The applicant satisfies the provisions of paragraphs (c) through (f) of Rule 2.4.8(1).

3. The Department may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate professional art therapists if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate professional art therapists.

4. The Department may require proof of residency. Residency may be established by demonstrating proof of a state-issued identification card or one (1) of the following:

a. Current Mississippi residential utility bill with the applicant's name and address;

b. Documentation of the applicant's current ownership, or current lease of a residence in Mississippi;

c. Documentation of current in-state employment or a notarized letter of the promise of employment of the applicant or his or her spouse; or

d. Any verifiable documentation demonstrating Mississippi residency.

5. A license issued under this section is valid only in this state and does not make the person eligible to be part of an interstate compact.

6. The Department shall issue or deny the license to the applicant within one hundred twenty (120) days after receiving an application.

7. If the application requires longer than two (2) weeks to process, the Department shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of Rule 2.4.8(3) or Rule 2.4.8(4) and pays all applicable fees as required by Rule 2.4.8(1)(f).

   a. The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the Department. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure in Rule 2.4.8(1) through Rule 2.4.8(3), as applicable.

8. The Department shall issue a license as a licensed professional art therapist to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant is at least twenty-one (21) years of age, is a registered art therapist as defined by the Art Therapy Credentials Board, Inc., demonstrates professional competency by satisfactorily passing the required examination, and is a board-certified art therapist as defined by the Art Therapy Credentials Board, Inc.

9. The Department may approve on a case-by-case basis applicants who have a master's degree or a doctoral degree from nonaccredited institutions.

10. If an applicant has met all of the requirements for licensure except satisfactorily passing the required examination, the applicant shall be scheduled to take the next examination following the approval of the examination.

11. The Department may issue a license to an applicant without examination if the person possesses a valid regulatory document issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia, or any foreign nation that in the judgment of the Department has requirements substantially equivalent to or exceeding the requirements in this section. The issuance of a license by reciprocity to a military-trained applicant, military spouse, or person who establishes residence in this state shall be subject to the provisions of Section §73-50-1 or §73-50-2 of the Mississippi Code of 1972 as applicable.

12. The Department may issue provisional licensure as a professional art therapist to any person who has completed the educational requirements established by the Art Therapy Credentials Board, Inc., and has met all requirements for licensure as a professional art therapist, except the experience and/or examination requirements, and is under the supervision of a supervisor acceptable to the Department.

13. The Department may set criteria for continuing education and supervisory experience.

14. Denial of Universal License

a. The applicant may appeal any of the following decisions of the Department to a court of general jurisdiction:

(i) Denial of a license;

(ii) Determination of the occupation;

(iii) Determination of the similarity of the scope of practice of the license issued; or

(iv) Other determinations under this section.

b. The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by the Department, without regard to any previous determination that may have been made on the question in any action before the Department.

SOURCE: Miss. Code Ann. §73-14-1.

Rule 2.4.9 **Abandonment:** An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for licensing have not been completed and submitted to the Department.

SOURCE: Miss. Code Ann. §73-14-1.

Subchapter 5: Professional Identification

Rule 2.5.1 **Titles and Abbreviation:** No person shall use the title "Licensed Professional Art Therapist" or hold himself out as having this status, unless he is licensed as such by the Board.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.5.2 **Production and Display of License:** A person issued a license as a "Licensed Professional Art Therapist" by the Mississippi State Board of Health shall display said license in the professional setting and shall carry the Licensure Identification Card at all times when practicing as a "Licensed Professional Art Therapist."

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 6: Renewal of License

Rule 2.6.1 **General Provisions**

1. The Board shall issue licenses which shall be renewed biennially.

2. The licensure period shall be construed as January 1 of even-numbered years through December 31 of odd- numbered years.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.6.2 **Procedure for Renewal of Licensure**

1. The Department shall mail a renewal form, approximately sixty (60) days prior to the expiration date, to the last home address registered with the Department, to the persons to whom licensure was issued or renewed during the preceding licensure period. The applicant for renewal shall:

   a. Complete the renewal form, and

   b. Submit proof of continuing education credit as detailed in Subchapter 7 of these regulations, and

   c. Enclose the renewal fee, and

   d. File the above with the Department prior to the date of expiration of the license.

SOURCE: Miss. Code Ann. §73-65-1

Rule 2.6.3 **Failure to Renew:**

1. **Late Renewal:** License holders are allowed a ninety (90) day grace period for the late renewal of licensure following expiration of the licensure period. The applicant for late renewal during this period shall:

   a. Complete the renewal form; and,

   b. Submit proof of continuing education credit as detailed in Subchapter 7 of these regulations; and,

   c. Enclose the renewal fee and the late renewal fee; and,

   d. File the above with the Department prior to the end of the grace period.

2. **Suspension:** A license is automatically suspended if the license holder does not renew his license prior to the end of the grace period.

3. **Reinstatement:** The Department may reinstate a license if the late renewal requirements and the reinstatement fee are filed with the Department within ninety (90) days of the date of suspension. A license is automatically revoked if it is not reinstated within the ninety (90) day period following suspension.

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 7: Continuing Education

Rule 2.7.1 **Definition and Philosophy:** Each individual licensed by the Board is responsible for maintaining high levels of skill and knowledge. Continuing education is defined as education beyond the basic preparation required for licensure and related to the performance of art therapy.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.7.2 **Requirements:**

1. Regulations set the requirement of forty (40) clock hours to be accrued during the licensure term for license holders who are not certified and in good standing with the Art Therapy Credentials Board, Inc.

2. License holders certified and in good standing with the Art Therapy Credentials Board, Inc., may submit proof, in form and content satisfactory to the Department, of having met the continuing education requirements of the Art Therapy Credentials Board, Inc., in lieu of the provisions of this section.

3. Individuals applying for initial licensure within a licensure term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.

4. Individuals holding a provisional license must meet the same requirements as an individual applying for an initial license.

5. Persons who fail to accrue the required continuing education hours shall be issued a CE probationary license for the entire licensure period. Failure to accrue the required hours during the CE probationary period will result in the revocation of the license.

6. CE probationary licenses will be issued for one licensure period only. No ensuing license may be CE probationary as a result of not meeting continuing education requirements.

7. **NOTE: Reinstatement of a license revoked for failure to meet continuing education requirements is subject to the discretion of the Department. If said license is permitted to be reinstated, the renewal fee and the late renewal/reinstatement fee as stated in Section 106 of these regulations will be required.**

SOURCE: Miss. Code Ann. §73-65-1

Rule 2.7.3 **Content Criteria:** The content must apply to the field of art therapy and performance and must be designed to meet one of the following goals:

1. Update knowledge and skills required for competent performance beyond entry level as described in current legislation and regulations.

2. Allow the licensee to enhance his knowledge and skills.

3. Provide opportunities for interdisciplinary learning.

4. Extend limits of professional capabilities and opportunities.

5. Facilitate personal contributions to the advancement of the profession.

SOURCE: Miss. Code Ann. §73-65-1

Rule 2.7.4 **Sources of Continuing Education:** Continuing education hours may be accrued from the following sources when the content of the programs relates to the profession of art therapy:

1. Attendance at programs sponsored or approved for continuing education by the following groups:

   a. The American Art Therapy Association (AATA).

   b. The Mississippi Art Therapy Association (MSATA) or AATA chapter of another state or the District of Columbia.

   c. Regulatory boards for art therapy in any jurisdiction in the United States.

   d. Regulatory boards governing the practices of social workers, licensed professional counselors, and marriage and family counselors.

   e. The National Association of Social Workers or its state affiliate members.

   f. The American Psychological Association or its state affiliate and/or subsidiary members.

   g. The American Medical Association or its state affiliate and/or subsidiary members.

   h. The American Nursing Association or its state affiliate and/or subsidiary members.

2. Presentations, including posters, made before art therapists, medical practitioners, or other health related professionals and directly related to the profession of art therapy. To be considered for continuing education credit, material outline and a synopsis must be submitted to the Council at least sixty (60) days prior to the presentation date. Notice of approval or disapproval will be sent following a review by the Council. For approved presentations, the presenter may accrue one (1) hour of continuing education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit

is given one (1) time only, even though the session may be presented multiple times. No more than 30% of total required hours may be accrued through presentations. Presentations approved by the MATA, whether prior to or subsequent to the presentation, will be accepted for continuing education credit.

3. Academic course work taken from a regionally accredited college or university, either for credit or audit. The courses must relate to the profession of art therapy. Courses in supporting fields must have prior approval of the Council. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. No more than fifty percent (50%) of total required hours may be accrued through academic course work.

4. Professional publications where the license holder is an author. To be considered for continuing education credit, a reprint of the published article must be submitted to the department. Notice of approval or disapproval will be sent out after review by the department. A maximum of three (3) contact hours may be accrued through professional publication.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.7.5 **Reporting Procedures for Continuing Education:** Continuing education hours are reported on the application for license renewal during the license renewal period prior to its expiration. It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

1. Attendance at seminars, workshops, presentations, etc., approved by the organizations listed in Rule 2.7.4(1) are automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by the submission of a continuing education certificate, or a continuing education reporting form from the organization issuing continuing education hours and proof of approval.

2. Presentation credits: Submit a copy of the program listing the presentation and a copy of the prior letter of approval from the council.

3. Academic course work credits must meet the content criteria in Rule 2.7.3, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report.

4. Professional publication: Submit a copy of the letter of approval from the council.

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 8: Revocation, Suspension and Denial of Licensure

Rule 2.8.1 **Standards of Conduct:** Individuals who are licensed may, at the discretion of the Board, have their licenses suspended, revoked, or denied if the Board determines that the individual is guilty of any of the following:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of licensure.

2. Is unfit or incompetent by reason of gross ignorance, negligence, habits, or other causes of incompetence.

3. Is habitually intemperate in the use of alcoholic beverage.

4. Is convicted of an offense involving moral turpitude.

5. Is knowingly practicing while suffering with a contagious or infectious disease.

6. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics.

7. Is guilty of dishonest or unethical conduct.

8. Has represented himself as a licensed professional art therapist after his license has expired or has been suspended.

9. Has practiced as a licensed art therapist under cover of any permit or license illegally or fraudulently obtained or issued.

10. Has violated, aided, or abetted others in violation of any provision of law, or these regulations.

11. Has engaged in any conduct considered by the Board to be detrimental to the profession of art therapy.

12. Has violated the current code of ethics of the American Art Therapy Association.

13. Has had disciplinary action taken against the license holder's license, certificate, registration, etc., in another jurisdiction.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.8.2 **Summary Suspension:** The Board may summarily suspend licensure without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that:

1. The health, safety, or welfare of the general public is in immediate danger; or

2. The individual's physical capacity to practice his profession is in issue; or

3. The individual's mental capacity to practice his profession is in issue.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.8.3 **Complaints:** All complaints concerning a licensed individual, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. name of the licensed individual;

2. name of the complaining party, if known;

3. date of complaint;

4. brief statement of complaint; and

5. disposition

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.8.4 **Investigation:** All complaints will be investigated and evaluated by an authorized employee of the Department or a Council member designated by the Department.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.8.5 **Notice of Charges and Hearing:** Following the investigative process, the Department may file formal charges against the licensed individual. Such formal complaint shall, at a minimum, inform the respondent of the facts which are the basis of the charge and which are specific enough to enable the respondent to defend against the charges.

1. Each respondent, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against him, shall be served notice of the formal charge at least thirty (30) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the respondent, or the notice was mailed certified, return receipt requested, to the respondent at his last know address as listed with the state agency.

2. The notice of the formal hearing shall consist at a minimum of the following information:

   a. The time, place and date of hearing;

   b. That the respondent shall appear personally at the hearing and may be represented by counsel;

   c. That the respondent shall have the right to produce witnesses and evidence in his own behalf and shall have the right to cross-examine adverse witnesses; and evidence

d. That the hearing could result in disciplinary action being taken against the respondent's license.

e. That rules for the conduct of these hearings exist and it may be in the respondent's best interest to obtain a copy; and

f. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the respondent.

i. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the respondent. At the conclusion of the hearing, the Board shall issue an order within sixty (60) days.

ii. Disposition of any complaints may be made by consent order or stipulation between the Board and the respondent.

iii. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to State law.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.8.6 **Board Sanctions:** The Board may impose any of the following sanctions, singly or in combination, when it finds that a respondent is guilty of any of the above offenses:

1. Revocation of the license;

2. Suspension of the license, for any period of time;

3. Censure the licensed individual;

4. Issue a letter of reprimand to the licensed individual;

5. Place a license on probationary status and require the individual to submit to any of the following:

a. Report regularly to the board upon matters which are the basis of probation;

b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

c. such other reasonable requirements or restrictions as are proper;

d. Refuse to renew a license; or

e. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.8.7 **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal as provided for in the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 9: Exceptions and Exemptions

Rule 2.9.1 **Exceptions:**

1. Nothing in these regulations is intended to limit, preclude or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of Mississippi.

2. Nothing in these regulations shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which the "activities professionals" at licensed nursing facilities hold themselves out to the public.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.9.2 **Good Samaritan Act:** Left Blank on Purpose

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 10: Left Blank on Purpose

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 11: Criminal Offenses and Punishment

Rule 2.11.1 **Offenses:** It is a violation of the law for any person to:

1. Sell, fraudulently obtain or furnish any license, or aid or abet therein.

2. Use the title, "Licensed Professional Art Therapist" or any words letters, signs, symbols or devices to indicate the person using them has received a license from the Mississippi Department of Health.

3. Fail to notify the Board of the suspension, probation or revocation of any past or currently held licenses or certifications, required to practice art therapy in this or any other jurisdiction.

4. Make false representations, impersonate, act as a proxy for another person, allow, or aid any person to impersonate him in connection with any examination or application for license or request to be examined or licensed.

5. Make a material, false statement in an application for licensure, or in a response to any inquiry by the Mississippi Department of Health or the Board.

6. Otherwise violate any provisions of the Act, or regulations of the Board.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.11.2 **Punishment:** Such violations shall be a misdemeanor, and shall be punishable by a fine not to exceed Five Hundred Dollars, ($500.00) or by imprisonment in the county jail for not more than three (3) months, or by both.

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 12: Fees

Rule 2.12.1 **Method of Payment:** The following fees, where applicable, are payable to the Department of Health by check, or money order. Fees paid to the Mississippi Department of Health are non-refundable.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.12.2 **Schedule of Fees**

1. Application and Initial Licensure Fee.....$100.00

2. Renewal Fee.....$ 75.00

3. Late Renewal Fee.....$100.00

4. Reinstatement Fee.....$100.00

5. Verification Fee .....$ 25.00

6. Duplicate License Fee.....$ 25.00

7. License Replacement Fee .....$ 25.00

8. Card Replacement Fee .....$ 10.00

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.12.3 **Examination Fee:** Fees for examination are to be paid directly to the appropriate testing organization.

SOURCE: Miss. Code Ann. §73-65-1.

Subchapter 13: Administrative Grievance Procedure

Rule 2.13.1 **Administrative Appeals:** All persons aggrieved by a decision regarding the initial application for licensure, or the renewal of licensure, shall have the right of administrative appeal and a hearing to be conducted according to the rules of the Department of Health.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.13.2 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

SOURCE: Miss. Code Ann. §73-65-1.

Rule 2.13.3 **Hearing:** If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

SOURCE: Miss. Code Ann. §73-65-1.

CHAPTER 3: REGULATIONS GOVERNING LICENSURE OF DIETITIANS

Subchapter 1: General

Rule 3.1.1 **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer dietetic and nutritional services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering dietetic and nutritional services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in the Act and in these regulations.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.1.2 **Legal Authority:** The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of the "Mississippi Dietetics Practice Act of 1986," Sections 73-10-1 et seq. of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.1.3 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. "**Board**" shall mean the Mississippi State Board of Health.

2. "**Advisory Council**" shall mean the Mississippi Council of Advisors in Dietetics.

3. "**Association**" means the American Dietetic Association (ADA).

4. "**Mississippi Association**" means the Mississippi Dietetic Association, an affiliate of the American Dietetic Association (MDA).

5. "**Commission on Dietetic Registration**" (CDR) means the Commission on Dietetic Registration that is a member of the National Commission for Health Certifying Agencies.

6. "**Degree**" means a degree received from a college or university that was accredited through the Council on Post-secondary Accreditation and the U.S. Department of Education at the time the degree was conferred.

7. "**Registered Dietitian**" means a person registered by the Commission on Dietetic Registration.

8. "**Licensed Dietitian**" means a person licensed pursuant to these regulations.

9. "**Provisionally Licensed Dietitian**" means a person provisionally licensed pursuant to these regulations.

10. "**Dietetics Practice**" means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology, management and behavioral and social sciences to achieve and maintain people's health. Dietetic practice includes, but is not limited to:

    a. Providing medical nutrition therapy.

    b. Development, administration, evaluation, and consultation regarding nutritional care standards of quality in food services and medical nutrition therapy.

    c. Providing nutrition counseling in health and disease.

    d. Developing, implementing and managing nutrition care systems.

    e. Providing case management services.

11. "**Medical nutrition therapy**" is a nutritional diagnostic therapy and counseling services for the purpose of disease management. It means the assessment of the nutritional status of patients with a condition, illness, or injury that appropriately requires medical nutrition therapy as part of the treatment. The assessment

includes review and analysis of medical and diet history, blood chemistry lab values and anthropometric measurements to determine nutritional status and treatment modalities.

a. Therapy ranges from diet modification and nutrition counseling to administration of specialized nutrition therapies such as intravenous medical nutritional products as determined necessary to manage a condition or treat illness or injury.

b. Administration of specialized nutrition therapies does not include the clinical aspects of insertion of the nasogastric tube, initiation of the intravenous line, nor administration of nutritional feedings/fluids or medications via the intravenous, nasogastric, or gastrostomy route.

12. "**Diet modification and nutrition counseling**" means intervention and advice in assisting individuals or groups in the development of personal diet plans to achieve appropriate nutritional intake. To develop the diet plan, the dietitian integrates information from the nutritional assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status.

13. "**Specialized nutrition therapies**" mean medical foods, enteral nutrition delivered via tube, or parenteral nutrition delivered by intravenous infusion.

14. "**Nutrition Educator**" shall mean one who communicates scientific nutrition information to individuals and/or groups and who provides information on food sources of nutrients to meet normal nutrition need based on the most current "Recommended Dietary Allowances" of the Food and Nutrition Board, National Academy of Sciences, National Research Council.

15. "**Dietitian**" means one engaged in dietetics practice, medical nutrition therapy or nutrition education. The terms dietitian or dietician are used interchangeably in this chapter.

16. "**Direct technical supervision**" means the direct, technical supervision by a licensed dietitian, as prescribed in regulations by the Board, of the dietetics practice or medical nutrition therapy provided to an individual and/or group by a provisionally licensed dietitian.

17. "**License**" shall mean the document of licensure issued by the Board.

18. "**Department**" shall mean the Mississippi Department of Health.

19. "**Examination**" shall mean the Registration Examination for Dietitians as administered by the Commission on Dietetic Registration or other examination that the Department may designate.

20. "**Act**" shall mean the "Mississippi Dietetics Practice Act of 1986," Sections 73-10-1 et seq. of Mississippi Code of 1972, annotated.

21. **"Nonmedical Weight Control"** shall mean the provision of services for the purpose of reducing, maintaining, or gaining weight that does not constitute the treatment and management of a disease or medical condition. The term includes weight control services for healthy population groups to achieve or maintain a healthy weight.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.1.4 **Publication:** The Department shall make available, upon request and payment of a fee, a list of the names and addresses of all persons licensed by the Department as Dietitians, and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded during the current licensure term.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 2: Mississippi Council of Advisors in Dietetics ("Council")

Rule 3.2.1 **Council Structure and Purpose:** The Council shall consist of seven (7) members as set forth in the enabling statute, for the terms indicated therein, and shall serve under the jurisdiction of the State Board of Health. The purpose of the Council is to serve in an advisory capacity to the Board in matters relating to the administration and interpretation of the enabling statute.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.2.2 **Meetings:** The Council shall meet at least twice each year. Additional meetings may be held, at the discretion of the chairman of the Council or of the Board, upon ten (10) day written notice to the Council members. A quorum shall consist of four (4) members of the Council, including the chairman, and shall be necessary for the Council to take action by vote.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 3: State Board of Health ("Board")

Rule 3.3.1 **Responsibilities:** The Board, with the advice of the council, shall:

1. establish licensing and renewal of license criteria for applicants;

2. refer disciplinary actions of any individual engaged in the practice of dietetics to the appropriate government agency for prosecution, whether licensed or otherwise, or, in its discretion, refer same to the appropriate committee or council;

3. conduct disciplinary hearings, upon specified charges, of a licensee; and

4. direct the Department to promulgate and implement rules and procedures to carry out the purpose of the Act.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 4: Licensure

Rule 3.4.1 **Licensure Requirements:** An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant:

1. has passed an examination as administered by the Commission on Dietetic Registration or other examination as approved by the Department;

2. is in good standing in any other state or jurisdiction where licensed;

3. is of good moral character; and

4. is presently in good standing with the Commission on Dietetic Registration.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.4.2 **Provisional License:** The Board may, in its discretion, issue a provisional license for the practice of dietetics for a period of one (1) year, providing the applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that the applicant:

1. is a resident of the State of Mississippi; and

2. has received a baccalaureate or post-baccalaureate degree from a college or university accredited through the U.S. Department of Education, Office of Postsecondary Education, with a major in dietetics or an equivalent major course of study as approved by the Department; and

3. Submits proof of having successfully completed a planned program of dietetic experience which makes the applicant eligible for registration by the Commission on Dietetic Registration, or its successor organization: and

   a. will be practicing only under the direct technical supervision of a dietitian.

   b. is of good moral character.

4. In its discretion, and upon application, the Board may renew a provisional license from year to year, not to exceed five (5) years, from the date of the issuance of the original provisional license.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.4.3 **Direct Technical Supervision:** Direct technical supervision shall mean a periodic review, by the licensed dietitian on file as the supervisor with the Department, of the practice of the provisional licensee. A review shall be conducted no less then once a month, and shall include a written assessment of the practice of the provisional licensee.

Rule 3.4.4 **Conditions of a Universal Occupational License**:

1. Notwithstanding any other provision of law, the Department shall issue a license in dietetics and at the same practice level to a person who establishes residence in this state if, upon application to the Department:

   a. The applicant holds a current and valid license in good standing in another state in an occupation with a similar scope of practice, as determined by the occupational licensing board in Mississippi, and has held this license from the occupational licensing board in the other state for at least one (1) year; and

   b. There were minimum education requirements and, if applicable, work experience, examination, and clinical supervision requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed in that state; and

   c. The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the occupational licensing board in Mississippi under Mississippi law; and

   d. The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

   e. The applicant does not have a complaint, allegation, or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation, or investigation pending, the occupational licensing board in Mississippi shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the occupational licensing board in Mississippi; and

   f. The applicant pays all applicable fees in Mississippi.

2. Notwithstanding any other law, the Department shall issue a license to an applicant in dietetics and at the same practice level, as determined by the

Department, to a person who establishes residence in this state based on work experience in another state, if all the following apply:

a. The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the Department;

b. The applicant worked for at least three (3) years in the lawful occupation; and

c. The applicant satisfies the provisions of paragraphs (c) through (f) of Rule 3.4.4(1).

3. The Department may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate dietitians if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate dietitians.

4. The Department may require proof of residency. Residence may be established by demonstrating proof of a state-issued identification card or one (1) of the following:

a. Current Mississippi residential utility bill with the applicant's name and address;

b. Documentation of the applicant's current ownership, or current lease of a residence in Mississippi;

c. Documentation of current in-state employment or a notarized letter of a promise of employment of the applicant or his or her spouse; or

d. Any verifiable documentation demonstrating Mississippi residency.

5. A license issued under this section is valid only in this state and does not make the person eligible to be part of an interstate compact.

6. The occupational licensing board shall issue or deny the license to the applicant within one hundred twenty (120) days after receiving an application.

7. If the application requires longer than two (2) weeks to process, the Department shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of Rule 3.4.4(3) or Rule 3.4.4(4) and pays all applicable fees as required by Rule 3.4.4(1)(f).

a. The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the Department. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure in subsections (3) through (5), as applicable.

8. A nonresident dietitian may practice dietetics in Mississippi for five (5) days per year with a current other state's licensure or with current registration with the Commission on Dietetics Registration.

9. The Department may waive the prescribed examination for licensure and grant a license to any person who shall present proof of current licensure as a dietitian in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the advisory council to be greater than or equal to the requirements for licensure of this chapter if such state or territory extends reciprocity to licensees of the State of Mississippi. The issuance of a license by reciprocity to a military-trained applicant, military spouse, or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

10. Denial of Universal License

a. The applicant may appeal any of the following decisions of an occupational licensing board to a court of general jurisdiction:

(i) Denial of a license;

(ii) Determination of the occupation;

(iii) Determination of the similarity of the scope of practice of the license issued; or

(iv) Other determinations under this section.

b. The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by the Department, without regard to any previous determination that may have been made on the question in any action before the Department.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.4.5 **Abandonment:** An application shall be deemed abandoned by the Department if, after two years from the date of filing, the requirements for licensing have not been completed and submitted to the Department.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 5: Professional Practice and Identification

Rule 3.5.1 **Practice, Titles and Abbreviation:** It shall be unlawful for any person, corporation or association to, in any manner, represent himself or itself as a dietitian or nutritionist, send out billings as providing services covered in Section 100.03 10, 11, 12, and 13, or use in connection with his or its name, the titles "dietitian" or "nutritionist" or use the letters "LD," "LN" or any other facsimile thereof when he or she is not licensed in accordance with the provisions of these regulations or meets the exemptions set forth in Section 108 herein. Notwithstanding any other provision of these regulations, a dietitian registered by the Commission on Dietetic Registration (CDR) shall have the right to use the title "Registered Dietitian" and the designation "R.D." Registered dietitians must be licensed pursuant to these regulations to practice dietetics or provide medical nutrition therapy.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.5.2 **Production and Display of License:** A person issued a license to practice dietetics by the Mississippi State Board of Health shall carry said license at all times and show said license when requested.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 6: Renewal of License

Rule 3.6.1 **General Provisions:**

1. The Board shall issue licenses which, upon expiration of the initial license, shall be renewed biennially.

2. The licensure term for regular licenses shall be construed as April 1 of even numbered years through March 31 of odd numbered years.

3. The Department shall issue provisional licenses which, upon expiration of the initial provisional license, shall be renewed annually.

4. The licensure term for provisional licenses shall be construed as April 1 through March 31.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.6.2 **Procedure for Renewal of License:** The Department shall mail notices, at least thirty (30) days prior to the renewal date, to the last home address registered with the Board, to the persons to whom licenses were issued or renewed during the preceding licensure term. The licensee shall:

1. complete the renewal form;

2. submit proof of continuing education credit as detailed in Section 106 of these regulations;

3. enclose the renewal fee; and

4. file the above with the Department prior to the end of the licensure term, which is the expiration date of the license.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.6.3 **Failure to Renew:** A licensee who does not file, with the Department, the renewal application within the renewal period will be deemed to have allowed his license to lapse. Said licensee may be reinstated by the Department, in its discretion, by the payment of the renewal fee and a reinstatement fee, provided said application for reinstatement is made within two (2) years of the end of the licensure term. Any license that has lapsed for a full licensure term must, upon re-application, meet the requirements for licensure at the time of the application.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 7: Continuing Education

Rule 3.7.1 **Requirements:**

1. Regulations set the requirement for continuing education at thirty (30) clock hours to be accrued during the two year licensure term.

2. For provisional licensees, regulations set the requirement for continuing education at fifteen (15) clock hours to be accrued during the one year provisional licensure term.

3. Licensees registered and in good standing with the Commission on Dietetic Registration may submit proof, in form and content satisfactory to the Department, of having met the continuing education requirements of the CDR in lieu of the provisions of this section.

4. Individuals applying for initial licensure within a licensing term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.

5. Persons who fail to accrue the required continuing education hours shall be issued a probationary license for a term of two (2) years or in the case of provisional licensees, for one (1) year. Failure to accrue the required hours will automatically result in the revocation of the license. Hours accrued are first credited for the delinquent hours lacking from the previous licensure period, and then applied to the present licensing period.

6. Probationary licenses will be issued for one licensure term only. No ensuing license may be probationary as a result of not meeting continuing education requirements.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.7.2 **Sources of Continuing Education:** Continuing education hours may be accrued from the following sources:

1. Attendance at Mississippi Dietetic Association (MDA) sponsored meetings, American Dietetic Association (ADA) sponsored meetings, or other meetings approved for continuing education credit by MDA or ADA.

2. Presentations made before dietitians, medical practitioners, or other health related professionals and directly related to the profession of dietetics. To be considered for continuing education credit, material outline and a synopsis must be submitted to the Department at least sixty (60) days prior to the presentation date. Notice of approval or disapproval will be sent following a review by the council. For approved presentations, the presenter may accrue one (1) hour of continuing education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit is given one (1) time only, even though the session may be presented multiple times. No more than 30% of total required hours may be accrued through presentations. Presentations approved by the MDA, whether prior to or subsequent to the presentation, will be accepted for continuing education credit.

3. Academic course work taken from a regionally accredited college or university for credit or with a grade of at least a C. The courses must relate to the profession of dietetics. Courses in supporting fields must have prior approval of the Department. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. No more than fifty percent (50%) of total required hours may be accrued through academic course work.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.7.3 **Reporting Procedures for Continuing Education:** It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

1. Attendance at seminars, workshops, presentations, etc., approved by the MDA and ADA are automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by a roster signed by the program chairman, submission of a continuing education certificate, or a continuing education reporting form signed by the program chairman.

2. Presentation credits will be accrued when cited on the continuing education form and accompanied by a copy of the program listing the presentation, and a copy of the prior letter of approval from the council.

3. Academic course work credits to be accrued must meet the content criteria in Sections 106.03, be cited by title on the continuing education form, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 8: Revocation, Suspension and Denial of License

Rule 3.8.1 **Standards of Conduct:** Licensees may, at the discretion of the Board, have their license suspended, revoked, or denied at the time of renewal if the Board determines that the licensee:

1. Is guilty of fraud, misrepresentation, concealment of material facts, or deceit in procuring or attempting to procure a license or renewal of a license to practice dietetics.

2. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency.

3. Is habitually intemperate in the use of alcoholic beverage.

4. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics.

5. Is guilty of dishonest or unethical conduct.

6. Is in violation of the Code of Ethics of the American Dietetic Association.

7. Has practiced dietetics after his license has expired or has been suspended.

8. Has practiced dietetics under cover of any permit or license illegally or fraudulently obtained or issued.

9. Has violated, aided, or abetted others in violation of any provision of these regulations, rules of the Board or Department, or the Act.

10. Is convicted of a crime in any court other than a misdemeanor.

11. Has engaged in any conduct considered by the Board to be detrimental to the profession of dietetics.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.8.2 **Summary Suspension:** The Board may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that:

1. The health, safety, or welfare of the general public is in immediate danger; or

2. The licensee's physical capacity to practice his profession is in issue; or

3. The licensee's mental capacity to practice his profession is in issue.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.8.3 **Complaints:** All complaints concerning a licensee shall be reviewed by the Department to determine what action, if any, shall be initiated.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.8.4 **Notice of Charges and Hearing:**

1. Following the investigative process, the Department may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.

2. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least fifteen (15) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known home address as listed with the state agency.

3. The notice of the formal hearing shall consist at a minimum of the following information:

   a. The time, place and date of hearing;

   b. That the licensee shall appear personally at the hearing and may be represented by counsel;

   c. That the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;

   d. That the hearing could result in disciplinary action being taken against the licensee's license;

   e. That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and

   f. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.

4. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.

5. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.

6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.8.5 **Board Sanctions:** The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any of the above offenses:

1. Revocation of the license;

2. Suspension of the license, for any period of time;

3. Censure the licensee;

4. Issue a letter of reprimand to the licensee;

5. Place a license on probationary status and require the licensee to submit to any of the following:

   a. report regularly to the Board upon matters which are the basis of probation;

   b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

   c. such other reasonable requirements or restrictions as are proper;

   d. Refuse to renew a license; or

   e. Impose a cost assessment; or

   f. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.8.6 **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 9: Exceptions and Exemptions

Rule 3.9.1 **Exceptions:** No person shall engage in the practice of dietetics or represent himself to be a dietitian unless he is licensed by the Board, except as otherwise provided in this section.

1. A student enrolled in an approved academic program in dietetics, if such practice constitutes a part of a supervised course of study, and if the student is designated by a title which clearly indicated his or her status as a student or trainee.

2. A registered dietitian who is serving in the Armed Forces or the Public Health Service of the United States or is employed by the Veteran Affairs provided such practice is related to such service or employment.

3. Any person providing dietetic services, including but not limited to dietetic technicians, dietetic assistants, and dietary managers, working under the direct technical supervision of a licensed dietitian, except that such persons may not use the title "dietitian" or "nutritionist."

4. Persons licensed or registered to practice the health professions when covered under the scope of practice of his or her profession, except that such persons may not use the title "dietitian" or "nutritionist."

5. Persons who perform the activities and services of a nutrition educator in the employ of a federal, state, county or municipal agency, or another political subdivision, or a chartered elementary or secondary school or accredited degree-granting educational institution insofar as such activities and services are part of a salaried position except that such persons may not use the title "dietitian" or "nutritionist.".

6. Federal, state, county or local employees involved with programs providing the services of nutrition educator that help to prevent disease and maintain good nutritional health, including but not limited to the Cooperative Extension Service, the Child Nutrition Program, and Project Head Start, except that such persons may not use the title "dietitian" or "nutritionist."

7. Individuals who do not hold themselves out to be dietitians from marketing or distributing food products including dietary supplements as defined by the Food and Drug Administration or from engaging in the explanation and education of customers regarding the use of such products, except that such persons may not use the title "dietitian" or "nutritionist."

8. Any individual who provides individualized nutrition recommendations, nutrition information, guidance, encouragement, health coaching, holistic and wellness education, motivation, behavior change management, or non-medical weight control services, provided that the individual does not: (i) provide medical

nutrition therapy as defined in Rule 3.1.3(11) or (ii) hold himself or herself out as a licensed dietitian or licensed nutritionist as prohibited under Rule 3.5.1.

9. A nonresident dietitian may practice dietetics in Mississippi for five (5) days with other state's licensure or with registration with the American Dietetics Association.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 10: Criminal Offenses and Punishment

Rule 3.10.1 **Offenses:** Any person who violates any provision of the Act, or these regulations promulgated thereto shall, upon conviction thereof, be guilty of a misdemeanor.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.10.2 **Punishment:** Such misdemeanor shall, upon conviction, be punishable by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than six (6) months or by both fine and imprisonment for each offense.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 11: Fees

Rule 3.11.1 **Method of Payment:** In accordance with the enabling statute, the following fees, where applicable, are payable to the State Board of Health by certified check, cashiers check, or money order. Fees paid are non-refundable.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.11.2 **Schedule of Fees:**

1. Initial Licensure Fee - $100.00
2. Renewal Fee - $100.00
3. Provisional License Fee - $50.00
4. Provisional License Renewal Fee - $50.00
5. Provisional License Upgrade Fee - $50.00
6. Reinstatement Fee - $200.00
7. Replacement Fee - $50.00
8. License Verification Fee - $25.00

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.11.3 **Examination Fee:** Fees for examination are to be paid directly to the appropriate testing organization.

SOURCE: Miss. Code Ann. § 73-10-21.

Subchapter 12: Administrative Grievance Procedure

Rule 3.12.1 **Administrative Appeals:** All persons aggrieved by a decision regarding the initial application for licensure or the renewal of licensure shall have the right of administrative appeal and a hearing to be conducted according to the policy of the Department of Health.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.12.2 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

SOURCE: Miss. Code Ann. § 73-10-21.

Rule 3.12.3 **Hearing:**

1. If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed.

2. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

SOURCE: Miss. Code Ann. § 73-10-21.

CHAPTER 4: REGULATIONS GOVERNING CERTIFICATION OF EYE ENUCLEATION

Subchapter 1: General

Rule 4.1.1 **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to perform eye enucleation. Further, in order to insure the highest degree of professional conduct by those engaged in the performance of eye enucleation, it is the purpose of these regulations to provide and impose disciplinary sanctions, be

they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in this chapter.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.1.2 **Legal Authority:** The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of Sections 41-39-11 of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.1.3 **Definitions** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. **Board** shall mean the Mississippi State Board of Health.

2. **Council** shall mean the Eye Enucleation Advisory Council.

3. **Certified and Certification** shall mean the issuance of a certificate of competence by the Board.

4. **Eye Enucleation** shall mean the removal of the eyeball after the eye muscles and optic nerve has been severed.

5. **Performance of Eye Enucleation** shall mean an enucleation of the eye conforming to the medical standards of the Eye Bank Association of America.

6. **Licensed for the Practice of Funeral Services** shall mean an individual, licensed by the Mississippi State Department of Health, to engage in the practice of funeral services, including the practice of embalming, pursuant to Section 73-11-43 et seq. of Mississippi Code of 1972, annotated.

7. **Department** shall mean the Mississippi Department of Health.

8. **Act** shall mean Section 41-39-11 of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.1.4 **Publication:** The Department shall publish, annually, a list of the names and addresses of all persons certified by the Board as Eye Enucleator, and a list of all persons whose certification has been suspended, revoked, denied renewal, put on probationary status, censured or reprimanded.

SOURCE: Miss. Code Ann. § 41-39-11.

Subchapter 2: Eye Enucleator Advisory Council ("Council")

Rule 4.2.1 **Council Structure and Purpose:** The Council shall consist of five (5) members, who shall serve without compensation. They shall be selected by the Department, to serve under the jurisdiction of the Department for a three (3) year term. The purpose of the Council is to serve in an advisory capacity to the Department in matters relating to the administration and interpretation of the Act.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.2.2 **Meeting:** The Council shall meet at places and at times designated by the Department. A quorum shall consist of three (3) members of the Council, including the chairman, and shall be necessary for the Council to take action by vote.

SOURCE: Miss. Code Ann. § 41-39-11.

Subchapter 3: State Board of Health

Rule 4.3.1 **Responsibilities** The Board shall:

1. Establish examination, certification, and renewal of certification criteria for applicants.

2. Maintain an up-to-date list of all individuals certified to perform eye enucleation, with such list being available, upon request, to the public.

3. Refer disciplinary actions of any individual engaged in the performance of eye enucleation to the appropriate government agency for prosecution, whether certified or otherwise, or, in its discretion, refer same to the appropriate committee or council.

4. Conduct disciplinary hearings, upon specified charges.

5. Maintain an up-to-date list of all individuals whose certification has been suspended, revoked, or denied, make such list available to public inspection, and shall supply such list to similar regulatory boards in other states or jurisdictions.

6. Keep a record of all proceedings of the Board, and make said record available to the public.

7. Delegate, authorize, and direct the Department to promulgate and regulate, as may be necessary, to accomplish the purpose of the Act.

SOURCE: Miss. Code Ann. § 41-39-11.

Subchapter 4: Certification

Rule 4.4.1 **Certification Requirement** An applicant for certification shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant:

1. Is licensed for the practice of funeral services as defined in Section 1-3 (F) of these rules and regulations.

2. Has successfully completed a course, approved by the Department, in eye enucleation.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.4.2 **Certified By Endorsement**: LEFT BLANK ON PURPOSE

SOURCE: Miss. Code Ann. § 41-39-11

Rule 4.4.3 **Grandfather Clause:** LEFT BLANK ON PURPOSE

SOURCE: Miss. Code Ann. § 41-39-11

Rule 4.4.4 **Temporary Permit:** LEFT BLANK ON PURPOSE

SOURCE: Miss. Code Ann. § 41-39-11

Rule 4.4.5 **Abandonment:** An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for certification have not been completed and submitted to the Department.

SOURCE: Miss. Code Ann. § 41-39-11.

Subchapter 5: Professional Identification

Rule 4.5.1 **Titles and Abbreviation:** A person issued a certificate of competence to perform Eye Enucleation by the Mississippi State Board of Health may use the title, "State Certified Eye Enucleator."

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.5.2 **Production and Display of License** A person issued a certificate of competence to perform eye enucleation by the Mississippi State Board of Health shall show said certificate when requested.

SOURCE: Miss. Code Ann. § 41-39-11.

Subchapter 6: Renewal of License

Rule 4.6.1 **General Provisions:**

1. The Board shall issue certification, which shall be renewed biennially.

2. The certification year shall be construed as January 1 through December 31.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.6.2 **Procedure for Renewal of License:** The Department shall mail a renewal form, at least thirty (30) days prior to the renewal date, to the last address registered with the Department, to the persons to whom certification were issued or renewed during the preceding renewal period. The applicant for renewal shall:

1. Complete the renewal form.

2. Submit proof of continuing education credit as detailed in Section VII of these regulations.

3. Enclose the renewal fee.

4. File the above with the Department prior to the end of the renewal period.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.6.3 **Failure to Renew:** An individual who does not file, with the Department, his renewal application within the renewal period will be deemed to have allowed his certification to lapse. Said certification may be reinstated by the Department, in its discretion, by the payment of the renewal fee provided said application for reinstatement is made within six (6) months of the end of the renewal period.

SOURCE: Miss. Code Ann. § 41-39-11.

Subchapter 7: Continuing Education

Rule 4.7.1 **Definition and Philosophy:** Each individual certified by the Board is responsible for maintaining high levels of skill and knowledge. Continuing education is defined as education beyond the basic preparation required for certification and related to the performance of eye enucleation.

SOURCE: Miss. Code Ann.§ 41-39-11.

Rule 4.7.2 **Requirements:** Regulations set the requirements for continuing education as follows:

1. The performance of an eye enucleation during the two year licensure period.

2. Recertification in eye enucleation by the "Mississippi Lions Eye Bank, Inc." or other such course as approved by the Department.

SOURCE: Miss. Code Ann.§ 41-39-11.

Rule 4.7.3 **Content Criteria:** LEFT BLANK ON PURPOSE

SOURCE: Miss. Code Ann.§ 41-39-11

Rule 4.7.4 **Sources of Continuing Education:** LEFT BLANK ON PURPOSE

SOURCE: Miss. Code Ann.§ 41-39-11.

Rule 4.7.5 **Reporting Procedures for Continuing Education:** Each application for renewal of certification shall have, attached to it, proof that the requirements as set forth in Section 7-2 have been fulfilled.

SOURCE: Miss. Code Ann.§ 41-39-11.

Subchapter 8: Revocation, Suspension and Denial of Certification

Rule 4.8.1 **Standards of conduct**: individuals who are certified may, at the discretion of the board, have their certification suspended, revoked, or denied at the time of renewal if the board determines that the individual is guilty of any of the following:

1. Is guilty of fraud or deceit in procuring or attempting to procure a certification or renewal of certification to perform eye enucleation.

2. Is unfit or incompetent by reason of gross ignorance, negligence, habits, or other causes of incompetence.

3. Is habitually intemperate in the use of alcoholic beverage.

4. Is knowingly practicing while suffering with a contagious or infectious disease.

5. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics.

6. Is guilty of dishonest or unethical conduct.

7. Has performed eye enucleation after his certification has expired or has been suspended.

8. Has practice eye enucleation under cover of any permit or license illegally or fraudulently obtained or issued.

9. Has violated, aided, or abetted others in violation of any provision of law, or these regulations.

10. Has engaged in any conduct considered by the board to be detrimental to the profession of eye enucleation, or the practice of funeral service, as defined in section 1-3 of these regulations.

Source: Miss. Code Ann .§ 41-39-11.

Rule 4.8.2 **Summary suspension**: the board may summarily suspend certification without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the board determines that:

1. The health, safety, or welfare of the general public is in immediate danger.

2. The individual's physical capacity to practice his profession is in issue.

3. The individual's mental capacity to practice his profession is in issue.

Source: Miss. Code Ann. § 41-39-11.

Rule 4.8.3 **Complaints:** all complaints concerning a certified individual, his business, or professional practice, shall be reviewed by the department. Each complaint received shall be logged, recording at a minimum the following information:

1. Name of individual certified;

2. Name of the complaining party, if known;

3. Date of complaint;

4. Brief statement of complaint; and

5. Disposition.

Source: Miss. Code Ann. § 41-39-11.

Rule 4.8.4 **Investigation**: All complaints will be investigated and evaluated by the administrative secretary or other authorized employee of the department.

Source: Miss. Code Ann. § 41-39-11.

Rule 4.8.5 **Notice of Charges and Hearing**

1. Following the investigative process, the department may file formal charges against the certified individual. Such formal complaint shall, at a minimum, inform the respondent of the facts which are the basis of the charge and which are specific enough to enable the respondent to defend against the charges.

2. Each respondent, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against him, shall be served notice of the formal charge at least thirty (30) days before the date of hearing. A hearing shall be presided over by the board or the board's designee. Service shall be considered to have been given if the notice was personally received by the respondent, or the notice was mailed certified, return receipt requested, to the respondent at his last know address as listed with the state agency. The notice of the formal hearing shall consist at a minimum of the following information:

   A. The time, place and date of hearing;

   B. That the respondent shall appear personally at the hearing and may be represented by counsel;

   C. That the respondent shall have the right to produce witnesses and evidence in his own behalf and shall have the right to cross-examine adverse witnesses; and evidence

   D. That the hearing could result in disciplinary action being taken against the respondent’s certification.

   E. That rules for the conduct of these hearings exist and it may be in the respondent best interest to obtain a copy; and

   F. That the board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the board as to what disciplinary action, if any, should be imposed on the respondent.

3. The board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the respondent. At the conclusion of the hearing, the board shall issue an order, within sixty (60) days.

4. Disposition of any complaints may be made by consent order or stipulation between the board and the respondent.

5. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

Source: Miss. Code Ann .§ 41-39-11.

Rule 4.8.6 board sanctions: the board may impose any of the following sanctions, singly or in combination, when it finds that a respondent is guilty of any of the above offenses:

1. Revocation of the certification;

2. Suspension of the certification, for any period of time;

3. Censure the individual certified;

4. Issue a letter of reprimand to the individual certified;

5. Place a certification on probationary status and require the individual to submit to any of the following:

   A. Report regularly to the board upon matters which are the basis of probation;

   B. Continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

   C. Such other reasonable requirements or restrictions as are proper;

   D. Refuse to renew a certification; or

   E. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

Source: Miss. Code Ann. § 41-39-11.

Rule 4.8.7 **Appeal**: any person aggrieved by a decision of the board shall have a right of appeal as provided for in the laws of the state of Mississippi.

Source: miss. Code ann.§ 41-39-11.

Subchapter 9 Exceptions and Exemptions

Rule 4.9.1 **Exceptions:** Nothing in these regulations is intended to limit, preclude, or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of Mississippi.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.9.2 **Good Samaritan Act:** LEFT BLANK ON PURPOSE

SOURCE: Miss. Code Ann. § 41-39-11.

Subchapter 10 Aides, Assistants and Apprentices

Rule 4.10.1 **Registration**: LEFT BLANK ON PURPOSE

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.10.2 **Supervision:** LEFT BLANK ON PURPOSE

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.10.3 **Notice of Termination:** LEFT BLANK ON PURPOSE

SOURCE: Miss. Code Ann. § 41-39-11.

Subchapter 11 Criminal Offenses and Punishment

Rule 4.11.1 **Offenses:** It is a violation of the law for any person to:

1. Sell, fraudulently obtain or furnish any certificate of competence, or aid or abet therein.

2. Use the title, "State Certified Eye Enucleator" or any words letters, signs, symbols or devices to indicate the person using them has received a certificate of competence from the Mississippi State Department of Health.

3. Fail to notify the Board of the suspension, probation or revocation of any past or currently held licenses or certifications, required to perform eye enucleation in this or any other jurisdiction.

4. Make false representations, impersonate, act as a proxy for another person, allow, or aid any person to impersonate him in connection with any examination or application for certification or request to be examined or licensed.

5. Make a material, false statement in an application for certification, or in a response to any inquiry by the State Department of Health or the Board.

6. Otherwise violate any provisions of the Act, or regulations of the Board.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.11.2 **Punishment;** Such violations shall be a misdemeanor, and shall be punishable by a fine not to exceed Five Hundred Dollars, ($500.00) or by imprisonment in the county jail for not more than six (6) months, or by both.

SOURCE: Miss. Code Ann. § 41-39-11.

Subchapter 12 Fees

Rule 4.12.1 **Method of Payment:** The following fees, where applicable, are payable to the State Board of Health by check, or money order. Fees paid to the State Board of Health are non-refundable.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.12.2 **Schedule of Fees**

1. Application and Initial Licensure Fee - $10.00

2. Renewal Fee - $10.00

3. Reinstatement Fee - $5.00

4. Replacement Fee - $5.00

5. Duplication Fee - $5.00

6. Name Change Fee - $5.00

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.12.3 **Examination Fee:** Fees for examination are to be paid directly to the appropriate testing organization.

SOURCE: Miss. Code Ann. § 41-39-11.

Subchapter 13 Administrative Grievance Procedure

Rule 4.13.1 **Administrative Appeals:** All persons aggrieved by a decision regarding the initial application for certification, or the renewal of certification shall have the right of administrative appeal and a hearing to be conducted according to the rules of the Department of Health.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.13.2 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

SOURCE: Miss. Code Ann. § 41-39-11.

Rule 4.13.3 **Hearing**

1. If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed.

2. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the

recommendation within five days of its receipt. Written notice shall be provided to the applicant.

SOURCE: Miss. Code Ann. § 41-39-11.

CHAPTER 5: REGULATIONS GOVERNING REGISTRATION OF INDIVIDUALS PERFORMING HAIR BRAIDING

Subchapter 1: General provisions

Rule 5.1.1 **Legal Authority:** The Mississippi Department of Health is authorized to establish, adopt, and enforce these rules and regulations by virtue of Sections 73-7-31 and 32 of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. §73-7-71

Rule 5.1.2 **Definitions**

1. **Hair Braiding** shall mean the use of techniques that result in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding of the hair by hand or mechanical device, but does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair.

2. **Board** shall mean the Mississippi State Board of Health.

3. **Department** shall mean the Mississippi Department of Health.

4. **Brochure** shall mean a publication prepared by the Department of Health containing information about infection control techniques that are appropriate for hair braiding in or outside of a salon setting, and containing a self-test with questions on the information contained in the brochure.

5. **Establishment** shall mean the place or premises where a person is engaged in Hair Braiding for compensation.

6. **Business Hours** shall mean the time period from 8:00 A.M. to 8:00 P.M.

7. **Act** shall mean Sections 73-7-31 and 32 et seq. of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. §73-7-71

Subchapter 2: Requirement For Registration

Rule 5.2.1 Any person engaged in Hair Braiding for compensation in the State of Mississippi, and not exempted pursuant to Subchapter 4 of these Rules, shall Register with the Department, in form and substance satisfactory to the Department. The cost of Registration shall be $25.00.

SOURCE: Miss. Code Ann. §73-7-71

Subchapter 3: Requirement for Self Test

Rule 5.3.1 Any person engaged in Hair Braiding for compensation in the State of Mississippi, and not exempted pursuant to Subchapter 4 of these Rules, shall be required to complete the self test contained within the Brochure and to keep said Brochure at the premises.

SOURCE: Miss. Code Ann. §73-7-71

Subchapter 4: Exemption

Rule 5.4.1 These Regulations do not apply to cosmetologists, barbers, or wig specialists licensed to practice in Mississippi in their respective fields.

SOURCE: Miss. Code Ann. §73-7-71

Subchapter 5: Inspection

Rule 5.5.1 Representatives of the Department may visit any Establishment in which Hair Braiding is performed at any time during business hours to determine if the brochure and completed self-test are available.

SOURCE: Miss. Code Ann. §73-7-71

Subchapter 6: Violations of Regulations

Rule 5.6.1 Any violation of these Regulations shall be referred to the Board of Cosmetology to determine if the individual is in violation of the Cosmetology Licensure Law.

SOURCE: Miss. Code Ann. §73-7-71

CHAPTER 6: REGULATIONS GOVERNING LICENSURE OF HEARING AID SPECIALISTS

Subchapter 1: General

Rule 6.1.1 **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer hearing aid services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering these services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in these regulations.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.1.2 **Legal Authority:** The State Board of Health established and empowered by Section 41-3-1 et seq., Mississippi Code of 1972, shall discharge as additional duties and responsibilities the provisions of this chapter in the examination, licensing and regulation of persons who sell and fit hearing aids and who test hearing while engaged in the selling and fitting of hearing aids.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.1.3 **Definitions** (Revised 5/12/96): The following definitions apply as used in this chapter, unless the context otherwise requires:

1. **Board** means the Mississippi State Board of Health.

2. **License** includes a temporary or regular license.

3. **Hearing aid** shall mean any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including ear molds, but excluding such things as telephone devices, batteries and cords.

4. **Hearing aid specialist** means an individual licensed by the board to engage in the practice of dispensing and fitting hearing aids.

5. **Practice of dispensing and fitting hearing aids** means the evaluation or measurement of powers or range of human hearing by means of an audiometer and the consequent selection or adaptation or sale of hearing aids intended to compensate for hearing loss, including the making of an impression of the ear.

6. **Sell** or **sale** means any transfer of title or of the right to use by lease, bailment or any other contract, excluding wholesale transactions with distributors or dealers.

7. **Unethical conduct** means:

   a. The obtaining of any fee or the making of any sale by fraud or misrepresentation.

   b. Knowingly employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter.

   c. Representing that the professional services or advice of a physician or audiologist will be used or made available in the selling, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words "doctor," "clinic," "clinical," and/or "research audiologist," "audiologic," or any other like words, abbreviations or symbols which tend to connote audiological or professional services, when such use is not accurate.

   d. Permitting another to use his license.

   e. Quoting prices of competitive hearing aids or devices without disclosing that they are not the present current prices, or showing, demonstrating or representing competitive models as being current models when such is not the fact.

   f. Imitating or simulating the trademarks, trade names, brands or labels of competitors with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

   g. Defaming competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely disparaging the products of competitors in any respect, or their business methods, selling prices, values, credit terms, policies or services.

h. Stating or implying that the use of any hearing aid will restore or preserve hearing, prevent or retard progression of a hearing impairment.

i. Dispensing and selling a hearing aid to a child under the age of eighteen (18) years who has not been examined and cleared for hearing aid use by a licensed physician within a six-month period immediately prior to dispensing and selling the hearing aid.

j. Representing himself as being an audiologist as defined in §73-83-3 of the Mississippi Code of 1972, annotated.

k. Not meeting the minimum requirements of test procedures and test equipment to be used in the fitting of hearing aids, as established by the Department, and not retaining all records of fittings, for a period of three years.

8. **Council** means the Advisory Council.

9. **Act** means the Mississippi Hearing Aid Specialist Licensure law.

10. **Department** shall mean the Mississippi State Department of Health.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.1.4 **Publication:** The Board shall publish, annually, a list of the names and addresses of all persons licensed by the Board as Hearing Aid Specialists and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded, pursuant to the sections in these regulations.

SOURCE: Miss. Code Ann. §73-14-1

Subchapter 2: Hearing Aid Specialist Council of Advisors ("Council")

Rule 6.2.1 **Council Structure and Purpose:**

1. The Council shall consist of seven (7) members as set forth in the Act, for the terms indicated therein, and shall serve under the jurisdiction of the State Board of Health.

2. The Council shall serve in an advisory capacity to the Department in matters relating to the administration and interpretation of the Act.

3. The council shall conduct its business according to its operating procedures.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.2.2 **Meetings:**

1. The Council shall meet at least one time each fiscal year at a time and place designated by the Department. Additional special meetings may be held if, at the discretion of the Department, such special meetings are necessary. Meetings may be called by giving 10 days written notice.

2. Four of the seven members of the Council shall constitute a quorum, and if the quorum is not present at the time of such called meeting, same may be adjourned to a date to be designated by the Chairman.

3. Absence from two (2) consecutive meetings without good cause constitutes grounds for removal from the council.

SOURCE: Miss. Code Ann. §73-14-1

Subchapter 3: State Board of Health

Rule 6.3.1 **Duties and Responsibilities:** The Board, with the advice of the council, shall:

1. Make and publish rules and regulations not inconsistent with the laws of this state which are necessary to carry out the provisions of the Act.

2. Supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for a license.

3. License persons who apply to the Department and meet requirements for licensure as stated in Rule 6.4.1 of these regulations.

4. Establish minimum requirements of test procedures and test equipment to be used in the fitting of hearing aids. Also, the retention of all records of fittings by the dealer must be kept for a period of three (3) years.

5. Name an advisory council as prescribed by law.

6. Establish licensing and renewal of license criteria for applicants.

7. Carry out the periodic inspection of facilities and equipment of persons who practice the fitting and selling of hearing aids.

8. Suspend or revoke licenses pursuant to the provisions of the Act and these regulations.

9. Direct the Department to promulgate and implement rules and procedures to carry out the purpose of the Act.

SOURCE: Miss. Code Ann. §73-14-1

Subchapter 4: Licensure

Rule 6.4.1 **Licensure Requirements** (Revised 5/12/96): An applicant for licensure shall submit to the Department written evidence in form and content satisfactory to the Department that the applicant:

1. is twenty-one (21) years of age or older;

2. minimally, has an education equivalent to a four-year course in an accredited high school;

3. has passed an examination approved by the Department; and

4. has paid the required fee(s).

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.4.2 **Examination:** (Revised 5/12/96; 5/15/99)

1. Examinations will be administered quarterly on the third Wednesday of January, April, July, and October.

2. The exam consists of three (3) sections: a written exam, a practical exam, and a state law exam. Written exam scores from other jurisdictions are considered valid for twelve (12) months from the date of examination if the exam is the same as the one used by this jurisdiction.

3. Applicants who fail one or more sections of the initial exam are required to re-test failed sections on the subsequent exam in the following manner:

   a. Written examination section - Retake the entire section.

   b. Mississippi Law section - Retake the entire section.

   c. Practical examination section - requires retesting of each failed subsection only.

4. Applicants are limited to two (2) attempts (1 test and the subsequent re-test) to successfully complete the examination. After an unsuccessful retest to complete the licensure examination, the applicant must take the entire examination at his next sitting with the exception of those applicants who satisfy Rule 6.4.2(2)(a) of these regulations.

5. The examinations, written/oral/practical, under this section shall not include questions requiring a medical or surgical education. It is the intent of this section that the exams administered under this chapter be of such a level as to provide, that at a minimum, an individual having a high school level education or its equivalent, and with appropriate study, training and supervision under the direction of a licensee deemed qualified by Subchapter 10 of these regulations, should be able to pass.

6. The practical portion of the examination shall include the following areas of proficiency:

   a. Pre-test procedure

   b. Pure tone air conduction and masking

   c. Pure tone bone conduction and masking

   d. Speech audiometry and masking

   e. Ear Impressions

   f. Audiogram Interpretation and Fitting

   g. Trouble shooting hearing aids

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.4.3 **Licensure by Reciprocity**

1. An applicant for licensure by reciprocity shall submit to the Department written evidence in form and content satisfactory to the Department:

   a. That the applicant is currently licensed as a Hearing Aid Specialist under the laws of another state or the District of Columbia.

   b. That the requirements for said license are equivalent to or greater than those required in this state as set forth in Rule 6.4.2 of these regulations.

   c. That said license is in good standing and has not been suspended or revoked.

   d. That verification of all licenses that have been issued are on file with the Department.

   e. That the state issuing the current license has a current reciprocity agreement on file with the Department.

2. Applicants who have complaints pending against them in another state will not be granted a Mississippi license until such complaints are resolved and resolution validated by the initial licensing agency.

3. Any person making application for licensure under the provisions of this section may, at the discretion of the Department, be required to pass an examination selected by the Department.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.4.4 **Temporary Licensure**

1. A temporary license may be granted to an applicant for licensure meeting the requirements of Rule 6.4.1 of these regulations who has not previously applied to take the approved examination.

2. The Department may issue a temporary license to applicants meeting the requirements in Rule 6.4.1 of these regulations, which shall entitle the applicant to practice the fitting and dispensing of hearing aids for a period ending thirty (30) days after the conclusion of the next examination given after the minimum ninety (90) day training period has elapsed.

3. No temporary license shall be issued by the Department under this section unless the applicant shows to the satisfaction of the Department that he is or will be supervised and trained by a person who holds a current Mississippi license and meets the supervisory requirements in Subchapter 10 of these regulations.

4. The first regularly scheduled examination after the minimum ninety (90) day training period must be taken by the temporary licensee or the temporary license shall not be renewed, except for good cause shown to the satisfaction of the Department.

5. If a person who holds a temporary license issued under this section fails to pass the next examination given after the minimum ninety (90) day training period, the Department may renew the temporary

license for a period ending thirty (30) days after the date of renewal is announced. In no event shall more than one (1) renewal be permitted.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.4.5 **Out-of-State Licensure**

1. A person who holds a license or temporary license to practice as a hearing aid specialist in this state but whose principal place of business is not in this state shall certify to the Department that they will:

   a. display their Mississippi license while conducting business in Mississippi; and

   b. make all records regarding clients who are residents of Mississippi available to the licensing authority within seventy-two (72) hours of receiving such a request in writing; and

   c. retain all records of fittings by the dealer for a period of three (3) years.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.4.6 **Conditions of a Universal Occupational License**:

2. Notwithstanding any other provision of law, the Department shall issue a license for a hearing aid specialist and at the same practice level to a person who establishes residence in this state if, upon application to the Department:

   a. The applicant holds a current and valid license in good standing in another state in an occupation with a similar scope of practice, as determined by the Department, and has held this license from the occupational licensing board in the other state for at least one (1) year; and

   b. There were minimum education requirements and, if applicable, work experience, examination, and clinical supervision requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed in that state; and

   c. The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the Department under Mississippi law; and

   b. The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

   e. The applicant does not have a complaint, allegation, or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation, or investigation pending, the Department shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the Department; and

   f. The applicant pays all applicable fees in Mississippi.

2. Notwithstanding any other law, the Department shall issue a license to an applicant as a hearing aid specialist and at the same practice level, as determined by the Department, to a person who establishes residence in this state based on work experience in another state, if all the following apply:

   d. The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the Department;

   e. The applicant worked for at least three (3) years in the lawful occupation; and

   f. The applicant satisfies the provisions of paragraphs (c) through (f) of Rule 6.4.6(1).

15. The Department may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate hearing aid specialists if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate hearing aid specialists.

16. The Department may require proof of residency. Residency may be established by demonstrating proof of a state-issued identification card or one (1) of the following:

   e. Current Mississippi residential utility bill with the applicant's name and address;

   f. Documentation of the applicant's current ownership, or current lease of a residence in Mississippi;

   g. Documentation of current in-state employment or a notarized letter of the promise of employment of the applicant or his or her spouse; or

   h. Any verifiable documentation demonstrating Mississippi residency.

17. A license issued under this section is valid only in this state and does not make the person eligible to be part of an interstate compact.

18. The Department shall issue or deny the license to the applicant within one hundred twenty (120) days after receiving an application.

19. If the application requires longer than two (2) weeks to process, the Department shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of Rule 6.4.6(3) or Rule 6.4.6(4) and pays all applicable fees as required by Rule 6.4.6(1)(f).

   a. The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the Department. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure in Rule 6.4.6(1) through Rule 6.4.6(3), as applicable.

20. The department may license as a hearing aid specialist, and furnish a certificate of licensure, to any applicant who presents evidence, satisfactory to the department of having passed an examination before a similar lawfully authorized examining agency or board of hearing aid specialists of another state or the District of Columbia, if the standards for the registration of hearing aid specialists or for

licensure as a hearing aid specialist in such state or district are determined by the department to be as high as those of this state, and if that jurisdiction affords licensees of this state reciprocity.

21. Any person making an application for licensure under the provisions of this section may, at the discretion of the board, be required to pass an examination selected by the board. The issuance of a license by reciprocity to a military trained applicant. military spouse, or person who establishes residence in this state shall be subject to the provisions of Section §73-50-1 or §73-50-2, Mississippi Code of 1972, as applicable.

22. Denial of Universal License

    a. The applicant may appeal any of the following decisions of the Department to a court of general jurisdiction:

        (v) Denial of a license;

        (vi) Determination of the occupation;

        (vii) Determination of the similarity of the scope of practice of the license issued; or

        (viii) Other determinations under this section.

    b. The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by the Department, without regard to any previous determination that may have been made on the question in any action before the Department.

SOURCE: Miss. Code Ann. §73-14-1.

Rule 6.4.7 **Abandonment** (Revised 5/15/99)**:** An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for licensing have not been completed and submitted to the Department.

SOURCE: Miss. Code Ann. §73-14-1.

Subchapter 5: Renewal of License

Rule 6.5.1 **General Provisions** (Revised 5/12/96)

1. The Department shall issue licenses which shall be renewed biennially.

2. The licensure period shall be construed as July 1 through June 30.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.5.2 **Procedure for Renewal of License** (Revised 5/12/96): The Department shall mail notices, at least thirty (30) days prior to the renewal date, to the last address registered with the Department, to the persons to whom licenses were issued or renewed during the preceding licensure period. The licensee shall:

1. complete the renewal form;

2. submit proof of continuing education credit as detailed in Subchapter 7 of these regulations;

3. enclose the renewal fee;

4. submit proof of the annual inspection and calibration of audiometric testing equipment;

5. submit a renewal addendum listing the worksite(s) where the licensee practices; and

6. file the above with the Department prior to the end of the renewal period.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.5.3 **Failure to Renew** (Revised 5/12/96)

1. A grace period extending through July 30 shall be allowed after the expiration of a license, during which a license may be renewed with no penalty. A licensee who does not file, with the Department, his renewal application on or before July 30th will be deemed to have allowed his license to lapse. Failure to submit a renewal application postmarked on or before July 30th shall result in the necessity of the payment of a reinstatement fee. Said license may be reinstated by the Department, in its discretion, by the payment of the reinstatement fee and the required continuing education hours provided said application for reinstatement is made within one (1) year from the date of lapse of the license.

2. A license may not be reinstated after having lapsed for one (1) year from the date of lapse of the license. A new application must be made and the licensure regulations in effect at that time must be met.

SOURCE: Miss. Code Ann. §73-14-1

Subchapter 6: Continuing Education

Rule 6.6.1 **Definition and Philosophy**: Each individual licensed as a hearing aid specialist is responsible for optimum service to the consumer and is accountable to the consumer, the employer, and the profession for evidence of maintaining high levels of skill and knowledge. Continuing education is defined as education beyond the basic preparation required for entry into the profession, directly related to the hearing aid specialist's performance and practice.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.6.2 **Requirements:** (Revised 5/12/96)

1. Regulations set the requirement of twenty (20) contact hours to be accrued during the licensing period (July 1 -June 30). No carryover of continuing education hours from one licensure period to another shall be allowed.

2. A temporary licensee shall not be responsible for accruing continuing education.

3. Failure to accrue the minimum continuing education requirement will result in a license not being renewed. A license that has expired/lapsed because of failure to meet the continuing education requirement, may be renewed or reinstated, at the Department's discretion, upon the presentation of satisfactory evidence of the required hours and upon the payment of all fees due.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.6.3 **Content Criteria:** The content must apply to the hearing aid specialist profession and must be designed to meet one of the following goals:

1. Update knowledge and skills required for competent performance beyond entry level.

2. Allow the licensee to enhance his knowledge and skills.

3. Extend limits of professional capabilities and opportunities.

4. Include a minimum of one (1) educational hour per year relating to Ethical Practices specific to the Hearing Aid Specialist as defined in Rule 6.1.3(7) "Unethical Conduct" and Rule 6.5.3(2) "Advertising."

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.6.4 **Sources of Continuing Education:** (Revised 5/15/99): Continuing education hours may be accrued from the following sources, provided the sources include continuing education annually that relate to the hearing aid specialist's fitting and ethical practices as defined in Rule 6.1.3(7) "Unethical Conduct" and Rule 6.5.3(2) "Adverting." **PLEASE NOTE:** No more than 50% of the total required hours may be accrued via online or home study courses.

1. Attendance at educational programs where continuing education credit is given and approved by the National Institute for Hearing Instrument Studies (NIHIS);

2. Attendance at educational programs where continuing education credit is given and approved by the American Speech-Language-Hearing Association (ASHA) and its state affiliated associations;

3. Attendance at educational programs where continuing education credit is given and approved by the Mississippi Hearing Aid Association (MHAA) or hearing aid associations of other states;

4. Attendance at educational programs where continuing education credit is given and approved by the Academy of Doctors of Audiology;

5. Attendance at educational programs where continuing education credit is given and approved by the American Academy of Audiologists;

6. Attendance at educational programs where continuing education credit is given and approved by an accredited university.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.6.5 **Reporting Procedures**: It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit: Attendance at programs approved by the organizations in Rule 6.7.4 of these regulations are automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by submission of a continuing education certificate (must include licensee name, source, number of hours and date of attendance).

SOURCE: Miss. Code Ann. §73-14-1

Subchapter 7: Revocation, Suspension and Denial of License

Rule 6.7.1 **Standards of Conduct**: Licensees may, at the discretion of the Board, have their license suspended, revoked, or denied at the time of renewal if the Board determines that the licensee:

1. Was convicted of an offense involving moral turpitude. The record of such conviction, or certified copy thereof from the clerk of the court where such conviction occurred or by the judge of that court, shall be sufficient evidence to warrant revocation or suspension.

2. Is guilty of securing, or attempting to secure a license or certificate through fraud or deceit.

3. Is guilty of unethical conduct, or gross ignorance, or inefficiency in the conduct of his practice.

4. Is guilty of knowingly practicing while suffering with a contagious or infectious disease.

5. Has used a false name or alias in the practice of his profession.

6. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetence.

7. Continued practice although the licensee has become unfit to practice as a hearing aid specialist due to:

    a. failure to keep abreast of current professional theory or practice; or

    b. physical or mental disability; the entry of an order or judgement by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or

    c. addiction or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice.

8. Has practiced as a Hearing Aid Specialist after his license or permit has expired or has been suspended.

9. Has practiced as a Hearing Aid Specialist under cover of any permit or license illegally or fraudulently obtained or issued.

10. Has violated or aided or abetted others in violation of any provision of the Act or regulations promulgated thereto.

11. Has engaged in any conduct considered by the Board to be detrimental to the profession of Hearing Aid Specialists.

12. Has violated the provisions of any applicable federal laws or regulations.

13. Has been disciplined by another jurisdiction if at least one (1) of the grounds for the discipline is the same or substantially equivalent to those set forth in the Act or rules and regulations promulgated pursuant to the Act.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.7.2 **Summary Suspensions**:

1. The Department may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:

   a. The health, safety, or welfare of the general public is in immediate danger; or

   b. The licensee's physical capacity to practice his profession is in issue; or

   c. The licensee's mental capacity to practice his profession is in issue.

2. If the Department summarily suspends a license, a hearing must begin within twenty (20) days after such suspension begins, unless continued at the request of the licensee.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.7.3 **Complaints:** All complaints concerning a licensee, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. licensee's name;

2. name of the complaining party, if known;

3. date of complaint;

4. brief statement of complaint; and

5. disposition.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.7.4 **Investigations:** All complaints will be investigated and evaluated by the Department, or its designee(s).

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.7.5 N**otice of Charges and Hearing**:

1. Following the investigative process, the Department may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.

2. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least twenty (20) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the Department. The notice of the formal hearing shall consist at a minimum of the following information:

   a. The time, place and date of hearing;

   b. That the licensee shall appear personally at the hearing and may be represented by counsel;

   c. That the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;

   d. That the hearing could result in disciplinary action being taken against the licensee's license;

   e. That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and

   f. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.

3. The Department may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a Department order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Rule 6.8.2 of these regulations.

4. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.

5. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.

6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.7.6 **Board Sanctions:** The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any of the above offenses:

1. Revocation of the license;

2. Suspension of the license, for any period of time;

3. Censure the licensee;

4. Impose a monetary penalty of not more than Two Hundred Dollars ($200.00);

5. Place a licensee on probationary status and require the licensee to submit to any of the following:

   a. report regularly to the Department, or its designee, upon matters which are the basis of probation;

   b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

   c. such other reasonable requirements or restrictions as are proper;

6. Refuse to renew a license; or

7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

8. The Board may reinstate any licensee to good standing under this chapter if, after hearing, the Board is satisfied that the applicant's renewed practice is in the public interest.

9. The Board may seek the counsel of the Council regarding disciplinary actions.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.7.7 **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. §73-14-1

Subchapter 8: Exceptions and Exemptions

Rule 6.8.1 **Exceptions**: The Act and the regulations promulgated thereto:

1. Is not intended to prevent any person from engaging in the practice of measuring human hearing for the purpose of selection of hearing aids, provided such person, or organization employing such person, does not sell hearing aids or accessories thereto, except in the case of ear molds to be used only for the purpose of audiologic evaluation.

2. Shall not apply to any physician or surgeon licensed by the State of Mississippi.

3. Does not apply to a person while he is engaged in the fitting of hearing aids provided it is part of the academic curriculum of an accredited institution of higher education, or part of a program conducted by a public tax-supported institution or agency or nonprofit organization, unless such person or institution or agency sells hearing aids, and/or accessories, except ear molds.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.8.2 **Good Samaritan Act**: (LEFT BLANK ON PURPOSE)

SOURCE: Miss. Code Ann. §73-14-1

Subchapter 9: Supervision of a Temporary Licensee

Rule 6.9.1 **Credentials of Supervisor:** A supervisor of a temporary licensee must hold a current license to practice in Mississippi, and:

1. hold a current and valid document of being National Board Certified in Hearing Instrument Sciences by the International Hearing Society (IHS); or

2. hold a current and valid Certificate of Clinical Competence in Audiology (CCC-A) from the American Speech-Language Hearing Association (ASHA); or

3. have had a minimum of three (3) years experience in the testing of hearing, fitting of hearing aids and dispensing of hearing aids.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.9.2 **Supervisor's Responsibilities**: (Revised 5/15/99)

1. The supervision of the temporary licensee must entail the personal and direct involvement of the supervisor in any and all ways that will permit the supervisor to attest to the adequacy of the supervisee's performance in the training experience. Knowledge of the temporary licensee's work may be obtained in a variety of ways such as: conference, audio and video tape recordings, written reports, staffing, and discussions with other persons who have participated in the training of the temporary licensee. Supervision must include direct observation of the temporary licensee performing puretone air and bone conduction speech audiometric evaluations, interpretation of audiograms, trouble-shooting hearing aids and sound-field testing of subjects, taking case history information, and performing such other activities considered important to the preparation for licensure. Employment of unlicensed personnel may be cause for revocation of a supervisor's license.

2. The supervisor is responsible for the services delivered to the client by the temporary licensee.

3. The Supervisor:

    a. Shall be responsible for the supervision of the trainee with a minimum of one-third (1/3) of supervision to be direct, on-site for the duration of the temporary license.

    b. Shall provide the trainee with materials and equipment necessary for appropriate audiometric and hearing aid evaluation and fitting procedures.

    c. Shall supplement the trainee with background information through reading lists and other references.

    d. Shall conduct in-service training for trainees.

e. Shall act as consultant to the trainee, i.e., provide time for conferences for the trainee and provide a variety of resource materials, approaches, and techniques which are based on sound theory, successful practice and/or documented research.

f. Shall submit to the Department a statement verifying trainee has completed one hundred and fifty (150) clock hours of supervised training (fifty (50) hours face-to-face), before sitting for the licensing examination.

g. Shall notify the Department within ten (10) days following termination of trainee supervision.

h. Shall be responsible to the Department for disseminating all material and information to the trainee and for returning to the Department all forms relating to the training period for licensure.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.9.3 **Elements of Supervision**: (Revised 5/12/96): The supervised training experience is construed to mean direct fitting and dispensing activities performed on consumers as listed below:

1. Twenty-five (25) hours in pure tone air conduction, bone conduction, and speech audiometry.

2. Twenty-five (25) hours in hearing aid evaluation and post-fit counseling.

3. Twenty (20) hours in hearing aid fittings with actual clients.

4. Twenty (20) hours in earmold orientation, types, uses and terminology.

5. Fifteen (15) hours in earmold impressions and otoscopic examination of the ear.

6. Fifteen (15) hours in trouble-shooting of defective hearing aids.

7. Ten (10) hours in case history with actual clients.

8. Three (3) hours in laws governing the licensure of practice, FDA and FTC regulations.

9. Seventeen (17) hours of supplemental work in any of the above areas.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.9.4 **Length of Supervision** (Revised 5/12/96): The training period shall be a minimum of ninety (90) days but no more than nine (9) months.

SOURCE: Miss. Code Ann. §73-14-1

Subchapter 10: Criminal Offenses and Punishment

Rule 6.10.1 **Offenses**: It is a misdemeanor for any person to:

1. Secure a license or certificate through fraud or deceit.

2. Use a false name or alias in the practice of his profession.

3. Fail to notify the Department of the suspension, probation or revocation of any past or currently held licenses, required to practice as a Hearing Aid Specialist in this or any other jurisdiction.

4. Make false representations or impersonate or act as a proxy for another person or allow or aid any person to impersonate him in connection with any examination or application for licensing or request to be examined or licensed.

5. Sell, barter or offer to sell or barter a license.

6. Purchase or procure by barter a license with intent to use it as evidence of the holder's qualifications to practice the fitting and dispensing of hearing aids.

7. Alter materially a license with fraudulent intent.

8. Use or attempt to use as a valid license one which has been purchased, fraudulently obtained, counterfeited or materially altered.

9. Willfully make a false material statement in an application for registration or for renewal of a license.

10. Violate any of the provisions of the Act or any rules or regulations promulgated thereto.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.10.2 **Punishment**: Violation of any provision of this chapter is a misdemeanor punishable upon conviction by a fine of not less that One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment for not more than ninety (90) days in the county jail, or by both.

SOURCE: Miss. Code Ann. §73-14-1

Subchapter 11: Fees

Rule 6.11.1 **Method of Payment:** In accordance with the Act, the following non-refundable fees, where applicable, are payable to the Department by check or money order.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.11.2 **Schedule of Fees**: (Revised 5/12/96)

1. Application and License Fee.....$100.00

2. Application & Temporary License fee $100.00

3. Renewal Fee.....$200.00

4. Temporary License Renewal Fee.....$ 50.00

5. Reinstatement Fee.....$250.00

6. License Replacement Fee .....$ 25.00

7. License Duplication Fee .....$ 25.00

8. ID Card Replacement Fee.....$ 10.00

9. License Verification Fee.....$ 25.00

10. Examination Fee: Contact Professional Licensure Branch for current examination fee.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.11.3 **Examination Fee:** Fees for the examination are to be paid to the appropriate examination administrant.

SOURCE: Miss. Code Ann. §73-14-1

Subchapter 12: Administrative Grievance Procedure

Rule 6.12.1 **Administrative Appeals**:

1. Any person aggrieved by a decision regarding the initial application for licensure or the renewal of licensure shall have the right of a second review by the Department or its designee.

2. Any person aggrieved by a decision rendered after the second review shall have the right of administrative appeal and a public hearing to be conducted in accordance with the policies of the Department of Health.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.12.2 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof.

SOURCE: Miss. Code Ann. §73-14-1

Rule 6.12.3 **Hearing**

1. If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed.

2. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

SOURCE: Miss. Code Ann. §73-14-1

CHAPTER 7: REGULATION GOVERNING REGISTRATION OF MEDICAL RADIATION TECHNOLOGISTS

Subchapter 1: General

Rule 7.1.1 **Legal Authority:** The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of Sections 41-58-1 et seq. of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.1.2 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. "**Department**" means the Mississippi Department of Health.

2. "**Licensed practitioner**" means a person licensed or otherwise authorized by law to practice medicine, dentistry, chiropractic, osteopathy or podiatry, or a licensed nurse practitioner, or physician assistant.

3. "**Ionizing radiation**" means x-rays and gamma rays, alpha and beta particles, high speed electrons, neutrons and other nuclear particles.

4. "**X-radiation**" means penetrating electromagnetic radiation with wavelengths short than ten (10) nanometers produced by bombarding a metallic target with fast electrons in a vacuum.

5. "**Supervision**" means responsibility for, and control of, quality radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes.

6. **"Medical radiation technology"** means the science and art of applying ionizing radiation to human beings for diagnostic and/or therapeutic purposes. The Department issues three (3) types of registrations for certain specialized disciplines of medical radiation technology as further described in Rule 7.3.1. The Department does not issue registrations to limited x-ray machine operators.

7. **"Radiologic technologist"** means a person other than a licensed practitioner who has passed a national certification examination recognized by the Department such as the American Registry of Radiologic Technologist examination or its equivalent, who applies x-radiation or ionizing radiation to any part of the human body for diagnostic purposes and includes the administration of parenteral and enteral contrast media and administration of other medications or procedures incidental to radiologic examinations.

8. "**Nuclear medicine technologist**" means a person other than a licensed practitioner who has passed a national certification examination such as the American Registry of Radiologic Technologist examination or the Nuclear Medicine Technology Certification Board examination or its equivalent, who performs in vivo imaging and measurement procedures and in vitro non-imaging laboratory studies, prepares radiopharmaceuticals, and administers diagnostic/therapeutic doses of radiopharmaceuticals and administers other medications or procedures incidental for nuclear medicine exams to human beings while under the supervision of a licensed practitioner who is licensed to possess and use radioactive material. A certified nuclear medicine technologist also may

perform diagnostic CT exams on hybrid equipment for diagnostic purposes, including the administration of parenteral and enteral contrast media and administration of other medications or procedures incidental to CT exams. Certified nuclear medicine technologists who perform CT scans must be certified in CT by the American Registry of Radiologic Technologists, the Nuclear Medicine Technology Certification Board, or other CT certifying body. A certified nuclear medicine technologist may do on-the-job training on hybrid equipment provided that the certified nuclear medicine technologist is supervised by a certified technologist and obtains a CT certification within six (6) months of that training.

9. "**Radiation therapist**" means a person other than a licensed practitioner who has passed a national certification examination recognized by the Department such as the American Registry of Radiologic Technologist examination or its equivalent, who applies x-radiation and the ionizing radiation emitted from particle accelerators, cobalt sixty (60) units and sealed sources of radioactive material to human beings for therapeutic purposes while under the supervision of a licensed radiation oncologist or a board certified radiologist who is licensed to possess and use radioactive material.

10. "**Council**" means the Medical Radiation Advisory Council.

11. "**Act**" shall mean Section 41-58-1 et seq. of Mississippi Code of 1972, annotated.

12. "**State**" shall mean the State of Mississippi".

13. "**Limited X-ray Machine Operator**" means a person other than a licensed practitioner or radiologic technologist who is issued a **Permit** by the State Board of Medical Licensure to perform medical radiation technology limited to specific radiographic procedures on certain parts of the human anatomy, specifically the chest, abdomen and skeletal structures, and excluding fluoroscopic, both stationary and mobile (C-arm), and contrast studies, computed tomography, nuclear medicine, radiation therapy studies and mammography. Limited X-ray machine operators are regulated by the State Board of Medical Licensure.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 2: Medical Radiation Technologists Advisory Council ("Council")

Rule 7.2.1 **Council Structure and Purpose:**

1. The Council shall consist of nine (9) members, who shall serve without compensation. They shall be selected by the Department, to serve under the jurisdiction of the Department for a three (3) year term, except for those members appointed to the first council, four (4) of whom shall be appointed for two (2) year terms, and five (5) of whom shall be appointed for three (3) year terms.

2. The council composition shall be as follows:

   a. One (1) radiologist who is an active practitioner and member of the Mississippi Radiological Society;

   b. One (1) licensed family physician;

   c. One (1) licensed practitioner;

d. Two (2) registered radiological technologists;

e. One (1) nuclear medicine technologist;

f. One (1) radiation therapist;

g. One (1) radiation physicist;

h. One (1) hospital administrator; and

i. The State Health Officer, or his designee, who shall serve as ex officio chairman with no voting authority.

3. All council members engaged in medical radiation technology and not exempt from registration must, at the time of appointment, be registered with the Department. Any other person serving on the council who is a practitioner of a profession or occupation required to be licensed, credentialed, or certified in the state, shall hold an appropriate license, credential, or certificate issued by the state. The purpose of the Council is to serve in an advisory capacity to the Department in matters relating to the administration and interpretation of the Act.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.2.2 **Meeting:** The Council shall meet at places and at times designated by the Department. A quorum shall consist of five (5) members of the Council, and shall be necessary for the Council to take action by vote.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 3: Registration

Rule 7.3.1 **Types of Registration:**

1. "Radiologic technologist registration" means the registration issued by the Department which permits a person to apply x-radiation or ionizing radiation to any part of the human body for diagnostic purposes, includes the administration of parenteral and enteral contrast media and administration of other medications or procedures incidental to radiologic examinations.

2. "Nuclear medicine technologist registration" means the registration which permits a person to perform in vivo imaging and measurement procedures and in vitro non-imaging laboratory studies, to prepare radiopharmaceuticals, and to administer diagnostic and therapeutic doses of radiopharmaceuticals to human beings while under the supervision of a licensed practitioner who is identified as an authorized user on a Department license that authorizes the medical use of radioactive material.

3. "Radiation therapist registration" means the registration issued by the Department which permits a person to apply x-radiation and the ionizing radiation emitted from particle accelerators, cobalt-60 units and sealed sources of radioactive material to human beings for therapeutic purposes while under the supervision of a licensed radiation oncologist or a board certified radiologist who is identified as an authorized user by the Department to possess and apply x-radiation and the ionizing

radiation emitted from particle accelerators, cobalt-60 units and sealed sources of radioactive material to human beings for therapeutic purposes.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.3.2 **General Requirements:** An applicant for registration shall submit to the Department, verified under oath, written evidence in form and content satisfactory to the Department that the applicant:

1. Is a United States citizen or has status as a legal resident alien, which is a continuing requirement for registration.

2. Has not been declared mentally incompetent by any court, and if any such decree has ever been rendered, that the decree has since been changed, which is a continuing requirement for registration.

3. Is free from dependency on alcohol or drugs, which is a continuing requirement for registration.

4. Has not had a license or registration in medical radiation technology suspended or revoked in any other state, jurisdiction, or country, which is a continuing requirement for registration.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.3.3 **Specific Registration Requirements:**

1. Radiologic technologist registration- An applicant for registration as a radiologic technologist shall submit to the Department written evidence in form and content satisfactory to the Department that the applicant is an American Registry of Radiologic Technologist (ARRT) Registered Medical Radiologic Technologist.

2. Nuclear medicine technologist registration - An applicant for registration as a nuclear medicine technologist shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant is an American Registry of Radiologic Technologist (ARRT) Registered Nuclear Medicine Technologist and/or the Nuclear Medicine Technologist Certifying Board (NMTCB).

3. Radiation therapist registration - An applicant for registration as a radiation therapist technologist shall submit to the Department written evidence in form and content satisfactory to the Department that the applicant is an American Registry of Radiologic Technologist (ARRT) Registered Radiation Therapist Technologist.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.3.4 **Temporary Permit:** The Department may, in its discretion, issue a temporary permit to practice a specialty of medical radiation technology for a period of six (6) months to an applicant for a registration, pending the completion of the requirements for registration, providing the applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that:

1. the applicant has successfully completed an approved program accredited by the JRCERT or the JRCNMT, or their successor organizations, in the registration specialty; and

2. the applicant has qualified to sit for the appropriate ARRT or NMTCB specialty examination.

3. applications under this section must be submitted within 1 year from the date of graduation from an approved program.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.3.5 **Abandonment:** An application shall be deemed abandoned by the Department if, after two years from the date of filing, the requirements for registration have not been completed and submitted to the Department.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.3.6 **Production and Display of Registration:** A person registered to practice medical radiation technology in the State of Mississippi shall be issued a "Certificate of Registration" and "Registration Identification Letter." The "Certificate of Registration" or copy thereof shall be on record at the place(s) of employment. The licensee shall carry the "Registration Identification Letter" with them at all times when providing services and show said Registration Identification Letter when requested.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 4: Renewal of Registration

Rule 7.4.1 **General Provisions:**

1. The Department shall issue registrations which shall be renewed biennially, after the initial registration phase.

2. The licensure year shall be construed as September 1st through August 31st.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.4.2 **Procedure for Renewal of Registration:** The Department shall mail notices, at least thirty (30) days prior to the renewal date, to the last address registered with the board, to the persons to whom registrations were issued or renewed during the preceding renewal period. The registrant shall:

1. complete the renewal form;

2. submit proof of continuing education credit as detailed in Section 5 of these regulations;

3. file the above with the Department prior to the end of the renewal period with the appropriate fee.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.4.3 **Failure to Renew:** A registrant who does not file, with the Department, his renewal application within the renewal period will be deemed to have allowed his registration to lapse. Said registration may be reinstated by the Department, in its discretion, by the payment of the renewal fee and a reinstatement fee, provided said application for reinstatement is made within two (2) years of the end of the renewal period.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 5: Continuing Education

Rule 7.5.1 **Requirements**:

1. Regulations set the requirement of twenty-four (24) clock hours to be accrued during the registration term.

2. Individuals applying for initial registration within a registration term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of registration.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.5.2 **Sources of Continuing Education:** All continuing education hours for individuals registered with the Mississippi Department of Health must be approved by the American Registry of Radiologic Technologists (A.R.R.T.).

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.5.3 **Reporting Procedures for Continuing Education:**

1. If requested, it is the responsibility of the registrant to submit, at the time of renewal, written evidence in form and content satisfactory to the Department, proof that the continuing education requirement has been met.

2. Persons who fail to accrue the required continuing education hours shall be issued a probationary registration for one (1) registration term. Failure to satisfy the terms and conditions of the probation and to accrue the required hours will result in the revocation of the registration. Hours accrued are first credited for the delinquent hours lacking from the previous registration period, and then applied to the present registration term.

3. Probationary registrations will be issued for one registration term only. No ensuing registration may be probationary as a result of not meeting continuing education requirements.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 6: Exceptions and Exemptions

Rule 7.6.1 **Exceptions:** No person shall practice medical radiation technology unless he is registered by the Department, except as otherwise provided in this section.

1. A student enrolled in and participating in an approved course of study for diagnostic radiologic technology, nuclear medicine technology or radiation therapy, who as a part of his clinical course of study applies ionizing radiation to a human being while under the supervision of a licensed practitioner, registered radiologic technologist, registered nuclear medicine technologist or registered radiation therapist;

2. Laboratory personnel who use radiopharmaceuticals for in vitro studies;

3. A dental hygienist or a dental assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Dental Examiners and applies ionizing radiation under the specific direction of a licensed dentist;

4. A chiropractic assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Chiropractic Examiners and applies ionizing radiation under this specific direction of a licensed chiropractor;

5. An individual who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, is permitted as a Limited X-Ray Machine Operator by the Board of Medical Licensure and applies ionizing radiation in a physician's office or a radiology clinic under the specific direction of a licensed practitioner as defined in Rule 7.1.2 Item 2., in these regulations; and

6. An individual who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, is permitted as a Limited X-Ray Machine Operator by the Board of Medical Licensure and applies ionizing radiation in a licensed hospital under the specific direction of a licensed practitioner as defined in Rule 7.1.2 Item 2., in these regulations.

7. Nothing in these regulations is intended to limit, preclude, or otherwise interfere with the practices of a licensed practitioner as defined in the definitions of these regulations, who is duly licensed or registered by the appropriate agency of the State of Mississippi, provided that the agency specifically recognizes that the procedures covered by these regulations are within the scope of practice of the licensee or registrant.

8. A student enrolled in and participating in an accredited course of study for diagnostic radiologic technology, nuclear medicine technology or radiation therapy and is employed by a physician’s office, radiology clinic or a licensed hospital in Mississippi and applies ionizing radiation under the specific direction of a licensed practitioner.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 7: Criminal Offenses and Punishment

Rule 7.7.1 **Offenses:** It is a misdemeanor for any person to violate any provisions these regulations.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.7.2 **Punishment:** Such misdemeanor shall, upon conviction, be punishable by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than six (6) months or by both fine and imprisonment for each offense.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 8: Revocation, Suspension and Denial of Registration

Rule 7.8.1 **Standards of Conduct:** Registrants may, at the discretion of the Department, have their registration placed on probation, suspended or revoked, or, denied at the time of application or renewal, or have such other disciplinary action taken as deemed appropriate, if the Department determines that the registrant:

1. Is guilty of fraud or deceit in procuring or attempting to procure a registration or renewal of a registration to practice medical radiation technology.

2. Has failed to service a patient in a professional manner, or is unfit or incompetent by reason of negligence, habits, or other causes of incompetency.

3. Is habitually intemperate in the use of alcoholic beverage.

4. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics.

5. Is guilty of dishonest or unethical conduct.

6. Has practiced medical radiation technology after his registration has expired or has been suspended.

7. Has practiced medical radiation technology under cover of any registration illegally or fraudulently obtained or issued.

8. Has violated any of the rules, regulations, or Standards of Ethics of the American Registry of Radiologic Technologists.

9. Has been convicted of any crime involving dishonest or unethical conduct.

10. Has been convicted of any felony.

11. Has violated, aided, or abetted others in violation of any provision of the Act or the regulations promulgated thereto.

12. Has engaged in any conduct considered by the Department to be detrimental to the profession of medical radiation technology.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.8.2 **Summary Suspension:** The Department may summarily suspend a registration without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:

1. The health, safety, or welfare of the general public is in immediate danger; or

2. The registrant's physical capacity to practice his profession is in issue; or

3. The registrant's mental capacity to practice his profession is in issue.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.8.3 **Complaints:** All complaints concerning a registrant, his business, or professional practice, shall be reviewed, evaluated, and if required, investigated by the Department.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.8.4 **Notice of Charges and Hearing:**

1. Following the investigative process, the Department may file formal charges against the registrant. Such formal complaint shall, at a minimum, inform the registrant of the facts which are the basis of the charge and which are specific enough to enable the registrant to defend against the charges.

2. Each registrant, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the registrant, shall be served notice of the formal charge at least fifteen (15) days before the date of hearing. A hearing shall be presided over by the Department's designee. Service shall be considered to have been given if the notice was personally received by the registrant, or the notice was mailed certified, return receipt requested, to the registrant at the registrant's last known address as listed with the Department.

3. The notice of the formal hearing shall consist at a minimum of the following information:

    a. The time, place and date of hearing;

    b. That the registrant shall appear personally at the hearing and may be represented by counsel;

    c. That the registrant shall have the right to produce witnesses and evidence in the registrant's behalf and shall have the right to cross-examine adverse witnesses and evidence;

    d. That the hearing could result in disciplinary action being taken against the registrant's registration;

    e. That rules for the conduct of these hearings exist and it may be in the registrant's best interest to obtain a copy; and

    f. That the Department's designee shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated to the State Health Officer as to what disciplinary action, if any, should be imposed on the registration.

4. The Department's designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the registration. At the conclusion of the hearing, the State Health Officer shall issue an order, within sixty (60) days.

5. Disposition of any complaints may be made by consent order or stipulation between the Department and the registrant.

6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.8.5 **Department Sanctions:** The Department may impose any of the following sanctions, singly or in combination, when it finds that a registrant is guilty of any of the offenses set forth in Rule 7.8.1 and Rule 7.8.2 above:

1. Revocation of the registration;

2. Suspension of the registration, for any period of time;

3. Censure the registrant;

4. Issuance of a letter of reprimand to the registrant;

5. Place a registrant on probationary status and require the registrant to submit to any of the following:

   a. report regularly to the board upon matters which are the basis of probation;

   b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

   c. such other reasonable requirements or restrictions as are proper;

6. Refuse to renew a registration; or

7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.8.6 **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal to the Hinds County Circuit Court, in the manner provided for in the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 9: Fees

Rule 7.9.1 **Method of Payment:** The following fees, where applicable, are payable to the Mississippi Department of Health by certified check, cashiers check, or money order. Fees paid to the Department are non-refundable.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.9.2 **Schedule of Fees**

1. Initial Registration Fee - $50.00

2. Renewal Fee-$50.00

3. Temporary Permit - $25.00

4. Reinstatement Fee - $200.00

5. Replacement Fee - $50.00

6. Registration Verification Fee - $25.00

SOURCE: Miss. Code Ann. § 41-58-3.

Subchapter 10: Administrative Grievance Procedure

Rule 7.10.1 **Administrative Appeals:** All persons aggrieved by a decision regarding the initial application for registration or the renewal of registration shall have the right of administrative appeal and a hearing to be conducted according to the policy of the Department of Health.

SOURCE: Miss. Code Ann. § 41-58-3.

Rule 7.10.2 **Notification:** Written notice will be provided to all applicants regarding denial of an original registration or a renewal registration. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

SOURCE: Miss. Code Ann. § 41-58-3

Rule 7.10.3 **Hearing:**

1. If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the registration should be granted or renewed.

2. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the registration in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation.

SOURCE: Miss. Code Ann. § 41-58-3.

CHAPTER 8 REGULATIONS GOVERNING LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

Subchapter 1: General

Rule 8.1.1 **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer occupational therapy services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering occupational therapy services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in these regulations.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.1.2 **Legal Authority**: The State Board of Health established and empowered by Section 41-3-1 et seq. of Mississippi Code of 1972, annotated, is authorized to establish and enforce these rules and procedures by virtue of "Mississippi Occupational Therapy Practice Law," Sections 73-24-1, et seq. of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.1.3 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. **Board** shall mean the Mississippi State Board of Health.

2. **Council** shall mean the Mississippi Advisory Council in Occupational Therapy.

3. **License** shall mean the document of licensure issued by the Board.

4. **Act** shall mean the "Mississippi Occupational Therapy Practice Law" sections 73-24-1 et seq. of Mississippi Code of 1972, annotated.

5. **Examination** shall mean the examination approved by the Board.

6. **Department** shall mean the Mississippi State Department of Health.

7. **Occupational therapy** means the therapeutic use of purposeful and meaningful (goal-directed) activities and/or exercises to evaluate and treat an individual who has, or is at risk for, a disease or disorder, impairment, activity limitation or

participation restriction which interferes with his ability to function independently in daily life roles and to promote health and wellness across his lifespan.

8. **Occupational therapy intervention** includes:

   a. remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological or neurological processes;

   b. adaptation of task, process or the environment, or the teaching of compensatory techniques in order to enhance functional performance;

   c. disability prevention methods and techniques which facilitate the development or safe application of functional performance skills; or

   d. health promotion strategies and practices which enhance functional performance abilities.

9. **Occupational therapy service** includes, but is not limited to:

   a. evaluating, developing, improving, sustaining or restoring skill in activities of daily living (ADLS), work or productive activities, including instrumental activities of daily living (IADLS), play and leisure activities;

   b. evaluating, developing, remediating or restoring physical, sensorimotor, cognitive or psycho social components of performance;

   c. designing, fabricating, applying or training in the use of assistive technology or orthotic devices, and training in the use of prosthetic devices;

   d. adaptation of environments and processes, including the application of ergonomic principles, to enhance functional performance and safety in daily life roles;

   e. application of physical agent modalities as an adjunct to or in preparation for engagement in an occupation or functional activity;

   f. evaluating and providing intervention in collaboration with the client, family, caregiver or other person responsible for the client;

   g. educating the client, family, caregiver or others in carrying out appropriate nonskilled interventions;

   h. consulting with groups, programs, organizations or communities to provide population-based services; or

   i. participation in administration, education, and research, including both clinical and academic environments.

10. **Occupational Therapist** means a person licensed in this state to practice occupational therapy as defined in these regulations and whose license is in good standing.

11. **Occupational Therapy Assistant** means a person licensed to assist in the practice of occupational therapy under the supervision of or with the consultation of a licensed occupational therapist and whose license is in good standing.

12. **Occupational Therapy Aide** means a person who is not licensed in the field of occupational therapy and who assists occupational therapists and occupational therapy assistants in the practice of occupational therapy under direct supervision. The occupational therapy aides' activities require an understanding of occupational therapy.

13. **Person** means any individual, partnership, unincorporated organization, or corporate body, except that only an individual may be licensed under this chapter.

14. **Direct supervision** means the daily, direct, on-site contact at all times of a licensed occupational therapist or occupational therapy assistant when an occupational therapy aide assists in the delivery of patient care.

15. **Association** shall mean the Mississippi Occupational Therapy Association.

16. **Dry needling** shall mean a physical agent modality that aims to restore and/or optimize the neuro-muscular-skeletal systems. Dry needling involves the use and insertion of solid filiform needles for the treatment of musculoskeletal pain and soft tissue dysfunction by increased blood flow, decreased banding, decreased spontaneous electrical activity, biomechanical and central nervous system changes.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.1.4 **Requirements to Perform Dry Needling:** As with all other physical agent modalities in occupational therapy, dry needling is to be utilized in the therapeutic process in order to ultimately achieve improved function and therefore not to be applied as a stand-alone treatment. Dry needling does not include the stimulation of auricular or distal points. Dry needling is not part of an occupational therapist's academic or clinical preparation for entry-level practice; therefore, this rule establishes the minimum standards required for an occupational therapist to be deemed competent to perform dry needling.

1. Dry needling shall be performed only by an occupational therapist who is competent by education and training to perform dry needling as specified in this regulation. Online/virtual/remote study and/or self-study for dry needling instruction shall not be considered appropriate training.

2. An occupational therapist must meet the following requirements in order to be deemed competent to perform dry needling:

a. A minimum of 3 years clinical experience as a licensed occupational therapist

b. Documented successful completion of dry needling course(s) of study approved by the Department that includes:

(i) A minimum of 50 hours face-to-face instruction; an online study is not allowed. Advanced dry needling (i.e., craniofacial, spine, abdominal, etc..,) will require more advanced training than the minimum requirements. It is the responsibility of each occupational therapist to acquire specialty certification through additional training beyond the minimum requirements.

(ii) Each course shall specify which anatomical regions/structures are included in the certification and whether the instruction was introductory or advanced concepts in dry needling

(iii) Every course instructor must be a licensed healthcare provider and have a minimum of two years of experience performing dry needling

(iv) A practical examination and a written examination with a passing score

(v) Anatomical review for safety and effectiveness

(vi) Indications and contraindications for dry needling

(vii) Management of adverse effects

(vii) Evidence-based instructions on the theory of dry needling

(ix) Sterile needle procedures which shall include the standards of the U.S. centers for disease control or the U.S. occupational safety and health administration

c. An occupational therapist performing dry needling in his/her practice must have written informed consent for each patient that is maintained in the patient's chart/medical record. The patient must sign and receive a copy of an informed consent form created by the therapist. The consent form must, at a minimum, clearly state the following information:

(i) Risks and benefits of dry needling

(ii) The occupational therapist's level of education and training in dry needling

(iii) The occupational therapist will not dry needle any auricular or points distal to the identified treatment area

3. Each licensed occupational therapist performing dry needling must have a written physician's order for dry needling or receive verbal authorization from the patient's physician approving dry needling that is documented in the patient's chart/medical record.

4. When dry needling is performed, the occupational therapist must document in the patient's daily/encounter/procedure note. The note shall indicate how the patient tolerated the intervention as well as the outcome of the intervention, including any adverse reactions/events that occurred if any.

5. Dry needling shall not be delegated and must be performed only by a qualified, licensed occupational therapist who has met the minimum standards in this section.

6. Dry needling is not to be performed by an occupational therapy assistant under any circumstances including certification training or supervision.

7. After completion of the Department approved dry needling course, the occupational therapist will submit proof of certification. This will include confirmation of passing scores on written and practical exams. The Department must review and approve documents prior to beginning use of dry needling. This also includes any advanced courses that may follow.

8. Failure of an occupational therapist who is performing dry needling to provide written documentation that confirms he/she has met the requirements of this section shall be evidence that the occupational therapist is not competent and not permitted to perform dry needling. An occupational therapist performing dry needling in violation of this section shall be subject to disciplinary action as specified in Rule 8.8.1(1), (2), (6), (20), and (21).

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.1.5 Requirements to Provide Telehealth: Telehealth is a mode of service delivery for the provision of occupational therapy services delivered by an occupational therapy practitioner to a client at a different physical location using telecommunications or information technology. Telehealth, in this rule, refers only to the practice of occupational therapy by occupational therapy practitioners who are licensed by this Board with clients who are located in Mississippi at the time of the provision of occupational therapy services. Telehealth may be known by other terms including but not limited to telemedicine, telepractice, telecare, telerehabilitation, and e-health services. Occupational therapy practitioners must have direct contact with the client for the duration of the intervention session via telehealth using synchronous audiovisual technology. Other telecommunications or information technology may be used to aid in the intervention session but may not be the primary means of contact or communication.

1. Practice requirements:

   a. An occupational therapist using telehealth technologies to deliver health-care services to a patient must, prior to diagnosis and treatment, establish a provider-patient relationship by one of the following methods:

      i. The occupational therapist has previously conducted an in-person examination for the current condition requiring treatment and is available to provide appropriate follow-up care, when necessary, at medically necessary intervals;

      ii. The occupational therapist personally knows the patient and the patient's relevant health status through an ongoing personal or professional relationship

and is available to provide appropriate follow-up care, when necessary, at medically necessary intervals;

iii. The treatment is provided by an occupational therapist in consultation with or upon referral by, another occupational therapist who has an ongoing relationship with the patient and who has agreed to supervise the patient's treatment, including follow-up care;

iv. An on-call or cross-coverage arrangement exists with the patient's regular treating occupational therapist who has established a professional relationship with the patient.

b. An appropriate occupational therapy evaluation may be composed of multiple components, tests, or measurement tools. It is the responsibility of the evaluating occupational therapist to select and utilize evaluation components that are appropriate and reliable to administer via telehealth.

c. Telehealth services are to be provided based on the patient/client's needs and only if treatment delivery via telehealth is determined to be an appropriate/safe/effective means of delivering occupational therapy services for the patient/client's condition subject to the same standard of care or practice standards as are applicable to in- person settings. If telehealth services would not be consistent with this standard of care, the occupational therapist shall direct the patient to seek in-person care.

Clinical reasoning for providing occupational therapy via telehealth must be documented at the onset of treatment in the patient/client's record. Telehealth is not appropriate if the decision to deliver treatment is solely for the practitioner's convenience and not based upon the individual needs of the patient.

d. If a licensee determines, either before or during the provision of occupational therapy services, that services cannot be provided through telehealth in a manner that is consistent with in-person standards of care, the licensee shall not provide or supervise services through telehealth. In making the determination of whether services should be performed in-person or via telehealth, the licensee shall consider at a minimum:

i. The complexity of the patient's condition;

ii. The licensee's knowledge, skills, and abilities;

iii. The patient's environment and resources;

iv. The nature and complexity of the required intervention; and

v. The capacity and quality of the technological interface available

e. Occupational therapy assistants working under general supervision, as defined in Rule 8.10.1, can provide services via telehealth. Telehealth cannot be used when direct supervision, as defined in Rule 8.10.2, (1), (3), is required (i.e. Limited Permit holders, students, aides).

f. An employer may not require a practitioner, by an employment contract, an agreement, a policy, or any other means, to provide a health care service through telehealth if the practitioner believes that providing occupational therapy services through telehealth would:

i. negatively impact the patient's health; or

ii. result in a lower standard of care than if the occupational therapy service was provided in an in-person setting.

2. **Patient Identity and Communication.** The occupational therapist/occupational therapy assistant using telehealth to deliver occupational therapy services or who practices telehealth services, upon an initial contact with the patient shall:

a. Verify the identity of the patient prior to each session;

b. Obtain alternative means of contacting the patient;

c. Arrange for the patient to have alternative means of contacting the occupational therapist or occupational therapy assistant;

d. Provide contact methods of alternative communication the occupational therapist or occupational therapy assistant shall use for emergency purposes;

e. Use personal identifying information only in secure communications;

f. Obtain written, informed consent from the patient or other appropriate person with authority to make health care treatment decisions for the patient before services are provided through telehealth

3. **Informed Consent.** The informed consent shall, minimally, inform the patient and document acknowledgment of the risk and limitations and potential benefits associated with:

a. The use of electronic communications in the provision of occupational therapy;

b. The potential breach of confidentiality, or inadvertent access, of protected health information using electronic communication in the provision of occupational therapy;

c. The potential disruption of electronic communication in the use of telehealth;

d. Video-taping and recording of treatment session.

4. **Confidentiality.** The licensee shall ensure that the electronic communication is secure to maintain confidentiality of the patient's medical information as required by the Health Insurance Portability and Accountability Act (HIPAA) and other applicable Federal and State laws. Confidentiality shall be maintained through appropriate processes, practices, and technology, including disposal of electronic equipment and data.

5. **Competence and Scope of Practice.** A licensee using electronic communication to deliver occupational therapy services or who practices telehealth services shall:

    a. Be responsible for determining and documenting that telehealth is appropriate for provision of occupational therapy;

    b. Limit the practice of telehealth services to the area of competence in which proficiency has been gained through education and training;

    c. Ensure that confidential communications obtained and stored electronically shall not be recovered and accessed by unauthorized persons when the occupational therapist or occupational therapy assistant disposes of electronic equipment and data by use of a secure telecommunication mechanism;

    d. Assure the technology proficiency of those involved in patient care.

6. **Maintenance and Retention of Records.** The licensee shall document in the file or record which services were provided by telehealth and adhere to the record-keeping requirements as outlined in section 7 of this rule.

7. **Documentation Requirements for telehealth.**

    a. A written record of occupational therapy treatment shall be maintained for each patient and shall include:

        i. A prescription or referral when required showing the written request for occupational therapy evaluation or treatment signed by a healthcare provider lawfully authorized to make such request;

        ii. The clinical reasoning for providing occupational therapy via telehealth

        iii. Written documentation in each patient's record, along with the occupational therapist’s signature, of the treatment program goals and plan of care. An initial occupational therapy evaluation shall not be documented or signed by an occupational therapy assistant or any other personnel;

        iv. Progress notes regarding the client’s or patient's subjective status, changes

in objective findings, and progression or regression toward established goals;

v. A record of the reassessment or re-evaluation of the patient or client, written and signed by the supervising occupational therapist;

vi. Written documentation of each patient or client visit which includes specific treatment and services provided;

vii. Written documentation of supervisory visits and/or conferences including: treatment plans and/or changes in the treatment plan; other communications between the supervising occupational therapist and the occupational therapy assistant; and findings or subsequent decisions made. The written documentation must be signed and dated by the supervising occupational therapist or the occupational therapy assistant;

viii. Documentation of a discharge evaluation by the supervising occupational therapist and a discharge summary which must be written and signed by the supervising occupational therapist. If the supervising occupational therapist is unable to provide a patient discharge evaluation and plan, the reason for or circumstances of such inability must be documented in the occupational therapy treatment record; and

ix. Accurate patient or client treatment and billing records.

b. A signature stamp shall not be used in lieu of a written signature on occupational therapy patient or client records. Forms of electronic signatures, established pursuant to written policies and procedures to assure that only the author can authenticate his or her own entry, may be acceptable.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.1.6 **Publication:** The Department shall publish, annually, a list of the names and addresses of all persons licensed by the department and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 2: General

Rule 8.2.1 **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer occupational therapy services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering occupational therapy services to the public, it is the purpose of these regulations to provide and

impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in these regulations.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.2.2 **Legal Authority**: The State Board of Health established and empowered by Section 41-3-1 et seq. of Mississippi Code of 1972, annotated, is authorized to establish and enforce these rules and procedures by virtue of "Mississippi Occupational Therapy Practice Law," Sections 73-24-1, et seq. of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.2.3 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. **Board** shall mean the Mississippi State Board of Health.

2. **Council** shall mean the Mississippi Advisory Council in Occupational Therapy.

3. **License** shall mean the document of licensure issued by the Board.

4. **Act** shall mean the "Mississippi Occupational Therapy Practice Law" sections 73-24-1 et seq. of Mississippi Code of 1972, annotated.

5. **Examination** shall mean the examination approved by the Board.

6. **Department** shall mean the Mississippi State Department of Health.

7. **Occupational therapy** means the therapeutic use of purposeful and meaningful (goal-directed) activities and/or exercises to evaluate and treat an individual who has, or is at risk for, a disease or disorder, impairment, activity limitation or participation restriction which interferes with his ability to function independently in daily life roles and to promote health and wellness across his lifespan.

8. **Occupational therapy intervention** includes:

   a. remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological, or neurological processes;

   b. adaptation of task, process or the environment, or the teaching of compensatory techniques in order to enhance functional performance;

   c. disability prevention methods and techniques which facilitate the development or safe application of functional performance skills; or

   d. health promotion strategies and practices which enhance functional performance abilities.

9. **Occupational therapy service** includes, but is not limited to:

a. evaluating, developing, improving, sustaining, or restoring skill in activities of daily living (ADLS), work or productive activities, including instrumental activities of daily living (IADLS), play and leisure activities;

b. evaluating, developing, remediating, or restoring physical, sensorimotor, cognitive or psycho social components of performance;

c. designing, fabricating, applying, or training in the use of assistive technology or orthotic devices, and training in the use of prosthetic devices;

d. adaptation of environments and processes, including the application of ergonomic principles, to enhance functional performance and safety in daily life roles;

e. application of physical agent modalities as an adjunct to or in preparation for engagement in an occupation or functional activity;

f. evaluating and providing intervention in collaboration with the client, family, caregiver, or other person responsible for the client;

g. educating the client, family, caregiver, or others in carrying out appropriate nonskilled interventions;

h. consulting with groups, programs, organizations, or communities to provide population-based services; or

i. participation in administration, education, and research, including both clinical and academic environments.

10. **Occupational Therapist** means a person licensed in this state to practice occupational therapy as defined in these regulations and whose license is in good standing.

11. **Occupational Therapy Assistant** means a person licensed to assist in the practice of occupational therapy under the supervision of or with the consultation of a licensed occupational therapist and whose license is in good standing.

12. **Occupational Therapy Aide** means a person who is not licensed in the field of occupational therapy and who assists occupational therapists and occupational therapy assistants in the practice of occupational therapy under direct supervision. The occupational therapy aides' activities require an understanding of occupational therapy.

13. **Person** means any individual, partnership, unincorporated organization, or corporate body, except that only an individual may be licensed under this chapter.

14. **Direct supervision** means the daily, direct, on-site contact at all times of a licensed occupational therapist or occupational therapy assistant when an occupational therapy aide assists in the delivery of patient care.

15. **Association** shall mean the Mississippi Occupational Therapy Association.

16. **Dry needling** shall mean a physical agent modality that aims to restore and/or optimize the neuro-muscular-skeletal systems. Dry needling involves the use and insertion of solid filiform needles for the treatment of musculoskeletal pain and soft tissue dysfunction by increased blood flow, decreased banding, decreased spontaneous electrical activity, biomechanical and central nervous system changes.

Rule 8.2.4 **Requirements to Perform Dry Needling:** As with all other physical agent modalities in occupational therapy, dry needling is to be utilized in the therapeutic process in order to ultimately achieve improved function and therefore not to be applied as a stand-alone treatment. Dry needling does not include the stimulation of auricular or distal points. Dry needling is not part of an occupational therapist's academic or clinical preparation for entry-level practice; therefore, this rule establishes the minimum standards required for an occupational therapist to be deemed competent to perform dry needling.

1. Dry needling shall be performed only by an occupational therapist who is competent by education and training to perform dry needling as specified in this regulation. Online/virtual/remote study and/or self-study for dry needling instruction shall not be considered appropriate training.

2. An occupational therapist must meet the following requirements in order to be deemed competent to perform dry needling:

   a. A minimum of 3 years clinical experience as a licensed occupational therapist

   b. Documented successful completion of dry needling course(s) of study approved by the Department that includes:

      (i) A minimum of 50 hours face-to-face instruction; an online study is not allowed. Advanced dry needling (i.e., craniofacial, spine, abdominal, etc..,) will require more advanced training than the minimum requirements. It is the responsibility of each occupational therapist to acquire specialty certification through additional training beyond the minimum requirements.

      (ii) Each course shall specify which anatomical regions/structures are included in the certification and whether the instruction was introductory or advanced concepts in dry needling

      (iii) Every course instructor must be a licensed healthcare provider and have a minimum of two years of experience performing dry needling

      (iv) A practical examination and a written examination with a passing score

      (v) Anatomical review for safety and effectiveness

      (vi) Indications and contraindications for dry needling

      (vii) Management of adverse effects

      (vii) Evidence-based instructions on the theory of dry needling

(ix) Sterile needle procedures which shall include the standards of the U.S. centers for disease control or the U.S. occupational safety and health administration

c. An occupational therapist performing dry needling in his/her practice must have written informed consent for each patient that is maintained in the patient's chart/medical record. The patient must sign and receive a copy of an informed consent form created by the therapist. The consent form must, at a minimum, clearly state the following information:

(i). Risks and benefits of dry needling

(ii). The occupational therapist's level of education and training in dry needling

(iii). The occupational therapist will not dry needle any auricular or points distal to the identified treatment area

3. Each licensed occupational therapist performing dry needling must have a written physician's order for dry needling or receive verbal authorization from the patient's physician approving dry needling that is documented in the patient's chart/medical record.

4. When dry needling is performed, the occupational therapist must document in the patient's daily/encounter/procedure note. The note shall indicate how the patient tolerated the intervention as well as the outcome of the intervention, including any adverse reactions/events that occurred if any.

5. Dry needling shall not be delegated and must be performed only by a qualified, licensed occupational therapist who has met the minimum standards in this section.

6. Dry needling is not to be performed by an occupational therapy assistant under any circumstances including certification training or supervision.

7. After completion of the Department approved dry needling course, the occupational therapist will submit proof of certification. This will include confirmation of passing scores on written and practical exams. The Department must review and approve documents prior to beginning use of dry needling. This also includes any advanced courses that may follow.

8. Failure of an occupational therapist who is performing dry needling to provide written documentation that confirms he/she has met the requirements of this section shall be evidence that the occupational therapist is not competent and not permitted to perform dry needling. An occupational therapist performing dry needling in violation of this section shall be subject to disciplinary action as specified in Rule 8.8.1(1), (2), (6), (20), and (21).

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.1.5 **Publication:** The Department shall publish, annually, a list of the names and addresses of all persons licensed by the department and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 3: Mississippi Advisory Council in Occupational Therapy ("Council")

Rule 8.3.1 **Council Structure and Purpose:** There is hereby established the Mississippi Advisory Council in Occupational Therapy under the jurisdiction of the State Board of Health. The Council shall consist of five (5) members as set forth in the Act, for the terms indicated therein, and shall serve under the jurisdiction of the State Board of Health. The purpose of the Council is to serve in an advisory capacity to the Department.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.3.2 **Meetings:** The Council shall meet during the first month of the year. Additional meetings may be held, at the discretion of the chairperson of the Council or the written request of any two (2) members of the council. A quorum shall consist of three (3) members of the Council, including the chairperson, and shall be necessary for the Council to take action by vote.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 4: State Board of Health ("Board")

Rule 8.4.1 **Responsibilities:** The Board, with the advice of the council, shall:

1. approve the examination, establish licensing and renewal of license criteria for applicants;

2. maintain an up-to-date list of all individuals licensed to practice occupational therapy, with such list being available, upon request, to the public;

3. investigate alleged or suspected violations of the provisions of these regulations or other laws of this state pertaining to occupational therapy and any rules and regulations adopted by the board; for this purpose, any authorized agents of the department shall have the power and right to enter and make reasonable inspections of any place where occupational therapy is practiced, and may inspect and/or copy any records pertaining to clients or the practice of occupational therapy under these regulations;

4. refer disciplinary actions of any individual engaged in the practice of occupational therapy to the appropriate government agency for prosecution, whether licensed or otherwise, or, in its discretion, refer same to the appropriate committee or council;

5. conduct disciplinary hearings, upon specified charges, of a licensee;

6. maintain an up-to-date list of all individuals whose license has been suspended, revoked, or denied and make such list available to public inspection and supply such list to similar regulatory boards in other states or jurisdictions;

7. keep a record of all proceedings of the Board, and make said record available to the public; and

8. direct the Department to promulgate and implement rules and procedures to carry out the purpose of the Act.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 5: Licensure

Rule 8.5.1 **Licensure Requirements:** An applicant for a regular license as an occupational therapist or occupational therapy assistant shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant:

1. is of good moral character;

2. has been awarded a degree from an education program recognized by the Board;

3. has successfully completed a supervised field experience;

a. for an occupational therapist, as reflected in the current accrediting standards;

b. for an occupational therapy assistant, as reflected in the current accrediting standards;

4. has passed an examination approved by the Department; and

5. has paid the required fee(s).

6. For an occupational therapist, the program shall be accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, or, the board-recognized accrediting body.

7. For an occupational therapy assistant, the program shall be approved by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, or the board-recognized accrediting body.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.5.2 **Licensure By Endorsement:** An applicant for licensure by endorsement shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that:

1. the applicant is currently licensed to practice occupational therapy under the laws of another state, territory, or jurisdiction; and

2. the requirements for said license are equivalent to or greater than those required in this state as set forth in Rules 8.4.1 and 8.4.3 of these regulations; and

3. said license is in good standing, and is not, presently, suspended or revoked; and

4. certification from NBCOT has not been subject to disciplinary action.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.5.3 **Foreign Trained Individuals:** An applicant for licensure who has been trained as an occupational therapist or an occupational therapy assistant in a foreign country, and desires to be licensed pursuant to the laws of the State of Mississippi, shall submit to the Department, verified by oath, in form and content satisfactory to the Department:

1. that the applicant is of good moral character; and

2. that the applicant has successfully completed an educational program and a supervised fieldwork experience program for occupational therapists or occupational therapy assistants; and

3. documentary evidence that the educational program and the supervised fieldwork experience are substantially equivalent to that required of a non-foreign trained applicant for licensure; and

4. that the applicant has passed an examination approved by the Department; and

5. demonstrable proficiency in the English language by passing all of the following English language examinations with scores to be determined by the Department:

   a. Test of English as a Foreign Language (TOEFL); and

   b. Test of Spoken English (TSE); and

   c. Test of Written English (TWE).

6. An applicant who is a graduate of an accredited school of occupational therapy located in one of the following countries may request an exemption from the required English proficiency examinations:

   a. England

   b. Scotland

   c. Ireland

   d. Wales

   e. Australia

   f. New Zealand

   g. Canada (except the province of Quebec)

7. The department reserves the right to require a personal interview with any applicant from any of the above countries for final determination of the exemption request.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.5.4 **Limited Permit:** A limited permit to practice as an occupational therapist or occupational therapy assistant may be granted to an applicant for licensure meeting the requirements of Rule 8.4.1 or 8.4.3 who has not taken the approved examination or has not received the results of the examination, subject to the conditions of Rule 8.4.5.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.5.5 **Conditions of a Limited Permit**:

1. A limited permit shall be granted for a period not to exceed ninety (90) days.

2. A limited permit holder shall restrict his practice to the State of Mississippi.

3. Supervision of Limited Permit

   a. An occupational therapist issued a limited permit shall practice under the supervision of or in consultation with an occupational therapist currently licensed in Mississippi. Supervision or in consultation with an occupational therapist for the purposes of this section means direct contact at least every 2 weeks at each treatment facility, with interim contact occurring by other methods, such as telephone or written communication.

   b. An occupational therapy assistant issued a limited permit shall practice under the supervision of or in consultation with an occupational therapist currently licensed in Mississippi. Supervision or in consultation with for the purposes of this section means direct contact at least every week at each treatment facility, with interim supervision occurring by other methods, such as telephone or written communication.

   c. An occupational therapist issued a limited permit may not supervise any licensed OT or OTA.

   d. Direct contact for either an occupational therapist or an occupational therapy assistant should include:

      i. A review of activities with appropriate revision or termination of the plan of care

      ii. An assessment of utilization of outside resources (whenever applicable)

      iii. Documentary evidence of such visit

      iv. Discharge planning as indicated

4. Documentation in form and substance acceptable to the Department that the conditions of Rule 8.4.5(3)(a)(b) have been met must be on file with the Department before a limited permit will be issued.

5. The limited permit of a person who is required to take the approved examination and fails to take said examination will not be renewed.

6. A limited permit may be renewed, at the discretion of the department, only one time, through the date that the next examination results are made public.

7. Any person who has taken but not passed the required examination in another jurisdiction shall not be eligible for a limited permit.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.5.6 **Inactive License**:

1. A licensee may be granted inactive status upon filing a written request in form and content satisfactory to the department and upon payment of the required fee. A licensee granted inactive

status shall not practice or hold himself or herself out as an occupational therapist or occupational therapy assistant and is not responsible for accruing the continuing education requirements.

2. A licensee granted inactive status for five (5) licensure years must successfully complete the following reentry requirements before resuming practice:

   a. An American Occupational Therapy Association recognized reentry course.

   b. Practice under the supervision of a currently licensed occupational therapist for a period of ninety (90) calendar days.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.4.7 **Conditions of a Universal Occupational License**:

3. Notwithstanding any other provision of law, the Department shall issue a license as an occupational therapist or occupational therapy assistant at the same practice level to a person who establishes residence in this state if, upon application to the Department:

   a. The applicant holds a current and valid license in good standing in another state in an occupation with a similar scope of practice, as determined by the Department, and has held this license from the occupational licensing board in the other state for at least one (1) year; and

   b. There were minimum education requirements and, if applicable, work experience, examination, and clinical supervision requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed in that state; and

   c. The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the Department under Mississippi law; and

   b. The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

   e. The applicant does not have a complaint, allegation, or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation, or investigation pending, the Department shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the Department; and

   f. The applicant pays all applicable fees in Mississippi.

2. Notwithstanding any other law, the Department shall issue a license to an applicant in occupational therapy and at the same practice level, as determined by the Department, to a person who establishes residence in this state based on work experience in another state, if all the following apply:

g. The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the Department;

h. The applicant worked for at least three (3) years in the lawful occupation; and

i. The applicant satisfies the provisions of paragraphs (c) through (f) of Rule 8.4.7(1).

23. The Department may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate occupational therapy if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate occupational therapy.

24. The Department may require proof of residency. Residence may be established by demonstrating proof of a state-issued identification card or one (1) of the following:

a. Current Mississippi residential utility bill with the applicant's name and address;

b. Documentation of the applicant's current ownership, or current lease of a residence in Mississippi;

c. Documentation of current in-state employment or a notarized letter of the promise of employment of the applicant or his or her spouse; or

d. Any verifiable documentation demonstrating Mississippi residency.

25. A license issued under this section is valid only in this state and does not make the person eligible to be part of an interstate compact.

26. The Department shall issue or deny the license to the applicant within one hundred twenty (120) days after receiving an application.

27. If the application requires longer than two (2) weeks to process, the Department shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of Rule 8.4.7(3) or Rule 8.4.7(4) and pays all applicable fees as required by Rule 8.4.7(1)(f).

a. The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the Department. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure in Rule 8.4.7(1) through Rule 8.4.7(3), as applicable.

28. The Department shall grant a license to any person certified prior to July 1, 1988, as an Occupational Therapist Registered (OTR) or a Certified Occupational Therapy Assistant (COTA) by the American Occupational Therapy Association (AOTA). The Department may waive the examination, education, or experience requirements and grant a license to any person certified by AOTA after July 1, 1988, if the Department determines the requirements for such certification are equivalent to the requirements for licensure in these Regulations.

29. The Department may waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the Department to be equivalent to the requirements for licensure of this chapter. The issuance of a license by reciprocity to a military-trained applicant, military spouse, or person who establishes residence in this state shall be subject to the provisions of Section §73-50-1 or §73-50-2 of the Mississippi Code of 1972, as applicable.

30. Foreign-trained occupational therapists and occupational therapy assistants shall satisfy the examination requirements of Miss. Code Ann. §73-24-19. The Department shall require foreign-trained applicants to furnish proof of good moral character and completion of educational and supervised fieldwork requirements substantially equal to those contained in Miss. Code Ann. §73-24-19 before taking the examination.

31. Denial of Universal License

    a. The applicant may appeal any of the following decisions of the Department to a court of general jurisdiction:

        (ix) Denial of a license;

        (x) Determination of the occupation;

        (xi) Determination of the similarity of the scope of practice of the license issued; or

        (xii) Other determinations under this section.

    b. The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by the Department, without regard to any previous determination that may have been made on the question in any action before the Department.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.4.8 **Abandonment**: An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for licensing have not been completed and submitted to the Department.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 6: Professional Identification

Rule 8.6.1 **Titles and Abbreviations:** It is unlawful for any person who is not licensed under these regulations as an occupational therapist or as an occupational therapy assistant, or whose license has been suspended or revoked, to in any manner represent himself as someone who provides occupational therapy services, or use , in connection with his name or place of business the words "occupational therapist," "licensed occupational therapy assistant," or the letters "O.T.”,"O.T.L.”,"L.O.T. "O.T.R.," "O.T.A." or O.T.A.L. "C.O.T.A." or any other words, letters, abbreviations or insignia indicating or implying that he is an occupational therapist or an occupational therapy assistant or that he provides occupational therapy services; or to show in any way, orally, in writing, in print or by sign, directly

or by implication, or to represent himself as an occupational therapist or an occupational therapy assistant, or someone who provides occupational therapy services.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.6.2 **Production and Display of License:** A person licensed to practice occupational therapy in Mississippi shall be issued a "Certificate of Licensure" and "License Identification Letter." The licensee shall prominently display the "Certificate of Licensure" or copy thereof at their place(s) of employment.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 7: Renewal of License

Rule 8.7.1 **General Provisions**:

1. The Board shall issue licenses which shall be subject to renewal biennially.

2. The licensure period shall be construed as May 1 through April 30 of even numbered years.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.7.2 **Procedure for Renewal of License:** The Department shall mail renewal notices, approximately sixty (60) days prior to the end of the licensure period, to the last home address registered with the Department, to the persons to whom licenses were issued or renewed during the preceding licensure period. The licensee shall:

1. complete the renewal form(s);

2. submit proof of continuing education credit as detailed in Subchapter 7 of these regulations;

3. pay the renewal fee; and

4. file the above with the Department prior to the end of the licensure period.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.7.3 **Content Criteria:** The content must apply to the field of occupational therapy and performance and must be designed to meet one of the following goals:

1. Update knowledge and skills required for competent performance beyond entry level as described in current legislation and regulations.

2. Allow the licensee to enhance his knowledge and skills.

3. Provide opportunities for interdisciplinary learning.

4. Extend limits of professional capabilities and opportunities.

5. Facilitate personal contributions to the advancement of the profession.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.7.4 **Sources of Continuing Education:** Continuing education hours may be accrued from the following sources, when the content of the programs relates to the profession of occupational therapy:

1. Attendance at educational programs:

a. Attendance at educational programs where continuing education credit is given and approved by the Mississippi Occupational Therapy Association (MSOTA).

b. Attendance at educational programs where continuing education credit is given and approved by the American Occupational Therapy Association (AOTA), including other state association educational programs.

c. Attendance at educational programs where continuing education credit is given and/or approved by the National Board for Certification in Occupational Therapy (NBCOT).

d. Attendance at educational programs where continuing education credit is given and approved by the American Medical Association (AMA) and its components.

e. Attendance at other programs approved for continuing education credit by AOTA, AMA, APTA, ASHA, or their components.

f. Attendance at educational programs where continuing education credit is given and approved by accredited universities or colleges.

g. Attendance at educational programs where continuing education credit is given and approved by a licensure authority of any jurisdiction in the United States for occupational therapy.

h. Attendance at educational programs where continuing education credit is given and approved by the American Physical Therapy Association (APTA), including other state association educational programs.

i. Attendance at educational programs where continuing education credit is given and approved by the American Speech and Hearing Association (ASHA), including other state association educational programs.

j. A course/provider not approved by one of the organizations listed in Rule 8.7.4(1) will not be accepted as continuing education for licensure renewal purposes. A course not approved by an organization listed in this section of the regulations may be reviewed by the department. Contact the department for information.

2. Presentations made before recognized groups of occupational therapists, medical practitioners, or other health related professionals and directly related to the profession of occupational therapy. To be considered for continuing education credit, material outline and a synopsis must be submitted to the Department prior to the presentation date. Notice of approval or disapproval will be sent following a review by the Department. For approved presentations, the presenter may accrue one (1) hour of continuing education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit is given one (1) time only, even though the session may be presented multiple times. No more than 30% of total required hours may be accrued through presentations.

3. Academic course work:

a. Academic course work taken for credit from a regionally accredited college or university. The courses must relate to the profession of occupational therapy. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. No more than fifty percent (50%) of total required hours may be accrued through academic course work. Undergraduate level courses are acceptable only when they can be demonstrated to update or enhance competency in licensee's specific practice field, and documented that course work has not been taken previously, to the satisfaction of the department. Graduate level courses are acceptable for occupational therapists. Undergraduate courses are acceptable for occupational therapy assistants.

b. Academic course work taken by an OT/OTA for credit toward an

advanced degree in occupational therapy may be counted as meeting the full continuing education requirements.

4. Home Study Courses approved by the department.

5. Professional publications where the licensee is an author. To be considered for continuing education credit, a reprint of the published article must be submitted to the department. Notice of approval or disapproval will be sent out after review by the department. A maximum of 3 contact hours may be accrued through professional publication.

6. Supervision of Level I and Level II occupational therapy and occupational therapy assistant students by a Mississippi licensed occupational therapy practitioner may not exceed 12 hours during a licensure period. Supervision of Doctoral Capstone occupational therapist students by a Mississippi licensed occupational therapist may not exceed 14 hours during a licensure period. Level I and Level II student supervision hours may not be combined with Doctoral Capstone supervision hours. To be considered for continuing education credit, full direct supervision of a student must be performed for a complete clinical rotation. The educational institution must provide written documentation of the supervision.

a. Supervision of Level I occupational therapy and occupational therapy assistant students. One continuing education hour per student supervised will be awarded for the full supervision. No more than a maximum of twelve (12) hours may be accrued under this provision during a licensure period. Only the primary supervisor is eligible to receive continuing education credit under this provision.

b. Supervision of Level II occupational therapy and occupational therapy assistant students. One continuing education hour per week of supervision per student supervised will be awarded for the full supervision. The supervising OT(s) shall record dates and times of supervision provided to each student. No more than a maximum of twelve (12) hours may be accrued under this provision during a licensure period.

c. Supervision of Doctoral Capstone occupational therapist students. One continuing education hour per week of supervision per student supervised will be awarded for full supervision. The supervising OT shall record dates and times of supervision provided to each student. No more than a maximum of fourteen (14) hours may be accrued under this provision during a licensure period.

7. Specific **UNACCEPTABLE** activities include:

a. All in-service programs not approved under Rule 8.7.4(1) of these regulations.

b. Orientation to specific work-site programs dealing with organizational structures, processes, or procedures.

c. Meetings for purposes of policy decision.

d. Non-educational meetings at annual conferences, chapter, or organizational meetings.

e. Entertainment or recreational meetings or activities.

f. Committee meetings, holding of office, serving as an organizational delegate.

g. CPR education.

h. Self-directed studies other than those previously outlined.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.7.5 **Reporting Procedures for Continuing Education:** It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

1. Attendance at seminars, workshops, presentations, etc., approved by an organization listed in Rule 8.7.4(1) is automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by submitting a continuing education certificate (must include source, number of continuing education hours and date of attendance) and proof of approval for the program/provider.

2. Credit for presentations: Submit a copy of the Department's approval letter.

3. Academic course work credits must meet the content criteria in Rule 8.7.3, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report. A minimum course grade of "C" is required for CE credit.

4. Home Study Course: A certificate of completion must be submitted to receive continuing education credit.

5. Publication: A letter of approval from the department.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 8: Continuing Education (CE)

Rule 8.8.1 **Definition and philosophy:** Each individual licensed as an occupational therapist or occupational therapy assistant is responsible for optimum service to the consumer and is accountable to the consumer, the employer, and the profession for evidence of maintaining high levels of skill and knowledge. Continuing education is defined as education beyond the basic preparation required for entry into the profession, directly related to the performance and practice of occupational therapy.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.8.2 **Requirements**:

1. Regulations set the requirement of 20 contact hours (CH) or two Continuing Education Units (CEU) to be accrued during the licensure period. No carryover of continuing education hours from one licensure period to another shall be allowed. At least 30 percent (6 Contact Hours or .6 CEU) of the required continuing education must be directly related to the clinical practice of occupational therapy. The six (6) contact hours related to clinical practice shall be live face-to-face training i.e., no internet training, video training, television training, etc. Of the remaining required 14 hours of training, 50 percent or 7 hours may be non live face-to-face training. Non live training may include home study courses, video, internet, etc. All training shall be from approved sources.

2. Individuals applying for initial licensure within a licensing term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.

3. Persons who fail to accrue the required continuing education hours shall be issued a CE probationary license for the licensure term. Failure to accrue the required hours during the CE probationary period will result in the revocation of the license. Hours accrued are first credited for the delinquent hours lacking from the previous licensure period, and then applied to the current (CE probationary) licensing period.

4. CE probationary licenses will be issued for one licensure term only. No ensuing license may be CE probationary as a result of not meeting continuing education requirements.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.8.3 **Content Criteria:** The content must apply to the field of occupational therapy and performance and must be designed to meet one of the following goals:

1. Update knowledge and skills required for competent performance beyond entry level as described in current legislation and regulations.

2. Allow the licensee to enhance his knowledge and skills.

3. Provide opportunities for interdisciplinary learning.

4. Extend limits of professional capabilities and opportunities.

5. Facilitate personal contributions to the advancement of the profession.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.8.4 **Sources of Continuing Education:** Continuing education hours may be accrued from the following sources, when the content of the programs relates to the profession of occupational therapy:

1. Attendance at educational programs:

   a. Attendance at educational programs where continuing education credit is given and approved by the Mississippi Occupational Therapy Association (MSOTA).

   b. Attendance at educational programs where continuing education credit is given and approved by the American Occupational Therapy Association (AOTA), including other state association educational programs.

   c. Attendance at educational programs where continuing education credit is given and/or approved by the National Board for Certification in Occupational Therapy (NBCOT).

   d. Attendance at educational programs where continuing education credit is given and approved by the American Medical Association (AMA) and its components.

   e. Attendance at other programs approved for continuing education credit by AOTA, AMA, APTA, ASHA or their components.

   f. Attendance at educational programs where continuing education credit is given and approved by accredited universities or colleges.

   g. Attendance at educational programs where continuing education credit is given and approved by a licensure authority of any jurisdiction in the United States for occupational therapy.

   h. Attendance at educational programs where continuing education credit is given and approved by the American Physical Therapy Association (APTA), including other state association educational programs.

   i. Attendance at educational programs where continuing education credit is given and approved by the American Speech and Hearing Association (ASHA), including other state association educational programs.

   j. A course/provider not approved by one of the organizations listed in Rule 8.7.4(1) will not be accepted as continuing education for licensure renewal purposes. A course not approved by an organization listed in this section of the regulations may be reviewed by the department. Contact the department for information.

2. Presentations made before recognized groups of occupational therapists, medical practitioners, or other health related professionals and directly related to the profession of occupational therapy. To be considered for continuing education credit, material outline and a synopsis must be submitted to the Department prior to the presentation date. Notice of approval or disapproval will be sent following a review by the Department. For approved presentations, the presenter may accrue one (1) hour of continuing education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit is given one (1) time only, even though the session may be presented multiple times. No more than 30% of total required hours may be accrued through presentations.

3. Academic course work:

   a. Academic course work taken for credit from a regionally accredited college or university. The courses must relate to the profession of occupational therapy. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. No more than fifty percent (50%) of total required hours may be accrued through academic course work. Undergraduate level courses are acceptable only when they can be demonstrated to update or enhance competency in licensee's specific practice field, and documented that course work has not been taken previously, to the satisfaction of the department. Graduate level courses are acceptable for occupational therapists. Undergraduate courses are acceptable for occupational therapy assistants.

   b. Academic course work taken by an OT/OTA for credit toward an advanced degree in occupational therapy may be counted as meeting the full continuing education requirements.

4. Home Study Courses approved by the department.

5. Professional publications where the licensee is an author. To be considered for continuing education credit, a reprint of the published article must be submitted to the department. Notice of approval or disapproval will be sent out after review by the department. A maximum of 3 contact hours may be accrued through professional publication.

6. Supervision of Level I and Level II occupational therapy and occupational therapy assistant students by a Mississippi licensed OT. The total number of supervision hours may not exceed 12 hours.

   a. Supervision of Level I occupational therapy and occupational therapy assistant students. To be considered for continuing education credit, full direct supervision of a student must be performed for a complete clinical rotation. The educational institution must provide written documentation of the supervision. One continuing education hour per student supervised will be awarded for the full supervision. No more than a maximum of twelve (12) hours may be accrued under this provision during a licensure period. Only the primary supervisor is eligible to receive continuing education credit under this provision.

   b. Supervision of Level II occupational therapy and occupational therapy assistant students. To be considered for continuing education credit, full direct supervision of a student must be performed for a complete clinical rotation. The educational institution must provide written documentation of the supervision. One continuing education hour per week of supervision per student supervised will be awarded for the full supervision. Co-supervision is acceptable. The supervising OT(s) shall record dates and times when acting as primary student supervisor. Supervision of more than one student at a time is acceptable. The supervising OT(s) shall record dates and times of supervision provided to each student. No more than a maximum of twelve (12) hours may be accrued under this provision during a licensure period.

7. Specific **UNACCEPTABLE** activities include:

   a. All in-service programs not approved under Rule 8.7.4(1) of these regulations.

b. Orientation to specific work-site programs dealing with organizational structures, processes, or procedures.

c. Meetings for purposes of policy decision.

d. Non-educational meetings at annual conferences, chapter or organizational meetings.

e. Entertainment or recreational meetings or activities.

f. Committee meetings, holding of office, serving as an organizational delegate.

g. CPR education.

h. Self-directed studies other than those previously outlined.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.8.5 **Reporting Procedures for Continuing Education:** It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

1. Attendance at seminars, workshops, presentations, etc., approved by an organization listed in Rule 8.7.4(1) is automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by submitting a continuing education certificate (must include source, number of continuing education hours and date of attendance) and proof of approval for the program/provider.

2. Credit for presentations: Submit a copy of the Department's approval letter.

3. Academic course work credits must meet the content criteria in Rule 8.7.3, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report. A minimum course grade of "C" is required for CE credit.

4. Home Study Course: A certificate of completion must be submitted to receive continuing education credit.

5. Publication: A letter of approval from the department.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 9: Revocation, Suspension and Denial of License

Rule 8.9.1 **Standards of Conduct:** Licensees subject to these regulations shall conduct their activities, services, and practice in accordance with this section. Licensees may be subject to the exercise of the disciplinary sanctions enumerated in Rule 8.8.6 of these regulations if the Department finds that a licensee is guilty of any of the following:

1. Negligence in the practice or performance of professional services or activities.

2. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in the course of professional services or activities.

3. Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same.

4. Being convicted of any crime which has a substantial relationship to the licensee's activities and services or an essential element of which is misstatement, fraud, or dishonesty.

5. Being convicted of any crime which is a felony under the laws of this state or the United States.

6. Engaging in or permitting the performance of unacceptable services personally or by others working under the licensee's supervision due to the licensee's deliberate or negligent act or acts or failure to act, regardless of whether actual damage or damages to the public is established.

7. Continued practice although the licensee has become unfit to practice as a occupational therapist or occupational therapy assistant due to:

    a. failure to keep abreast of current professional theory or practice; or

    b. physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or

    c. addiction or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice.

8. Having disciplinary action taken against the licensee's license in another state.

9. Making differential, detrimental treatment against any person because of race, color, creed, sex, religion or national origin.

10. Engaging in lewd conduct in connection with professional services or activities.

11. Engaging in false or misleading advertising.

12. Contracting, assisting, or permitting unlicensed persons to perform services for which a license is required under these regulations.

13. Violation of any probation requirements placed on a license by the Board.

14. Revealing confidential information except as may be required by law.

15. Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee.

16. Charging excessive or unreasonable fees or engaging in unreasonable collection practices.

17. For treating or attempting to treat ailments or other health conditions of human beings other than by occupational therapy as authorized by these regulations.

18. For applying or offering to apply occupational therapy as an occupational therapist within the scope of occupational therapy, or for acting as an occupational therapy assistant other than under the supervision or in consultation with a licensed occupational therapist.

19. Violations of the current code of ethics for occupational therapists and occupational therapy assistants adopted by the American Occupational Therapy Association or its successor organization.

20. Violations of any rules or regulations promulgated pursuant to these regulations.

21. Has engaged in any conduct considered by the Board to be detrimental to the profession of occupational therapy.

22. The Department may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Rule 8.8.2 of these regulations.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.9.2 **Summary Suspension**:

1. The Department may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:

   a. the health, safety, or welfare of the general public is in immediate danger; or

   b. the licensee's physical capacity to practice his profession is in issue; or

   c. the licensee's mental capacity to practice his profession is in issue.

2. If the Department summarily suspends a license, a hearing must begin within twenty (20) days after such suspension begins, unless continued at the request of the licensee.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.9.3 **Complaints:** All complaints concerning a licensee, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. licensee's name;

2. name of the complaining party, if known;

3. date of complaint;

4. brief statement of complaint; and

5. disposition.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.9.4 **Investigation:** All complaints will be investigated and evaluated by Department.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.9.5 **Notice of Charges and Hearing**

1. Following the investigative process, the Department may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.

2. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least thirty (30) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the Department. The notice of the formal hearing shall consist at a minimum of the following information:

    a. the time, place and date of hearing;

    b. that the licensee shall appear personally at the hearing and may be represented by counsel;

    c. that the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;

    d. that the hearing could result in disciplinary action being taken against the licensee's license;

    e. that rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and

    f. that the Department, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.

3. The Department may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Rule 8.8.2 of these regulations.

4. The Department or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.

5. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.

6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.9.6 **Sanctions:** The Department may impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any of the above offenses:

1. Revoke the license.

2. Suspend the license, for any period of time.

3. Censure the licensee.

4. Impose a monetary penalty of not more than Two Hundred Dollars ($200.00).

5. Place a licensee on probationary status and require the licensee to submit to any of the following:

   a. report regularly to the Department, or its designee, upon matters which are the basis of probation;

   b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

   c. such other reasonable requirements or restrictions as are proper.

6. Refuse to renew a license.

7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

8. The Department may seek the counsel of the Mississippi Advisory Council in Occupational Therapy regarding disciplinary actions.

9. Disposition of any formal complaint may be made by consent order or stipulation between the board and the licensee.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.9.7 **Appeals:** Any person aggrieved by a decision of the Department shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.10.1 **Definition:** An occupational therapy assistant (OTA), shall be defined as an individual who meets the qualifications and requirements as set forth in Subchapter 4 of these regulations, and has been issued a license by the Department. The roles and responsibilities of an OTA are:

1. To practice only under the supervision of, or in consultation with, an occupational therapist licensed to practice in Mississippi.

2. To assist with but not perform total patient evaluations.

3. To perform treatment procedures as delegated by the occupational therapist.

4. To supervise other supportive personnel as charged by the occupational therapist.

5. To notify the occupational therapist of changes in the patient's status, including all untoward patient responses.

6. To discontinue immediately any treatment procedures which in their judgment appear to be harmful to the patient.

7. To refuse to carry out treatment procedures that they believe to be not in the best interest of the patient.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.10.2 **Supervision or Consultation**:

1. An occupational therapy assistant issued a limited permit (see Rule 8.4.5).

2. An occupational therapy assistant issued a regular license.

a. A supervisory visit must be performed by the occupational therapist at least once every seventh treatment day or 21 calendar days, after the introduction of the occupational therapy assistant into the treatment process. The occupational therapist will personally render treatment, review and evaluate the treatment progress of the occupational therapy assistant, and perform a functional assessment of the patient's progress. The presence of the occupational therapy assistant is not required during the supervisory visit; however, nothing prevents the occupational therapist from requiring the occupational therapy assistant's presence at the supervisory visit based on a case-by-case assessment of each unique encounter. A supervisory meeting between the occupational therapist and the occupational therapy assistant must be completed and documented prior to the next treatment visit following the supervisory visit in order to review or change the plan of care and/or assess the occupational therapy assistant's performance. The supervisory meeting between the occupational therapist and occupational therapy assistant may be in person

or via telecommunications, including audio-only communication, at the discretion of the supervising occupational therapist.

b. The supervising occupational therapist must be accessible by telecommunications to the occupational therapy assistant on a daily basis while the occupational therapy assistant is treating patients.

c. Regardless of the practice setting, the following requirements must be observed when the occupational therapist is supervising or consulting with the occupational therapy assistant:

i. The initial visit for evaluation of the patient and establishment of a plan of care must be made by the supervising or consulting occupational therapist.

ii. A ~~joint~~ supervisory visit must be made by the supervising occupational therapist with the patient present at the patient's residence or treatment setting once every 7 treatment days or every 21 calendar days, whichever comes first.

iii. A supervisory meeting between the occupational therapist and the occupational therapy assistant(s) must occur and be documented prior to the next treatment session following the supervisory visit performed by the occupational therapist.

iv. A supervisory visit should include:

1. A review of activities with appropriate revision or termination of the plan of care;

2. An assessment of utilization of outside resources (whenever applicable);

3. Documentary evidence of such visit, including documentation of the specific content in the communication between the occupational therapist and the assistant;

4. Discharge planning as indicated.

v. An occupational therapist may not supervise/consult with more than two (2) occupational therapy assistants and/or fieldwork students that are treating patients at any point in time during the occupational therapist’s work day except in school settings, or settings where maintenance or tertiary type services are provided, such as the regional treatment centers under the direction of the Department of Mental Health. The number of supervisees is inclusive of all geographic locations or employing agencies.

d. Regular interim communication should occur between the occupational therapist and occupational therapy assistant(s) during the treatment process over the 7-visit/21-day time period. Regular interim communication that occurs with the visits should be documented by either the occupational therapist or the occupational therapy assistant; however, the occupational therapist and occupational therapy assistant may both document the communication. The following are examples of ethical regular interim communication that should be documented between and in addition to the supervisory visit documentation:

i. Example #1: An occupational therapy assistant in a position of regular employment is off work due to illness, vacation, maternity leave, cannot work on the weekends, etc., and an alternate occupational therapy assistant is employed to cover the patient caseload vacated by the regular occupational therapy assistant's absence. The regular occupational therapy assistant is not actively engaged in patient treatment at the time that the alternate occupational therapy assistant is engaging in patient treatment; therefore, the regular occupational therapy assistant's supervising occupational therapist may assume supervision of the alternate occupational therapy assistant while he/she is treating the regular occupational therapy assistant's patient caseload only until the point in time that the regular occupational therapy assistant returns to actively engage in patient treatment. Documentation of these transitions must be recorded in the client's record.

ii. Example #2: The occupational therapist and/or the alternate occupational therapy assistant shall document in the medical record or official client record when an alternate occupational therapy assistant enters the treatment process if the supervising occupational therapist has had any regular interim communication with the alternate occupational therapy assistant. This communication will include information that the alternate occupational therapy assistant would need in order to treat the patient safely and effectively. A supervisory visit would only be required if it were the patient's 7th visit or 21st calendar day since the last supervisory visit.

iii. Example #3: In the event that the supervising occupational therapist is unable to perform the supervisory visit on or before the patient's 7th treatment day or 21st calendar day, the occupational therapy assistant shall document this in the medical record or official client record specifying that he/she (or any other occupational therapy assistant) cannot treat the patient on the patient's 7th visit or 21st calendar day until the supervisory visit is completed. It is the responsibility of the occupational therapy assistant to ensure treatment has not exceeded the patient's 7th treatment day or 21st calendar day.

e. Switching occupational therapy assistants during the 7/21 treatment cycle does not absolve the occupational therapist of their responsibility nor does it alter the 7 visit/21-day rule as the 7th visit is determined by the number of times the patient is treated by any licensed occupational therapy practitioner after the introduction of the occupational therapy assistant role into the treatment plan. A PRN occupational therapist may assume responsibility and supervision duties of a regular occupational therapist until the regular occupational therapist actively returns to the workplace as long as the added occupational therapy assistant does not result in the PRN occupational therapist exceeding the maximum of two (2) occupational therapy assistants/fieldwork students actively providing treatment under his/her supervision. If the PRN occupational therapist has performed a supervisory visit, the PRN occupational therapist is legally bound to that patient and occupational therapy assistant role until such time that the regular occupational therapist performs another supervisory visit to release the PRN occupational therapist of responsibility of that patient client.

3. Occupational therapy aides:

a. An occupational therapy aide is an unlicensed person who assists an occupational therapist or occupational therapy assistant as defined in Rule 8.1.3 of these regulations. An occupational therapy aide is a worker who is trained on the job.

b. Duties assigned to an occupational therapy aide must be determined and directly supervised by a licensed occupational therapist or occupational therapy assistant and must not exceed the level of specific training, knowledge, skill and competence of the individual being supervised.

c. The supervising occupational therapist or occupational therapy assistant is professionally responsible for the acts or actions performed by any occupational therapy aide supervised by the licensee in the occupational therapy setting.

d. Documentation of all training specific to the aide's duties must be in the aide's file.

e. Duties or functions which occupational therapy aides shall not perform include the following:

i. Interpreting referrals or prescriptions for occupational therapy services;

ii. Performing evaluative procedures;

iii. Developing, planning, adjusting, or modifying treatment procedures;

iv. Preparing written documentation of patient treatment or progress; and

v. Act independently without the direct supervision of a licensed occupational therapist or occupational therapy assistant during patient therapy sessions.

4. The supervision/consultation requirements stated in these regulations are minimal. It is the professional responsibility and duty of the licensed occupational therapist to provide the occupational therapy assistant with more supervision if deemed necessary in the occupational therapist's professional judgment.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 10: Occupational Therapy Assistant

Rule 8.10.1 **Definition:** An occupational therapy assistant (OTA), shall be defined as an individual who meets the qualifications and requirements as set forth in Subchapter 4 of these regulations, and has been issued a license by the Department. The roles and responsibilities of an OTA are:

1. To practice only under the supervision of, or in consultation with, an occupational therapist licensed to practice in Mississippi.

2. To assist with but not perform total patient evaluations.

3. To perform treatment procedures as delegated by the occupational therapist.

4. To supervise other supportive personnel as charged by the occupational therapist.

5. To notify the occupational therapist of changes in the patient's status, including all untoward patient responses.

6. To discontinue immediately any treatment procedures which in their judgment appear to be harmful to the patient.

7. To refuse to carry out treatment procedures that they believe to be not in the best interest of the patient.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.10.2 **Supervision or Consultation**:

1. An occupational therapy assistant issued a limited permit (see Rule 8. 4.5).

2. An occupational therapy assistant issued a regular license.

   a. Supervision or consultation which means face-to-face meetings of supervisor and supervisee (OT and OTA) to review and evaluate treatment and progress at the work site, and regular interim communication between the supervisor and supervisee. A face-to-face meeting is held at least once every seventh treatment day or 21 calendar days, whichever comes first.

b. The supervising occupational therapist must be accessible by telecommunications to the occupational therapy assistant on a daily basis while the occupational therapy assistant is treating patients.

c. Regardless of the practice setting, the following requirements must be observed when the occupational therapist is supervising or consulting with the occupational therapy assistant:

i. The initial visit for evaluation of the patient and establishment of a plan of care must be made by the supervising or consulting occupational therapist.

ii. A joint supervisory visit must be made by the supervising occupational therapist and the occupational therapy assistant with the patient present at the patient's residence or treatment setting once every 7 treatment days or every 21 days, whichever comes first.

iii. A supervisory visit should include:

1. A review of activities with appropriate revision or termination of the plan of care;

2. An assessment of utilization of outside resources (whenever applicable);

3. Documentary evidence of such visit;

4. Discharge planning as indicated.

iv. An occupational therapist may not supervise/consult with more than two (2) occupational therapy assistants except in school settings, or settings where maintenance or tertiary type services are provided, such as the regional treatment centers under the direction of the Department of Mental Health.

3. Occupational therapy aides:

a. An occupational therapy aide is an unlicensed person who assists an occupational therapist or occupational therapy assistant as defined in Rule 8.1.3 of these regulations. An occupational therapy aide is a worker who is trained on the job.

b. Duties assigned to an occupational therapy aide must be determined and directly supervised by a licensed occupational therapist or occupational therapy assistant and must not exceed the level of specific training, knowledge, skill and competence of the individual being supervised.

c. The supervising occupational therapist or occupational therapy assistant is professionally responsible for the acts or actions performed by any occupational therapy aide supervised by the licensee in the occupational therapy setting.

d. Documentation of all training specific to the aide's duties must be in the aide's file.

e. Duties or functions which occupational therapy aides shall not perform include the following:

i. Interpreting referrals or prescriptions for occupational therapy services;

ii. Performing evaluative procedures;

Developing, planning, adjusting, or modifying treatment procedures;

iii. Preparing written documentation of patient treatment or progress; and

iv. Act independently without the direct supervision of a licensed occupational therapist or occupational therapy assistant during patient therapy sessions.

4. The supervision/consultation requirements stated in these regulations are minimal. It is the professional responsibility and duty of the licensed occupational therapist to provide the occupational therapist assistant with more supervision if deemed necessary in the occupational therapist's professional judgment.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 11: Criminal Offenses and Punishment

Rule 8.11.1 **Criminal Offenses and Punishment**

1. Any person who violates any provision of Subchapter 5 of these regulations,, upon conviction, shall be guilty of a misdemeanor and shall be fined not more than One Thousand Dollars ($1,000.00) for each violation.

2. Any person who knowingly shall make a material false statement in his application for license under these regulations or in response to any inquiry by the department or the board shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or imprisoned for not less than ten (10) days nor more than sixty (60) days, or both such fine and imprisonment.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 12: Fees

Rule 8.12.1 **Method of Payment** In accordance with the Act, the following non-refundable fees, where applicable, are payable to the Mississippi State Department of Health by check or money order.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.12.2 **Schedule of Fees:**

1. Application Fee $100.00

2. Initial Licensure fee

a. Occupational Therapist $150.00

b. Occupational Therapy Assistant $100.00

3. Renewal Fee

a. Occupational Therapist $150.00

b. Occupational Therapy Assistant $100.00

4. Late Renewal/Reinstatement Fee $125.00

5. License Certificate Replacement Fee ..... $ 25.00

6. Duplicate License Certificate Fee ..... $ 25.00

7. [Reserved]

8. License Verification Fee ..... $ 25.00

9. Inactive License Fee ..... $ 50.00

10. Examination Fee:

a. Occupational Therapist ..... **

b. Occupational Therapy Assistant ..... **

**Contact the examination administrant for current examination fees.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.12.3 **Examination Fee:** Fees for the examination are to be paid to the appropriate examination administrant.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 13: Administrative Grievance Procedure

Rule 8.13.1 **Administrative Appeals**:

1. Any person aggrieved by a decision regarding the initial application for licensure or the renewal of licensure shall have the right of a second review by the Director of Professional Licensure and Council or a designated member of the Council.

2. Any person aggrieved by a decision rendered after the second review shall have the right of administrative appeal and a public hearing to be conducted in accordance with the policies of the Department of Health.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.13.2 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof.

SOURCE: Miss. Code Ann. §73-24-13

Rule 8.13.3 **Hearing**:

1. If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed.

2. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

SOURCE: Miss. Code Ann. §73-24-13

Subchapter 14: Suspension for Failure to Pay Child Support

Rule 8.14.1 In addition, the Department is authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SOURCE: Miss. Code Ann. §73-24-13

CHAPTER 9: REGULATIONS GOVERNING LICENSURE OF RESPIRATORY CARE PRACTITIONERS

Subchapter 1: GENERAL

Rule 9.1.1 **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer respiratory care services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering respiratory care services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in this chapter.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.1.2 **Legal Authority:** The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of the "Mississippi Respiratory Care Practice Act of 1991," Sections 73-57-1 et seq. of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.1.3 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. **"Board"** shall mean the Mississippi State Board of Health.

2. **"Council"** shall mean the Respiratory Care Advisory Council.

3. **"License"** shall mean the document of licensure issued by the Board.

4. "**Respiratory care"** shall mean the allied health professions responsible for the treatment, management, diagnostic, testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system, pursuant to the orders of a physician licensed in the State of Mississippi,and includes "inhalation therapy" and "respiratory therapy."

5. **"Practice of respiratory care"** shall include, but not be limited to: direct and indirect respiratory care services, including but not limited to the administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a physician; transcription and implementation of the written or verbal orders of a physician pertaining to the practice of respiratory care; observing and monitoring signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general response exhibit abnormal characteristics; and implementation based on observed abnormalities, of appropriate reporting, referral, respiratory care protocols or changes in treatment, pursuant to a prescription by a person authorized to practice medicine under the laws of the State of Mississippi; or the initiation of emergency procedures under the regulations of the Board or as otherwise permitted in this act. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, and private dwelling, or other place deemed appropriate or necessary of the Board, in accordance with the prescription or verbal order of a physician.

6. **"Performance of respiratory care"** means respiratory care in accordance with the prescription of a licensed physician and includes, but is not limited to, the diagnostic and therapeutic use of the following: administration of medical gases (except for the purpose of anesthesia), aerosols and humidification; environmental control mechanisms and hyperbaric therapy; pharmacologic agents related to respiratory care procedures; mechanical or physiological ventilatory support; bronchopulmonary hygiene; cardiopulmonary resuscitation; maintenance of the natural airway; insertion and maintenance of artificial airways; specific diagnostic and testing techniques employed in the medical management of patients to assist in diagnosis, monitoring, treatment and research of pulmonary abnormalities, including measurements of ventilatory volumes, pressures, flows, collection of specimens of blood and blood gases, expired and inspired gas samples, respiratory secretions, and pulmonary function testing; and hemodynamic and other related physiologist measurements of the cardiopulmonary system.

7. **"Respiratory care practitioner"** means:

   a. A person employed in the practice of respiratory care who has the knowledge and skill necessary to administer respiratory care.

   b. A person who is capable of serving as a resource to the physician in relation to the technical aspects of respiratory care as to safe and effective methods for administering respiratory care modalities;

   c. A person who is able to function in situations of unsupervised patient contact requiring great individual judgment; and

   d. A person capable of supervising, directing and teaching less skilled personnel in the provision of respiratory care services.

8. [Reserved]

9. [Reserved]

10. **"Examination"** shall mean an entry-level examination as administered by the National Board for Respiratory Care (NBRC), or its successor Board, to practice respiratory care or other examination that the Board may approve.

11. **"Department"** shall mean the Mississippi Department of Health.

12. **"Initiation of Emergency Procedure"** shall include, but not be limited to, Advanced Cardiac Life Support, Pediatric Advanced Life Support, and Neonatal Resuscitation Program, in emergency situations. Procedures not covered in (1-3(e) and (f) above may be performed by only those Licensed Respiratory Care Practitioners who have successfully completed a course in each respective appropriate discipline as governed by the American Heart Association, in accordance with the prescription or verbal order of a physician, and shall be performed under a qualified medical director.

13. **"Written orders of a physician"** shall include, in a hospital licensed in the State of Mississippi, a set of criteria/requirements outlined and adopted by the appropriate medical advisory body within the institution and made part of the formal hospital procedure for respiratory care.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.1.4 **Publication:** The Department shall publish, annually, a list of the names and addresses of all persons licensed by the Board as Respiratory Care Practitioners and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 2: RESPIRATORY CARE ADVISORY COUNCIL ("COUNCIL")

Rule 9.2.1 **Council Structure and Purpose:** The Council shall consist of nine (9) members as set forth in the enabling statute, for the terms indicated therein, and shall serve under the jurisdiction of the State Board of Health. The purpose of the Council is to serve in an advisory capacity to the Board in matters relating to the administration and interpretation of the enabling statute.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.2.2 **Meeting:** The Council shall meet at least twice each year. Additional meetings may be held, at the discretion of the chairperson of the Council or of the Board, upon ten (10) day written notice to the Council members. A quorum shall consist of five (5) members of the Council, including the chairperson, and shall be necessary for the Council to take action by vote.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 3: State Board of Health ("Board")

Rule 9.3.1 **Responsibilities:** The Board, with the advice of the council, shall:

1. establish examination, licensing, and renewal of license criteria for applicants;

2. maintain an up-to-date list of all individuals licensed to practice respiratory care, with such list being available, upon request, to the public;

3. refer disciplinary actions of any individual engaged in the practice of respiratory care to the appropriate government agency for prosecution, whether licensed or otherwise, or, in its discretion, refer same to the appropriate committee or council;

4. conduct disciplinary hearings, upon specified charges, of a licensee;

5. maintain an up-to-date list of all individuals whose license has been suspended, revoked, or denied and make such list available to public inspection and supply such list to similar regulatory boards in other states or jurisdictions;

6. keep a record of all proceedings of the Board, and make said record available to the public; and

7. direct the Department to promulgate and implement rules and procedures to carry out the purpose of the Act.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 4: Licensure

Rule 9.4.1 **Licensure Requirements:** An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant holds a credential, conferred by the National Board of Respiratory Care, or its successor Board, as a Certified Respiratory Technician (CRT) and/or a Registered Respiratory Therapist (RRT), or their successor

credentials, providing such credentials have not been suspended or revoked, or at the time of application have not lapsed.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.4.2 [Reserved]

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.4.3 **Temporary Permit:**

The Board may, in its discretion, issue a temporary permit to practice respiratory care for a period of six (6) months to an applicant for a license, pending the compliance of the requirements for licensure, providing the applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that the applicant is a student in an approved respiratory care education program and expects to graduate within thirty (30) days of the application for a temporary permit and who is eligible to sit for the CRT, RRT, or their successor examination.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.4.4 **Abandonment:** An application shall be deemed abandoned by the Department if, after two years from the date of filing, the requirements for licensing have not been completed and submitted to the Department.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 5: Professional Identification

Rule 9.5.1 **Titles and Abbreviation:** A person issued a license to practice respiratory care by the Mississippi State Board of Health may use the title "Licensed Respiratory Care Practitioner" and the abbreviations "L.R.C.P.," "R.C.P.," or "R.C.P.-L."

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.5.2 **Production and Display of License:** A person issued a license to practice respiratory care by the Mississippi State Board of Health shall show said license when requested.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 6: Renewal of License

Rule 9.6.1 **General Provisions:**

1. The Board shall issue licenses which shall be renewed biennially, beginning with the first renewal term after the issuance of the license.

2. The licensure period for renewal purposes shall be construed as September 1st through August 31st of the odd numbered years.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.6.2 **Procedure for Renewal of License:** The Department shall provide notices, at least thirty (30) days prior to the renewal date, to the last address registered with the board, to the persons to whom licenses were issued or renewed during the preceding renewal period. The notice of renewal shall indicate the renewal process and required fees to be completed before the date of expiration.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.6.3 **Failure to Renew:** A licensee who does not file, with the Department, his renewal application within the renewal period will be deemed to have allowed his license to lapse. Said licensee may be reinstated by the Department, in its discretion, by the payment of the renewal fee and a reinstatement fee, provided said application for reinstatement is made within two (2) years of the end of the renewal period.

SOURCE: Miss. Code Ann. §73-57-13

Subchapter 7: Continuing Education

Rule 9.7.1 **Definition and Philosophy:** Each individual licensed as a respiratory care Practitioner is responsible for optimum service to the consumer and is accountable to the consumer, the employer, and the profession for evidence of maintaining high levels of skill and knowledge. Pursuant to the Act, continuing education is mandatory. Continuing education is defined as education beyond the basic preparation required for entry into the profession, directly related to the performance and practice of respiratory care.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.7.2 **Requirements:**

1. Regulations set the requirement of twenty (20) clock hours to be accrued during the licensing term.

2. Individuals applying for initial licensure within a licensing term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.

3. Individuals holding a temporary permit are not required to accrue continuing education hours.

4. Persons who fail to accrue the required continuing education hours shall be issued a probationary license for a term of two (2) years. Failure to accrue the required hours will result in the revocation of the license. Hours accrued are first credited for the delinquent hours lacking from the previous licensure period, and then applied to the present licensing period.

5. Probationary licenses will be issued for one licensure term only. No ensuing license may be probationary as a result of not meeting continuing education requirements.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.7.3 **Content Criteria:** The content must apply to the field of respiratory care practice or health care and performance and must be designed to meet one of the following goals:

1. Update knowledge and skills required for competent performance beyond entry level as described in current legislation and regulations.

2. Allow the licensee to enhance his knowledge and skills.

3. Provide opportunities for interdisciplinary learning.

4. Extend limits of professional capabilities and opportunities.

5. Facilitate personal contributions to the advancement of the profession.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.7.4 **Sources of Continuing Education:**

1. Continuing education hours may be accrued from the following sources:

   a. Mississippi Society for Respiratory Care

   b. American Association for Respiratory Care

   c. Mississippi Nursing Association

   d. American Nursing Association

   e. American Nurses Credentialing Center

   f. Critical Care Nurses Association

   g. American Medical Association

2. Academic course work taken for credit, with a passing grade, from a regionally accredited college or university. The courses must relate to the profession of respiratory care. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. No more than fifty percent (50%) of total required hours may be accrued through academic course work.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.7.5 **Reporting Procedures for Continuing Education:** Continuing education hours shall be submitted at the time of renewal. It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

1. Attendance at seminars, workshops, presentations: Verification of attendance shall be made by the submission of a continuing education certificate, a continuing education reporting form signed by the program chairperson, or proof of having filed with the AARC.

2. Academic course work credits to be accrued must meet the content criteria in Sections 7-3, be cited by title on the continuing education form, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 8: Revocation, Suspension and Denial of License

Rule 9.8.1 **Standards of Conduct:** Licensees may, at the discretion of the Board, have their license suspended, revoked, or denied at the time of application or renewal if the Board determines that the licensee:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice respiratory care.

2. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetence.

3. Is habitually intemperate in the use of alcoholic beverage.

4. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics.

5. Is guilty of dishonest or unethical conduct.

6. Has practiced respiratory care after his license or permit has expired, lapsed, or has been suspended.

7. Has practiced respiratory care under cover of any permit or license illegally or fraudulently obtained or issued.

8. Has violated, aided, or abetted others in violation of any provision of this act.

9. Has engaged in any conduct considered by the Board to be detrimental to the profession of respiratory care.

10. Failed to disclose to an employer, upon the written request of the employer, any potential conflict of interest, including but not limited to concurrent employment by both a Durable Medical Equipment Company and/or a Home Health Company, and a Hospital or Clinic.

11. Failed to service a patient and/or equipment in a home setting as required by a contract to which the Licensee is a party.

12. Has participated in a Hospital or Clinical Agency setting in a "captive referral arrangement", whereby patients were directed to utilize a particular supplier of home medical equipment unless so directed by Hospital or Clinic policy.

13. Failed to follow the principles of ethical professional behavior.

14. Has had a license to practice any health related profession revoked, suspended, placed on probation, reprimanded, or censured, in any jurisdiction.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.8.2 **Summary Suspension:** The Board may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that:

1. The health, safety, or welfare of the general public is in immediate danger; or

2. The licensee's physical capacity to practice his profession is in issue; or

3. The licensee's mental capacity to practice his profession is in issue.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.8.3 **Complaints:** All complaints concerning a licensee, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. licensee's name

2. name of the complaining party, if known;

3. date of complaint;

4. brief statement of complaint; and

5. disposition.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.8.4 **Investigation:** All complaints will be evaluated, and if deemed necessary, investigated, by the authorized employee of the Department.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.8.5 **Notice of Charges and Hearing:**

1. Following the investigative process, the Department may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.

2. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least fifteen (15) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the state agency.

3. The notice of the formal hearing shall consist at a minimum of the following information:

   a. The time, place, and date of hearing;

   b. That the licensee shall appear personally at the hearing and may be represented by counsel;

   c. That the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;

d. That the hearing could result in disciplinary action being taken against the licensee's license;

e. That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and

f. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.

4. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order within sixty (60) days.

5. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.

6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.8.6 **Board Sanctions:** The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any of the above offenses:

1. Revocation of the license;

2. Suspension of the license, for any period of time;

3. Issue a letter of reprimand to the licensee;

4. Place a license on probationary status and require the licensee to submit to any of the following:

a. report regularly to the board upon matters which are the basis of probation;

b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

c. such other reasonable requirements or restrictions as are proper;

5. Refuse to renew a license; or

6. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.8.7 **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal to the Circuit Court of the county of the residence of the licensee as it appears on the record, in the manner provided for in the Act and the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 9: Exceptions and Exemptions

Rule 9.9.1 **Exceptions:** No person shall practice respiratory care or represent himself to be a respiratory care practitioner unless he is licensed by the Board, except as otherwise provided in this section.

1. The person is involved in the practice of respiratory care which is an integral part of the program of study by students enrolled in a respiratory care education program recognized by the Joint Review Committee for Respiratory Therapy Education and the American Medical Association Council on Allied Health Education or their successors. Unlicensed students enrolled in respiratory therapy education programs shall be identified as "Student-RCP" and shall only provide respiratory care under direct clinical supervision. Direct Clinical Supervision shall mean under the direct control of a clinical instructor of the respiratory care education program in which the unlicensed student is enrolled, or his designee. The clinical instructor or his designee shall be a Licensed Respiratory Care Practitioner in the State of Mississippi, who shall be readily accessible and accountable at all times when respiratory care is being provided by the unlicensed student.

2. Second-year Respiratory Care Practitioner (RCP) students enrolled in an accredited respiratory care program are allowed to be employed, to provide, and to be compensated for the performance of limited low-risk respiratory therapy procedures in licensed hospitals. The RCP student must be issued a hospital identification badge and be identified as an “RCP Student” on the hospital identification badge. Said badge shall be worn in clear sight when the RCP student is on the premises of the hospital. They must also be identified as an “RCP Student” on their employment application and any job description maintained in the hospital’s human resources department. Second-year RCP students shall work under the direct supervision of a licensed RCP, and the employing institution shall complete and retain all documentation of the competency, proficiency, and ability of the RCP students to perform the procedures authorized below. The procedures authorized to be performed are to be performed exclusively outside a critical care area and are as follows:

    - Set up and monitoring of low-flow oxygen (e.g., less than or equal to 6 LPM)
    - Non-exotic aerosol therapy (bronchodilators, anticholinergics, etc.)
    - Hyperinflation and airway clearance therapy
        - Electrocardiograms
        - Equipment cleaning, stocking, transporting, etc.
        - Once an RCP student is certified in Basic Life Support, they may assist in cardiorespiratory arrests at the discretion of the employing institution.

3. Self-care by a patient, or gratuitous care by a friend or family member who does not represent or hold himself out

to be a respiratory care practitioner.

4. Respiratory care services rendered in the course of an emergency.

5. Persons in the military services or working in federal facilities shall be exempted from the provisions of this act when functioning in the course of their assigned duties.

6. The respiratory care practitioner is engaged in performing advances in the art and techniques of respiratory care learned through formalized or specialized training.

7. Nothing in these regulations is intended to limit, preclude, or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of Mississippi.

8. An individual, who, by passing an examination which includes content in one or more of the functions included in these regulations, shall not be prohibited from performing such procedures for which he was tested, so long as the testing body offering the examination is certified by the National Commission for Health Certifying Agencies or its equivalent, so long as the individual is a licensed health care provider in the state of Mississippi.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.9.2 **Good Samaritan Act:** Licensee's regulated pursuant to these rules and regulations are covered by the "Good Samaritan Act" of the State of Mississippi.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 10: [Reserved]

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 11: Criminal Offenses and Punishment

Rule 9.11.1 **Offenses:** It is a misdemeanor for any person to:

1. Sell, fraudulently obtain, or furnish any respiratory care permit, license, record, or aid or abet therein.

2. Practice respiratory care under cover of any respiratory care diploma, permit, license, or record illegally or fraudulently obtained or issued.

3. Practice respiratory care unless duly licensed to do so by the Mississippi State Board of Health.

4. Impersonate in any manner or pretend to be a respiratory care practitioner or use the title "Licensed Respiratory Care Practitioner," the letters "L.R.C.P." or any other words, letters, signs, symbols or devices to indicate the person using them is a licensed respiratory care practitioner, unless duly authorized by license or permit.

5. Practice respiratory care during the time his license or permit is suspended, revoked, lapsed, or expired.

6. Fail to notify the board of the suspension, probation or revocation of any past or currently held licenses, required to practice respiratory care in this or any other jurisdiction.

7. Make false representations, impersonate, act as a proxy for another person, allow, or aid any person to impersonate him in connection with any examination or application for licensing or request to be examined or licensed.

8. Otherwise violate any provisions of the Mississippi Respiratory Care Practice Act.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.11.2 **Punishment:** Such misdemeanor shall, upon conviction, be punishable by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than six (6) months or by both fine and imprisonment for each offense.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 12: Fees

Rule 9.12.1 **Method of Payment:** In accordance with the enabling statute, the following fees, where applicable, are payable to the State Board of Health by certified check, cashiers check, or money order. Fees paid to the State Board of Health are non-refundable.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.12.2 **Schedule of Fees:**

1. Application and Initial Licensure Fee-$75.00

2. Renewal Fee-$100.00

3. Temporary Permit Fee - $50.00

4. Reinstatement Fee - $200.00

5. Replacement Fee - $50.00

6. License Verification Fee - $25.00

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.12.3 **Examination Fee:** Fees for examination are to be paid directly to the appropriate testing organization.

SOURCE: Miss. Code Ann. §73-57-13.

Subchapter 13: ADMINISTRATIVE GRIEVANCE PROCEDURE

Rule 9.13.1 **Administrative Appeals:** All persons aggrieved by a decision regarding the initial application for licensure or the renewal of licensure shall have the right of administrative appeal and a hearing to be conducted according to the policy of the Department of Health.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.13.2 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

SOURCE: Miss. Code Ann. §73-57-13.

Rule 9.13.3 **Hearing:**

1. If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed.

2. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

SOURCE: Miss. Code Ann. §73-57-13.

CHAPTER 10: REGULATIONS GOVERNING LICENSURE OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

Subchapter 1: General

Rule 10.1.1 **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive

titles corresponding to the level of qualifications for individuals who wish to offer speech-language pathology or audiology services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering speech-language pathology or audiology services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in these regulations.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.1.2 **Legal Authority:**

1. The Mississippi State Board of Health shall be empowered under Title 73, Chapter 38, Mississippi Code of 1972 Annotated, to license qualified applicants in the practice of speech-language pathology and audiology.

2. The Mississippi State Board of Health shall promulgate such rules as are necessary to provide for the licensing of speech-language pathologists, audiologists, speech-language pathology aides, and audiology aides.

3. The principal offices of the Mississippi State Board of Health and the Mississippi Council of Advisors in Speech-Language Pathology and Audiology are located in the Mississippi State Department of Health building, 570 East Woodrow Wilson, Jackson, Mississippi 39216.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.1.3 **Definitions:**

1. **Board** means the Mississippi State Board of Health.

2. **Council** means the Mississippi Council of Advisors in Speech-Language Pathology and Audiology.

3. **ASHA** means the American Speech-Language Hearing Association.

4. **Department** is the Mississippi State Department of Health.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.1.4 **Publication:** The Department shall publish, annually, a list of the names and addresses of all persons licensed by the Board as speech-language pathologists and audiologists and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded.

SOURCE: Miss. Code Ann. §73-38-13.

Subchapter 2: Speech-Language Pathology/Audiology Advisory Council ("Council")

Rule 10.2.1 **Council Structure and Purpose:** The Council shall consist of seven (7) members as set forth in §73-38-11 of the Code, for the terms indicated therein, and shall serve under the jurisdiction of the State Board of Health. The purpose of the Council is to serve in an advisory capacity to the Department in matters relating to the administration and interpretation of the Speech Pathologists and Audiologists Act.

SOURCE: Miss. Code Ann. §73-38-13

Rule 10.2.2 **Meetings:** The Council shall meet at least twice each year, with the first meeting being in January. Additional meetings may be held, at the discretion of the chairperson of the Council or any two council members. A quorum shall consist of four (4) members of the Council, including one speech-language pathologist and one audiologist present, and shall be necessary for the Council to take action by vote. A notice of meeting shall be published in a newspaper of general circulation in the state not less than ten (10) days prior to any meeting.

SOURCE: Miss. Code Ann. §73-38-13.

Subchapter 3: State Board of Health ("Board")

Rule 10.3.1 **Responsibilities:** The Board, with the advice of the council, shall:

1. establish examination, licensing, and renewal of license criteria for applicants;

2. maintain an up-to-date list of all individuals licensed to practice speech-language pathology or audiology, with such list being available, upon request, to the public;

3. conduct disciplinary hearings, upon specified charges, of a licensee;

4. refer disciplinary actions of any individual engaged in the practice of speech-language pathology or audiology to the appropriate government agency for prosecution, whether licensed or otherwise, or, in its discretion, refer same to the appropriate committee or council;

5. maintain an up-to-date list of all individuals whose license has been suspended, revoked, or denied and make such list available to public inspection and supply such list to similar regulatory boards in other states or jurisdictions;

6. keep a record of all proceedings of the Board, and make said record available to the public; and

7. direct the Department to promulgate and implement rules and procedures to carry out the purpose of the Speech Pathologists and Audiologists Act.

SOURCE: Miss. Code Ann. §73-38-13.

Subchapter 4: Licensure

Rule 10.4.1 **General Requirements**:

1. An application for a license as a speech-language pathologist or audiologist shall be submitted to the State Board of Health at its principal office in Jackson on an application form provided by the State Board of Health.

2. Every application shall be typed or written in ink, signed under the penalty of perjury, and accompanied by the appropriate fee and by such evidence, statements, or documents as therein required.

3. Approved applications and all documents filed in support thereof shall be retained by the State Board of Health.

4. Licenses issues under these regulations shall expire and become invalid at midnight of the expiration date.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.4.2 **Qualifications for Licensure:**

1. **Education**

   a. Education qualifications deemed equivalent to those specified in Section 73-38-9 shall be at least a master's degree, e.g., M.S., M.A., or M.Ed., in speech-language pathology, communicative disorders, or speech and hearing science, or a doctoral degree in audiology from an institution recognized by the State Board of Health. Licensees currently licensed as an audiologist with a master's degree will be "grandfathered" in and will remain licensed so long as they maintain their national certification. In addition, applicants for an audiology license who are already licensed as an audiologist in another state with only a master's degree will be accepted for licensure in Mississippi if they are currently nationally certified.

   b. Institutions recognized by the State Board of Health within the meaning of Section 73-38-9 shall be those institutions with academic programs accredited by the American Speech-Language-Hearing Association or any other national accrediting body deemed appropriate by the Board.

2. **Supervised Professional Employment**

   a. The applicant must have obtained the equivalent of nine (9) months of full-time professional experience (the Supervised Professional Employment) in which bona fide clinical work has been accomplished in the major professional area (speech-language pathology or audiology) in which the license is being sought. Full-time employment is defined as a minimum of thirty (30) clock hours of work a week. For applicants awarded a master's degree, the Supervised Professional Employment Plan

(SPEP) must begin after the degree has been awarded. For applicants awarded a doctoral degree, the Supervised Professional Employment Plan requirement may be met prior to awarding of the degree, provided the equivalent of the Supervised Professional Employment Plan is an integral part of the course of study which leads to the awarding of a doctoral degree. For applicants awarded a doctoral degree from institutions that do not incorporate the equivalent of the Supervised Professional Employment Plan into the degree-granting process, the Supervised Professional Employment Plan must begin after the degree has been awarded.

b. Professional experience is construed to mean direct clinical work with patients, consultations, record keeping, or any other duties relevant to a bona fide program of clinical work. Eighty percent (80%) of full-time clinical experience and one hundred percent (100%) of part-time clinical experience will be in direct clinical contact with persons who have communication handicaps. Time spent in supervision of students, academic teaching, and research, as well as administrative activity that does not deal directly with management programs of specific patients or clients will not be counted as professional experience in this context.

c. An applicant desiring to complete the Supervised Professional Employment Experience must apply to the Board for a temporary license on a form available from the Board and must demonstrate that he is or will be supervised according to Rule 10.4.5 of these regulations.

3. The National Examinations In Speech-Language Pathology and Audiology:

a. The applicant must have passed a National Examination in Speech-Language Pathology and Audiology, either the National Examination in Speech-Language Pathology or the National Examination in Audiology. Each year at its first meeting, the Advisory Council will recommend to the State Board of Health a passing score for the coming year.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.4.3 **Licensure by Reciprocity:** An applicant for licensure by reciprocity shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant has met all requirements set forth in Rule 10.4.1 and 10.4.2 of these regulations.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.4.4 **Temporary License:**

1. A temporary license to practice as a speech-language pathologist or audiologist may be granted to an applicant for licensure meeting the requirements of Rule 10.4.1 and Rule 10.4.2 who has or has not taken the approved examination or who

is entering the supervised professional employment plan subject to the conditions of Rule 10.4.5.

2. A temporary license must be issued prior to the beginning of the supervised professional employment plan.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.4.5 **Conditions of Temporary Licensure:**

1. A temporary license shall be issued for one 2-year period only beginning on the date of issuance. All regular license requirements must be completed and submitted to the department during the temporary licensure period. Supervision must be maintained according to the Supervised Professional Employment Plan (SPEP) agreement until the temporary license is upgraded to a regular license by the department.

2. A temporary licensee shall restrict his practice setting to the State of Mississippi.

    a. A temporary licensee in a department approved SPEP shall practice under the supervision of a current licensee holding a corresponding, regular license issued by the department.

    b. A temporary licensee in an employment setting that is exempt from licensure under §73-38-7 of the Code and who is engaged in a department approved SPEP shall practice under the supervision of a current, licensee holding a corresponding, regular license issued by the department.

    c. A temporary licensee may practice only in the practice setting listed in the department approved SPEP.

    d. A temporary licensee may not supervise any other licensee or registered aide.

3. Documentation in form and substance acceptable to the Department that the conditions of Rule 10.4.5(2) have been met must be on file with the Department before a temporary license will be issued.

4. A temporary license will not be issued to any individual who has had a temporary license revoked pursuant to the provisions of these regulations.

5. Any person who has completed the Supervised Employment Experience and who has taken but not passed the required examination in another jurisdiction shall not be eligible for a license of any type until an approved examination is passed.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.4.6 **Conditions of a Universal Occupational License**:

1. Notwithstanding any other provision of law, the Department shall issue a license in speech-language pathology and audiology and at the same practice level to a person who establishes residence in this state if, upon application to the Department:

   a. The applicant holds a current and valid license in good standing in another state in an occupation with a similar scope of practice, as determined by the Department, and has held this license from the occupational licensing board in the other state for at least one (1) year; and

   b. There were minimum education requirements and, if applicable, work experience, examination, and clinical supervision requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed in that state; and

   c. The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the Department under Mississippi law; and

   b. The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

   e. The applicant does not have a complaint, allegation, or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation, or investigation pending, the Department shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the Department; and

   f. The applicant pays all applicable fees in Mississippi.

2. Notwithstanding any other law, the Department shall issue a license to an applicant in speech-language pathology or audiology and at the same practice level, as determined by the Department, to a person who establishes residence in this state based on work experience in another state, if all the following apply:

   j. The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the Department;

   k. The applicant worked for at least three (3) years in the lawful occupation; and

   l. The applicant satisfies the provisions of paragraphs (c) through (f) of Rule 10.4.6(1).

32. The Department may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate speech-language pathologists and audiologists if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate speech-language pathologists and audiologists.

33. The Department may require proof of residency. Residency may be established by demonstrating proof of a state-issued identification card or one (1) of the following:

    i. Current Mississippi residential utility bill with the applicant's name and address;

    j. Documentation of the applicant's current ownership, or current lease of a residence in Mississippi;

    k. Documentation of current in-state employment or a notarized letter of the promise of employment of the applicant or his or her spouse; or

    l. Any verifiable documentation demonstrating Mississippi residency.

34. A license issued under this section is valid only in this state and does not make the person eligible to be part of an interstate compact.

35. The Department shall issue or deny the license to the applicant within one hundred twenty (120) days after receiving an application.

36. If the application requires longer than two (2) weeks to process, the Department shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of Rule 10.4.6(3) or Rule 10.4.6(4) and pays all applicable fees as required by Rule 10.4.6(1)(f).

    a. The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the Department. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure in Rule 10.4.6(1) through Rule 10.4.6(3), as applicable.

37. The Department may waive the examination for licensure of any applicant who presents proof of current licensure in another state, including the District of Columbia, or territory of the United States which maintains professional standards considered by the Department to be equivalent to those set forth in this chapter. The issuance of a license by reciprocity to a military-trained applicant, military spouse, or person who establishes residence in this state shall be subject to the provisions of Section §73-50-1 or §73-50-2 of the Mississippi Code of 1972, as applicable.

38. The Department shall waive the examination for licensure of any person certified as clinically competent by ASHA in the area for which such person is applying for licensure.

39. Denial of Universal License

a. The applicant may appeal any of the following decisions of the Department to a court of general jurisdiction:

(xiii) Denial of a license;

(xiv) Determination of the occupation;

(xv) Determination of the similarity of the scope of practice of the license issued; or

(xvi) Other determinations under this section.

b. The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by the Department, without regard to any previous determination that may have been made on the question in any action before the Department.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.4.7 **Abandonment:** An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for licensing have not been completed and submitted to the Department.

SOURCE: Miss. Code Ann. §73-38-13.

Subchapter 5: Professional Identification

Rule 10.5.1 **Production and Display of License;** A person licensed to practice speech-language pathology or audiology in Mississippi shall be issued a "Certificate of Licensure" and "License Identification Card." The licensee shall prominently display the "Certificate of Licensure" or copy thereof at their place(s) of employment. The licensee shall carry the "License Identification Card" when providing services and show said ID card when requested.

SOURCE: Miss. Code Ann. §73-38-13

Subchapter 6: Renewal of License

Rule 10.6.1 **General Provisions:**

1. The Board shall issue regular licenses which shall be renewed prior to the expiration date of the license.

2. The licensure period shall be construed as July 1 through June 30 with all regular licenses expiring at midnight on June 30 of even-numbered years.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.6.2 **Procedure for Renewal of License:** The Department shall mail notices approximately sixty (60) days prior to the license expiration date to the last home address registered with the Department, to the persons to whom licenses were issued or renewed during the preceding licensure period. The licensee shall:

1. complete the renewal form;

2. submit proof of continuing education credit as detailed in Subchapter 7 of these regulations;

3. enclose the renewal fee; and

4. file the above with the Department prior to the licensure expiration date.

5. Renewal applications filed or postmarked after the licensure expiration date are subject to a late renewal penalty of $50.00.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.6.3 **Failure to Renew:** A licensee who does not file, with the Department, renewal requirements prior to licensure expiration will be deemed to have allowed his license to lapse. Failure to submit all renewal requirements postmarked on or before September 30 shall result in the necessity of the payment of a “renewal”, the “late renewal penalty”, and the “license issued after the expiration date” fee. Said license may be reinstated by the Department, in its discretion, by the payment of the "renewal,” the "late renewal penalty", and the "license issued after expiration date" fees, and the required continuing education hours provided said application for reinstatement is made within two (2) years after its last expiration date. A license may not be reinstated after having lapsed for two (2) consecutive years. A new application must be made and the licensure regulations in effect at the time of application must be met.

SOURCE: Miss. Code Ann. §73-38-13

Subchapter 7: Continuing Education

Rule 10.7.1 **Definition and philosophy:** Each individual licensed as a speech-language pathologist or audiologist is responsible for optimum service to the consumer and is accountable to the consumer, the employer, and the profession for evidence of maintaining high levels of skill and knowledge.

1. Continuing education is defined as education beyond the basic preparation required for entry into the profession, directly related to the performance and

practice of speech-language pathology or audiology. Relevancy of continuing education hours will be determined by the department with the advice of the council.

2. Pursuant to §73-38-33 of the Mississippi Code 1972 Annotated, continuing education is mandatory.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.7.2 **Requirements:**

1. Regulations set the requirement of 20 contact hours (CH) or 2 Continuing Education Units (CEU) to be accrued during the licensing term. No carryover of continuing education hours from one licensure period to another shall be allowed. At least fifty (50) percent (10 Contact Hours or 1 CEU) of the continuing education requirement must be directly related to the clinical practice of speech-language pathology or audiology.

2. Individuals applying for initial licensure within a licensing term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.

3. Individuals holding a temporary license must meet the same CEU requirements as regularly licensed practitioners.

4. Persons who fail to accrue the required continuing education hours shall be issued a CE probationary license for the licensure term. Failure to accrue the required hours during the CE probationary period will result in the revocation of the license. Hours accrued are first credited for the delinquent hours lacking from the previous licensure period, and then applied to the current (CE probationary) licensing period. CE probationary licenses will be issued for one licensure term only. No ensuing license may be CE probationary as a result of not meeting continuing education requirements.

5. **NOTE: Reinstatement of a license revoked for failure to meet continuing education requirements is subject to the discretion of the Department. If said license is permitted to be reinstated, payment of the "renewal," the "late renewal payment penalty", and the "license issued after expiration date" fees as stated in Subchapter 11 of these regulations will be required before licensure may be reinstated**.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.7.3 **Content Criteria:** The content must apply to the field of speech-language pathology or audiology and performance and must be designed to meet one of the following goals:

1. Update knowledge and skills required for competent performance beyond entry level as described in current legislation and regulations.

2. Allow the licensee to enhance his knowledge and skills.

3. Provide opportunities for interdisciplinary learning.

4. Extend limits of professional capabilities and opportunities.

5. Facilitate personal contributions to the advancement of the profession.

SOURCE: Miss. Code Ann. §73-38-13

Rule 10.7.4 **Sources of Continuing Education** (Revised 1/14/09): Only courses/providers of CE courses approved by one of the organizations listed in Rule 10.7.4(1) (a) will be accepted as continuing education for licensure renewal purposes. A course not approved by an organization listed in this section of the regulations may be reviewed by the department prior to attendance at the course. Contact the department for information. Continuing education hours may be accrued from the following sources, when the content of the programs relates to the profession of speech-language pathology or audiology:

1. Attendance at educational programs:

   a. attendance at educational programs where continuing education credit is given and approved by the American Speech-Language Hearing Association (ASHA), including other state association educational programs;

   b. attendance at educational programs where continuing education credit is given and approved by the American Medical Association (AMA) and its components;

   c. attendance at educational programs where continuing education credit is given and approved by accredited universities.

   d. attendance at educational programs where continuing education credit is given and approved by the Academy of Dispensing Audiologists.

   e. attendance at educational programs where continuing education credit is given and approved by the American Academy of Audiology.

   f. attendance at educational programs where continuing education credit is given and approved by the American Auditory Society.

   g. attendance at educational programs where continuing education credit is given and approved by licensure authorities for speech-language

pathology or audiology of other states or territories of the United States or the District of Columbia.

h. attendance at other programs approved for continuing education credit by ASHA, AMA, or their components.

2. Presentations, made before recognized groups of speech-language pathologists or audiologists, medical practitioners, or other health related professionals, rather than civic groups, and directly related to the profession of speech-language pathology or audiology. To be considered for continuing education credit, material outline and a synopsis must be submitted to the Department thirty (30) days prior to the presentation date. Notice of approval or disapproval will be sent following a review by the Department. For approved presentations, the presenter may accrue one (1) hour of continuing education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit is given one (1) time only, even though the session may be presented multiple times. No more than 30% of total required hours may be accrued through presentations.

3. Academic course work taken after successful completion of the master's degree licensure requirement and taken for credit from a regionally accredited college or university. The courses must relate to the clinical practice of speech-language pathology or audiology. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. Courses must be on the graduate level. A minimum grade of "C" is needed for CE purposes

4. Online or Home Study Courses:

   a. One hundred percent (100%) of the total required hours may be accrued through online or home study courses.

   b. Correspondence courses are not considered self-study.

   c. Courses must be approved by one of the organizations listed in Rule 10.7.4(1)(a) of these regulations.

5. Teleconferences approved by a provider listed under Rule 10.7.4(1)(a) of these regulations. Viewing of taped teleconferences is not acceptable unless authorized by the provider in writing.

6. Publication in a professional, refereed journal. Licensee must be the principal author. A maximum of 30% of the total CE requirement may be accrued through publication.

7. Specific UNACCEPTABLE activities include:

   a. All in-service programs not approved under Rule 10.7.4(1)(a) of these regulations.

b. Orientation to specific work-site programs dealing with organizational structures, processes, or procedures.

c. Meetings for purposes of policy decision.

d. Non-educational meetings at annual conferences, chapter, or organizational meetings.

e. Entertainment or recreational meetings or activities.

f. Committee meetings, holding of office, serving as an organizational delegate.

g. Visiting exhibits.

h. CPR education.

i. Self-directed studies other than those previously outlined.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.7.5 **Reporting Procedures for Continuing Education:** Continuing education credit must be awarded by the approved program provider on a form furnished by the program provider. Proof of program approval by an organization listed in section 106.0(1) (a) must be submitted with the certificate if a recognized approval source is not evident on the CE certificate.

1. It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit: Attendance at seminars, workshops, presentations, etc., approved by one of the providers listed in Rule 10.7.4(1)(a): Certificate of attendance or completion must be submitted during the licensure renewal period (must include source, number of continuing education hours and date of attendance).

2. Credit for presentations: Submit a copy of the Department's approval letter.

3. Academic course work credits must meet the content criteria in Rule 10.7.3, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report. A minimum course grade of "C" is required for CE credit.

4. Home Study Course: A certificate of completion must be submitted to receive continuing education credit.

5. Teleconferences: A certificate of completion from the approved provider of the teleconference.

6. Publication: A copy of the article and the name, volume, page number, etc. of the journal in which the article was published.

SOURCE: Miss. Code Ann. §73-38-13.

Subchapter 8: Revocation, Suspension and Denial of License

Rule 10.8.1 **Standards of Conduct:** Licensees subject to these regulations shall conduct their activities, services, and practice in accordance with this section. Licensees may be subject to the exercise of the disciplinary sanctions enumerated in Rule 10.8.6 of these regulations if the Board finds that a licensee is guilty of any of the following:

1. Negligence in the practice or performance of professional services or activities.

2. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public in the course of professional services or activities.

3. Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same.

4. Being convicted of any crime which has a substantial relationship to the licensee's activities and services or an essential element of which is misstatement, fraud, or dishonesty.

5. Being convicted of any crime which is a felony under the laws of this state or the United States.

6. Engaging in or permitting the performance of unacceptable services personally or by others working under the licensee's supervision due to the licensee's deliberate or negligent act or acts or failure to act, regardless of whether actual damage or damages to the public is established.

7. Continued practice although the licensee has become unfit to practice as a speech language-pathologist or audiologist due to:

    a. failure to keep abreast of current professional theory or practice; or

    b. physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or

    c. addiction or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice.

8. Having disciplinary action taken against the licensee's license in another state.

9. Making differential, detrimental treatment against any person because of race, color, creed, sex, religion, or national origin.

10. Engaging in lewd conduct in connection with professional services or activities.

11. Engaging in false or misleading advertising.

12. Contracting, assisting, or permitting unlicensed persons to perform services for which a license is required under these regulations.

13. Violation of any probation requirements placed on a license by the Board.

14. Revealing confidential information except as may be required by law.

15. Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee.

16. Charging excessive or unreasonable fees or engaging in unreasonable collection practices.

17. For treating or attempting to treat ailments or other health conditions of human beings other than by speech or audiology therapy as authorized by these regulations.

18. For applying or offering to apply speech or audiology, exclusive of initial evaluation or screening and exclusive of education or consultation for the prevention of physical and mental disability within the scope of speech or audiology therapy, or for acting as a speech- language pathologist or audiologist, or speech-language pathologist or audiologist aide other than under the direct, on-site supervision of a licensed speech-language pathologist or audiologist.

19. Violations of the current codes for speech-language pathologists or audiologists, and speech-language pathologist or audiologist assistants adopted by the American Speech-Language-Hearing Association.

20. Violations of any rules or regulations promulgated pursuant to these regulations.

21. Has engaged in any conduct considered by the Board to be detrimental to the profession of speech-language pathology or audiology.

22. The Board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Rule 10.8.0 of these regulations.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.8.2 **Rules For Professional Conduct:**

1. Preamble: The preservation of the highest standards of integrity and ethical principles is vital to the successful discharge of the professional responsibilities of all speech-language pathologists and audiologists. These Rules of Professional Conduct have been promulgated by the State Board of Health in an effort to stress the fundamental rules considered essential to this basic purpose. Any action that is in violation of the spirit and purpose of these Rules shall be considered unethical. Failure to specify any particular responsibility or practice in these Rules should not be construed as denial of the existence of other responsibility or practices. The fundamental rules of ethical conduct are described in three categories: Principles of Ethics, Ethical Proscriptions, and Matters of Professional Propriety.

2. Principles of Ethics: Five Principles serve as a basis for the ethical evaluation of professional conduct and form the underlying moral basis for these Rules. Individuals subscribing to these Rules shall observe these principles as affirmative obligations under all conditions of professional activity.

3. Ethical Proscriptions: Ethical Proscriptions are formal statements of prohibitions that are derived from the Principles of Ethics.

4. Matters of Professional Propriety: Matters of Professional Propriety represent guidelines of conduct designed to promote the public interest and thereby better inform the public and particularly the persons in need of speech-language pathology and audiology services as to the availability and the rules regarding the delivery of those services.

5. Principles of Ethics I:

    a. Individuals shall hold paramount the welfare of persons served professionally.

    b. Individuals shall use every resource available, including referral to other specialists as needed, to provide the best service possible.

    c. Individuals shall fully inform persons served of the nature and possible effects of the services.

    d. Individuals shall fully inform persons participating in research or teaching activities of the nature and possible effects of these activities.

    e. Individuals' fees shall be commensurate with services rendered.

    f. Individuals shall provide appropriate access to records of persons served professionally.

g. Individuals shall take all reasonable precautions to avoid injuring persons in the delivery of professional services.

h. Individuals shall evaluate services rendered to determine effectiveness.

6. Ethical Proscriptions:

a. Individuals must not exploit persons in the delivery of professional services, including accepting persons for treatment when benefit cannot reasonably be expected or continuing treatment unnecessarily.

b. Individuals must not guarantee the results of any therapeutic procedures, directly or by implication. A reasonable statement of prognosis may be made, but caution must be exercised not to mislead persons served professionally to expect results that cannot be predicted from sound evidence.

c. Individuals must not use persons for teaching or research in a manner that constitutes invasion of privacy or fails to afford informed free choice to participate.

d. Individuals must not evaluate or treat speech, language, or hearing disorders except in a professional relationship. They must not evaluate or treat solely by correspondence. This does not preclude follow-up correspondence with persons previously seen, or providing them with general information of an educational nature.

e. Individuals must not reveal to unauthorized persons any professional or personal information obtained from the person served professionally, unless required by law or unless necessary to protect the welfare of the person or the community.

f. Individuals must not discriminate in the delivery of professional services on any basis that is unjustifiable or irrelevant to the need for and potential benefit from such services, such as race, sex, or religion.

g. Individuals must not charge for services not rendered.

7. Principle of Ethics II:

a. Individuals shall maintain high standards of professional competence.

b. Individuals engaging in clinical practice shall possess appropriate qualifications as stated in Section 73-38-9.

c. Individuals shall continue their professional development throughout their careers.

d. Individuals shall identify competent, dependable referral sources for persons served professionally.

e. Individuals shall maintain adequate records of professional services rendered.

8. Ethical Proscriptions:

a. Individuals must provide neither services nor supervision of services for which they have not been properly prepared, not permit services to be provided by any of their staff who are not properly prepared.

b. Individuals must not provide clinical services by prescription of anyone who does not hold a license in speech-language pathology or audiology.

c. Individuals must not delegate any service requiring the professional competence of a licensed clinician to anyone unqualified.

d. Individuals must not offer clinical services by supportive personnel for whom they do not provide appropriate supervision and assume full responsibility.

e. Individuals must not require anyone under their supervision to engage in any practice that is a violation of the Rules for Professional Conduct.

9. Principle of Ethics III: Individuals' statements to persons served professionally and to the public shall provide accurate information about the nature and management of communicative disorders, and about the profession and services rendered by its practitioners.

10. Ethical Proscriptions:

a. Individuals must not misrepresent their training or competence.

b. Individuals' public statements providing information about professional services and products must not contain representations or claims that are false, deceptive, or misleading.

c. Individuals must not use professional or commercial affiliations in any way that would mislead or limit services to persons served professionally.

11. Matters of Professional Propriety: Individuals should announce services in a manner consonant with highest professional standards in the community.

12. Principle of Ethics IV:

a. Individuals shall maintain objectivity in all matters concerning the welfare of persons served professionally.

b. Individuals who dispense products to persons served professionally shall observe the following standards:

i. Products associated with professional practice must be dispensed to the person served as a part of program of comprehensive habilitative care.

ii. Fees established for professional services must be independent of whether a product is dispensed.

iii. Persons served must be provided freedom of choice for the source of services and products.

iv. Price information about professional services rendered and products dispensed must be disclosed by providing to or posting for persons served a complete schedule of fees and charges in advance of rendering services, which schedule differentiates between fees for professional services and charges for products dispensed.

v. Products dispensed to the person served must be evaluated to determine effectiveness.

13. Ethical Proscriptions: Individuals must not participate in activities that constitute a conflict of professional interest.

14. Matters of Professional Propriety:

a. Individuals should not accept compensation for supervision or sponsorship of a person holding a temporary license who is completing the supervised professional employment requirement for licensure as stated in Section 73-38-5. He may, however, accept reasonable reimbursement for expenses incurred during this supervision or a consultant fee from the employer of the temporary licensee.

b. Individuals should present products they have developed to their colleagues in a manner consonant with highest professional standards.

15. Principle of Ethics V: Individuals shall honor their responsibilities to the public, their profession, and their relationships with colleagues and members of allied professions.

16. Matters of Professional Propriety:

a. Individuals should seek to provide and expand services to persons with speech, language, and hearing handicaps as well as to assist in establishing high professional standards for such programs.

b. Individuals should educate the public about speech, language, and hearing processes, speech, language, and hearing problems, and matters related to professional competence.

c. Individuals should strive to increase knowledge within the profession and share research with colleagues.

d. Individuals should establish harmonious relations with colleagues and members of other professions, and endeavor to inform members of related professions of services provided by speech-language pathologists and audiologists, as well as seek information from them.

e. Individuals should assign credit to those who have contributed to a publication in proportion to their contribution.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.8.3 **Summary Suspension:**

1. The Department may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:

   a. the health, safety, or welfare of the general public is in immediate danger; or

   b. the licensee's physical capacity to practice his/her profession is in issue; or

   c. the licensee's mental capacity to practice his/her profession is in issue.

2. If the Board summarily suspends a license, a hearing must begin within twenty (20) days after such suspension begins, unless continued at the request of the licensee.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.8.4 **Complaints:** All complaints concerning a licensee, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. licensee's name

2. name of the complaining party, if known;

3. date of complaint;

4. brief statement of complaint; and

5. disposition.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.8.5 **Investigation:** All complaints will be investigated and evaluated by Department.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.8.6 **Notice of Charges and Hearing:**

1. Following the investigative process, the Department may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.

2. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least twenty (20) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the Department. The notice of the formal hearing shall consist at a minimum of the following information:

    a. the time, place and date of hearing;

    b. that the licensee shall appear personally at the hearing and may be represented by counsel;

    c. that the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;

    d. that the hearing could result in disciplinary action being taken against the licensee's license;

    e. that rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and

    f. that the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.

3. The Board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Rule 10.8.2 of these regulations.

4. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.

5. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.

6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.8.7 **Sanctions:** The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee or applicant for license is guilty of any violations of the practice act or any lawful order, rule or regulation rendered or adopted by the Board:

1. Revoke the license.

2. Suspend the license, for any period of time.

3. Censure the licensee.

4. Impose a monetary penalty of not more than Two Hundred Dollars ($200.00).

5. Place a licensee on probationary status and require the licensee to submit to any of the following:

   a. report regularly to the Department, or its designee, upon matters which are the basis of probation;

   b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

   c. such other reasonable requirements or restrictions as are proper.

6. Refuse to renew a license.

7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

8. The Board may reinstate any licensee to good standing under this chapter if, after hearing, the board is satisfied that the applicant's renewed practice is in the public interest.

9. The Board may seek the counsel of the Council regarding disciplinary actions.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.8.8 **Criteria For Rehabilitation;** Upon the suspension or revocation of a license on the grounds that the licensee has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his eligibility for licensure, will consider the following:

1. The nature and severity of the act(s) which resulted in the suspension or revocation of his license.

2. The extent of time elapsed since the commission of the act(s) which resulted in the suspension or revocation.

3. Whether he has committed any act(s) which if done by a licensee would be grounds for suspension or revocation of a license since the date of suspension or revocation.

4. Whether he has done any act(s) involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or another, or substantially injure another since the date of the suspension or revocation.

5. Whether he has complied with any or all conditions or probation or restitution, or any other civil or criminal sanction imposed against him as a result of the act(s) including such administrative penalties and conditions or probation as have been imposed on him by the Board; and

6. Such other evidence of rehabilitation as the person may submit.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.8.9 **Appeals:** Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. §73-38-13

Subchapter 9: Exceptions and Exemptions

Rule 10.9.1 **Persons and Practices Exempt:** Nothing in this chapter shall be construed as preventing or restricting:

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

2. Any person licensed as a hearing aid dispenser from measuring and testing hearing in relation to the fitting, usage and dispensing of hearing aids or rendering

post fitting services to his clients or using any title provided in Sections 73-14-1 through 73-14-47;

3. Any person licensed in this state by any other law from engaging in the profession or occupation for which he is licensed;

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

5. The activities and services of persons pursuing a course of study leading to a degree in speech-language pathology at a college or university if such activities and services constitute a part of the supervised course of study and that such person is designated speech-language pathology intern, speech-language pathology trainee, or by other such titles clearly indicating the training status appropriate to his level of training;

6. The activities and services of a person pursuing a course of study leading to a degree in audiology at a college or university if such activities and services constitute a part of a supervised course of study and such person is designated audiology intern, audiology trainee, or by any other such titles clearly indicating the training status appropriate to his level of training; or

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

cooperation with a speech-language pathologist or audiologist licensed under this chapter; or

8. Any person employed by a private industry or firm for the purpose of conducting hearing tests incident to the operations of such firm or industry relative to its employees and employment practices.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.9.2 **Good Samaritan Act**: [LEFT BLANK ON PURPOSE]

SOURCE: Miss. Code Ann. §73-38-13.

Subchapter 10: Regulations Governing Registration of Speech-Language Pathology Aides/Audiology Aides

Rule 10.10.1 **Purpose:** The purpose of these regulations is to set minimum qualifications for the registration of speech-language pathology and audiology aides by the State Board of Health; to provide qualifications for registration; to provide the method of supervision of aides by speech-language pathologists or audiologists; to provide for the denial, suspension and revocation of such registration; to provide for the denial, suspension and revocation of licenses of speech-language pathologists and audiologists employing or supervising speech-language pathology or audiology aides; and for related purposes.

SOURCE: Miss. Code Ann. §73-38-13

Rule 10.10.2 **Legal Authority:** The Legislation Governing Speech-Language Pathologists/Audiologists, Section 73-38-1, et seq., of the Mississippi Code of 1972, provides the legal authority under which the State Board of Health, established and empowered by Section 41-3-1, et seq., Mississippi Code of 1972, and the State Department of Health, established by section 41-3-15, Mississippi Code of 1972, are authorized to establish regulations necessary to carry out the mandates of the Legislation Governing Speech-Language Pathologists/Audiologists.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.10.3 **Definitions**:

1. **Board** means the Mississippi State Board of Health.

2. **Department** means the Mississippi State Department of Health.

3. **Council** means the Mississippi Council of Advisors in Speech-Language Pathology and Audiology as established in Section 73-38-11.

4. **Person** means any individual, organization, or corporate body. However, only an individual may be registered under the Legislation Governing Speech-Language Pathologists/Audiologists.

5. **Speech-language pathologist** means an individual who practices speech-language pathology and who presents oneself to the public by any title or description of services incorporating the words "speech-language pathologist," "speech pathologist," "speech therapist," "speech correctionist," "speech clinician," "language pathologist," "language therapist," "logopedist," "communicologist," "voice therapist," "voice pathologist," or any similar title or description of services.

6. **Speech-language pathology** means the application of principles, methods and procedures for the measurement, testing, evaluation, prediction, counseling, instruction, habilitation or rehabilitation related to the development and disorders of speech, voice, language, swallowing or feeding, or for the purpose of evaluating, preventing, ameliorating or modifying such disorders and conditions in individuals and/or groups of individuals.

7. **Audiologist** means an individual who practices audiology and who presents oneself to the public by any title or description of services incorporating the words "audiologist," "hearing clinician," "hearing therapist," or any similar title or description of service.

8. **Audiology** means the application of principles, methods and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation or rehabilitation related to disorders of hearing and balance for the purpose of evaluating, identifying, preventing, ameliorating or modifying such disorders and conditions in individuals and/or groups of individuals; and for the purpose of this subsection the words "habilitation" and "rehabilitation" include, but are not limited to, hearing aid dispensing and evaluation, auditory training, and speech reading.

9. **Speech-language pathology aide** means an individual who meets minimum qualifications set in these regulations, and who works under the supervision of a licensed speech-language pathologist.

10. **Audiology aide** means an individual who meets minimum qualifications set in these regulations, and who works under the supervision of a licensed audiologist.

11. **Licensed** means licensed by the Mississippi State Department of Health to practice speech-language pathology or audiology.

12. **Registrant** means an individual registered as a speech-language pathology or audiology aide.

13. **Supervising Licensee** means the licensed speech-language pathologist or licensed audiologist authorized to supervise a registered aide as stated on the aide registration form filed with the Department.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.10.4 **Powers and Duties of the Department**:

1. To aid the state's attorneys of the various counties in the enforcement of the provisions of the Legislation Governing Speech-Language Pathologists/Audiologists and the prosecution of any violations thereof. In addition to the criminal penalties provided by the Legislation Governing Speech-Language Pathologists/Audiologists, the civil remedy of injunction shall be available to restrain and enjoin violations of any provisions of that law without proof of actual damages sustained by any person.

2. To determine the qualifications and eligibility of applicants for registration as speech-language pathology and audiology aides in this state.

3. To issue, renew, deny, suspend, or revoke registration of speech-language pathology and audiology aides in this state or otherwise discipline registered speech-language pathology and audiology aides.

4. To deny, suspend or revoke licensure of speech-language pathologists and audiologists or otherwise discipline licensed speech-language pathologists and audiologists who employ or supervise speech-language pathology or audiology aides, and who engage in unethical or questionable practices, or who fail to provide appropriate supervision of aides or who have encouraged or participated in any intentional act or omission that caused or assisted their aides to violate these regulations and/or any law, including but not limited to, Section 73-14-1, et seq. of the Mississippi Code of 1972 as amended which is generally known as the "Hearing Aid Dealers Licensing Act".

5. To investigate alleged or suspected violations of the provisions of the Legislation Governing Speech-Language Pathologists/Audiologists or other laws of this state pertaining to speech-language pathology and audiology aides and these regulations.

6. To maintain a register listing the name of every speech-language pathology and audiology aide registered in this state, his/her last known place of business and last known place of residence, and the date and number of his/her registration. Such a list shall be available to any person upon application to the department and payment of such charges as may be fixed by it.

7. To be responsible for all disputed matters involving whether an applicant shall be registered.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.10.5 **Registration:**

1. **Application for Registration:** An application for registration for a speech-language pathology or audiology aide shall be submitted by the supervising licensee to the State Department of Health at its principal office in Jackson, Mississippi, on an application form provided by the Department. Every application shall be typed or written in ink, the signatures notarized and accompanied by the appropriate fee and by such evidence, statements, or documents as herein required.

2. **Abandonment of Application:** If the application process for registration is not completed within 6 months, the application shall be considered abandoned, and a new application must be submitted before registration may be granted.

3. **Education Requirements:** The educational requirements for registration as a speech-language pathology or audiology aide shall be a minimum of a high school diploma or the equivalent.

4. **General Requirements:** The licensed speech-language pathologist or audiologist who registers aides must determine that the applicant:

   a. Is at least 18 years of age;

   b. Is of good moral character;

   c. Has met the minimum educational requirements;

   d. Has adequate communication skills and the ability to relate to the clinical population;

   e. Has paid an application fee;

   f. Works under the supervision of a licensed speech-language pathologist or audiologist according to a supervision plan approved by the department; and

   g. Shall be registered by the department. No examination shall be required for registration.

5. **Supervision Requirements:** A licensed speech-language pathologist or audiologist may not supervise more than three aides.

   a. The licensee who supervises aides is responsible for the services provided to the client by said aides. The supervising licensee is also responsible for:

   b. The institution of a training program for each aide under his supervision encompassing all the procedures to be performed by the aide.

Documentation of such training in form and substance acceptable to the Department shall be retained in the aide's personnel file.

c. Documentation in form and substance acceptable to the Department of competency in each task performed shall be retained in the aide's personnel file. The competency in this task shall be observed and verified by the licensee.

d. Insuring that the extent, kind, and quality of functions performed by each aide under supervision are consistent with the training and experience of the aide.

e. The supervising licensee shall directly observe the first five (5) hours while the aide works with clients. Thereafter, the supervising licensee shall directly observe the aide during twenty percent (20%) of the time that the aide works with clients per week, to be documented weekly in the aide's personnel file. At all other times that the aide is working, the licensee must be accessible and available to the aide.

f. Insuring that each aide under his supervision complies with the provisions of the Regulations Governing Licensure of Speech-Language Pathologists and Audiologists.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.10.6 **Renewal of Registration:**

1. **Report**: Prior to the expiration date of an aide's registration, every licensed speech-language pathologist or audiologist who is supervising or who has supervised any aide during the registration period shall submit to the State Department of Health, on a form provided by the Department: (1) a report for the previous registration period showing the nature and extent of the functions performed by each aide supervised; and (2) the renewal fee for aide registration.

2. **Notice of Termination**: Within 7 days after the termination of the supervision of a speech-language pathology or audiology aide, the supervising licensee shall notify the State Department of Health, in writing, of such termination and the date of termination and return the certificate of registration to the department. Failure of a supervising licensee to comply with the provisions of this section may result in disciplinary action pursuant to these regulations.

3. **Fees**: The supervising licensee shall be responsible for ensuring that the aide's renewal application and the prescribed fee have been submitted to the Department for each aide supervised.

   a. The following fees are payable to the State Department of Health:

      i. Initial registration - $50.00

ii. Renewal of registration - $50.00

SOURCE: Miss. Code Ann. §73-38-1.

Rule 10.10.7 **Roles and Responsibilities of Licensees and Registrants:** Within the provision of speech-language pathology or audiology service there are two recognized levels of personnel: the professional speech-language pathologist or audiologist who is licensed to practice speech-language pathology and audiology; and the speech-language pathology or audiology aide who is registered, but is usually an on-job-trained individual who provides support activities for the speech-language pathologist or audiologist. The speech-language pathologist or audiologist shall assume primary responsibility for speech-language pathology and audiology care rendered by the licensee and his/her aide.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.10.8 **Duties of the Speech-Language Pathology or Audiology Aide:**

1. Aides shall be clearly identified as aides by means of a nametag or other appropriate identification at all times. The supervising licensee shall obtain the written consent of the consumer prior to client services being performed by an aide as part of a treatment plan. The consent form shall also be signed by the aide and the licensee and retained together in one (1) clearly marked file in the principal business office of the licensee and available for review and inspection by the Department. All documents signed by an aide must clearly identify the individual as an aide. Training in professional behavior must be completed. For example, the confidentiality of patient information should be discussed.

2. Duties of the speech-language pathology aide may include the following (other activities are considered the practice of the licensed speech-language pathologist):

   a. Routine paperwork (case history, permission to test, insurance, scheduling, billing, etc.).

   b. Administer self-questionnaires to clients (paper and pencil or computerized).

   c. Demonstrate any computerized testing/therapy materials the clinician utilizes.

   d. Set up office room for therapy or testing (this includes any equipment assembly as for a nasometer, visipitch or IBM speech viewer.

   e. Biologically calibrate equipment.

   f. Display knowledge of universal body precautions and use of personal protective barriers.

g. Except for the purposes of dispensing hearing aids, do mass auditory screening (such as those done in a public school with an audiometer).

h. Record keeping during therapy procedures.

i. Disinfect materials or items used in testing or therapy (equipment, furniture, etc.) after every client/patient visit.

j. Assist client in use of augmentative communication devices.

k. Demonstrate communication boards. This includes client interaction.

l. Some speech-language activities such as repetitive drills are routinely assigned to a parent, caretaker, or significant other for stabilization/generalization purposes. This is done after the speech-language pathologist has introduced and taught the client the target sound or language concept. These types of drill activities are allowed.

m. Demonstrate an electrolarynx. The aide is restricted to self demonstration.

n. Participate in behavior modification programming.

o. Speech-language pathology aides may not be responsible for or perform diagnostic or evaluative procedures nor those activities listed as "Speech-language pathology" in Section 73-38-3 of the Mississippi Code of 1972 Annotated.

3. Duties of the audiology aide may include the following (other activities are considered the practice of the licensed audiologist):

a. Routine paper work (case history, permission to test, insurance, scheduling, billing, etc.).

b. Demonstrate assistive listening devices.

c. Perform minor troubleshooting on hearing aids/assistive listening devices.

d. Except for the purpose of dispensing hearing aids, make ear molds/impressions after ears are "visually inspected" by the physician or the licensed audiologist.

e. Administer self-questionnaires to clients (paper and pencil or computerized).

f. Demonstrate any computerized testing/therapy materials that the clinician utilizes.

g. Set up office room or prepare client/patient for therapy or testing (this includes any equipment assembly as for an otoscope), or patient preparation work for electrophysiological measures.

h. Biologically calibrate equipment.

i. Display knowledge of universal body precautions and use of personal protective barriers.

j. Record keeping during audiometric or therapy procedures.

k. Provide assistance to the audiologist who shall perform the pediatric auditory testing or sound field testing.

l. Disinfect materials or items used in testing or therapy (equipment, furniture, specula, etc.) after every client/patient visit.

m. Take sound intensity readings as with a sound level meter.

n. Audiology aides shall not be responsible for or perform a) diagnostic or evaluative procedures and/or b) any activities listed as "Audiology" in Section 73-38-3 of the Mississippi Code 1972 Annotated and/or c) any procedures that deal with the fitting of hearing aids.

SOURCE: Miss. Code Ann. §73-38-13

Rule 10.10.9 **Revocation, Suspension, and Denial of Registration:**

1. **Standards of Conduct:** Aides may, at the discretion of the Board, have their registration suspended, revoked, or denied at the time of renewal if the Board determines that the Aide:

a. Was convicted of an offense involving moral turpitude. The record of such conviction, or certified copy thereof from the clerk of the court where such conviction occurred or by the judge of that court, shall be sufficient evidence to warrant revocation or suspension.

b. Is guilty of securing, or attempting to secure a registration or certificate through fraud or deceit.

c. Is guilty of unethical conduct, or gross ignorance, or inefficiency in the conduct of his practice.

d. Is guilty of knowingly practicing while suffering with a contagious or infectious disease.

e. Has used a false name or alias in the practice of his profession.

f. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetence.

g. Is habitually intemperate in the use of alcoholic beverages.

h. Is addicted to, or has improperly obtained, possessed, used or distributed, habit-forming drugs or narcotics.

i. Has practiced as an aide after his registration or permit has expired or has been suspended.

j. Has practiced as an aide under cover of any permit or registration illegally or fraudulently obtained or issued.

k. Has violated or aided or abetted others in violation of any provision of the Act or regulations promulgated thereto.

l. Has engaged in any conduct considered by the Board to be detrimental to the profession of speech-language pathology or audiology.

m. Has violated the provisions of any applicable federal laws or regulations.

n. Has been disciplined by another jurisdiction if at least one (1) of the grounds for the discipline is the same or substantially equivalent to those set forth in the Act or rules and regulations promulgated pursuant to the Act.

2. **Summary Suspensions**

a. The Department may summarily suspend a registration without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:

i. The health, safety, or welfare of the general public is in immediate danger; or

ii. The aide's physical capacity to practice his profession is in issue; or

iii. The aide's mental capacity to practice his profession is in issue.

b. If the Department summarily suspends a registration, a hearing must begin within twenty (20) days after such suspension begins, unless continued at the request of the Aide.

3. **Complaints:** All complaints concerning an Aide, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

a. Aide's and supervisor's name;

b. Name of the complaining party, if known;

c. Date of complaint;

d. Brief statement of complaint; and

e. Disposition.

4. **Investigations:** All complaints will be investigated and evaluated by the Department, or its designee(s).

5. **Notice of Charges and Hearing**

a. Following the investigative process, the Department may file formal charges against the aide and/or the supervising licensee. Such formal complaint shall, at a minimum, inform the accused of the facts which are the basis of the charge and which are specific enough to enable the accused to defend against the charges.

b. Each aide and/or supervising licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the accused, shall be served notice of the formal charge at least twenty (20) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the accused, or the notice was mailed certified, return receipt requested, to the accused at the last known address as listed with the Department. The notice of the formal hearing shall consist at a minimum of the following information:

i. The time, place and date of hearing;

ii. That the accused shall appear personally at the hearing and may be represented by counsel;

iii. That the accused shall have the right to produce witnesses and evidence in his behalf and shall have the right to cross-examine adverse witnesses and evidence;

iv. That the hearing could result in disciplinary action being taken against the aide's registration and/or the licensee's license;

v. That rules for the conduct of these hearings exist and it may be in the accused's best interest to obtain a copy; and

vi. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of

facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the aide and/or licensee.

c. The Department may order an aide to submit to a reasonable physical or mental examination if the aide's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a Department order to submit to a physical or mental examination shall render an aide subject to the summary suspension procedures described in these regulations.

d. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the accused. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.

e. Disposition of any complaints may be made by consent order or stipulation between the Board and the accused.

f. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

6. **Board Sanctions:** The Board may impose any of the following sanctions, singularly or in combination, when it finds that an aide is guilty of any of the above offenses:

a. Revoke the registration;

b. Suspend the registration, for any period of time;

c. Censure the aide;

d. Impose a monetary penalty of not more than two hundred dollars ($200.00);

e. Place an aide on probationary status and require the Aide to submit to any of the following:

i. report regularly to the Department, or its designee, upon matters which are the basis of probation;

ii. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

iii. such other reasonable requirements or restrictions as are proper;

f. Refuse to renew a registration; or

g. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

h. The Board may reinstate any aide to good standing under these regulations if, after hearing, the Board is satisfied that the aide's renewed practice is in the public interest.

i. The Board may seek the advice of the Council regarding disciplinary actions.

7. **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. §73-38-13.

Subchapter 11: Fees:

Rule 10.11.1 **Method of Payment:** In accordance with the Act, the following non-refundable fees, where applicable, are payable to the Department of Health by check or money order.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.11.2 **Schedule of Fees:**

1. Initial Application $100.00

2. Initial License $100.00

3. Licensure Renewal $100.00

4. Late Renewal Penalty .....$ 50.00

5. License Issued After Expiration Date .....$ 60.00

6. Initial Temporary License .....$ 75.00

7. Duplicate License Certificate Fee .....$ 25.00

8. ID Card Replacement Fee .....$ 10.00

9. License Certificate Replacement Fee .....$ 25.00

10. Verification of Licensure Fee .....$ 25.00

11. Examination Fee: Contact the Educational Testing Service, National Teachers Examination, in Princeton, NJ, for information regarding the examination and fee.

SOURCE: Miss. Code Ann. §73-38-13.

Subchapter 12: Administrative Grievance Procedure

Rule 10.12.1 **Administrative Appeals:**

1. Any person aggrieved by a decision regarding the initial application for licensure or the renewal of licensure shall have the right of a second review by the Director of Professional Licensure and the Council or a designated member of the Council.

2. Any person aggrieved by a decision rendered after the second review shall have the right of administrative appeal and a public hearing to be conducted in accordance with the policies of the Department of Health.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.12.2 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof.

SOURCE: Miss. Code Ann. §73-38-13.

Rule 10.12.3 **Hearing:** If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

SOURCE: Miss. Code Ann. §73-38-13

Subchapter 13: Suspension for Failure to Pay Child Support

Rule 10.13.1 In addition, the Department is authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SOURCE: Miss. Code Ann. §73-38-13.

CHAPTER 11: REGULATIONS GOVERNING THE REGISTRATION OF INDIVIDUALS PERFORMING TATTOOING AND INDIVIDUALS PERFORMING BODY PIERCING

Subchapter 1: General

Rule 11.1.1 **Legal Authority:** The Mississippi Department of Health is authorized to establish, adopt, and enforce these rules and regulations by virtue of Sections 73-61-1 and 3 et seq. of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.1.2 **Definitions:**

1. "**Autoclave**" shall mean a steam sterilizer, which operates at a minimum of 250 degrees Fahrenheit (121 degrees Celsius) at pressure of at least 15 pounds per square inch for not less than 30 minutes for the purpose of killing all organisms and spores, or other such sterilizing unit as approved by the Department.

2. "**Board**" shall mean the Mississippi State Board of Health.

3. "**Tattoo**", "**tattooed**", " **tattooing**" shall mean any means to make indelible marks or designs on or visible through the skin of a human by puncturing or pricking the skin with a needle or other instrument and inserting ink or other pigments.

4. "**Body Piercing**" shall mean the creation of an opening in any part of the human body, other than the outer perimeter or lobe of the ear, for the purpose of inserting jewelry or other decorative object, or for some other non-medical purpose.

5. "**Department**" shall mean the Mississippi Department of Health.

6. "**Direct on-site supervision**" shall mean face-to-face oversight, at regular intervals, by a tattooist or body piercer registered pursuant to these regulations, who shall be present in the establishment at all times that the provisional registrant is performing a procedure, and shall co-sign the consent form for each procedure.

7. "**Establishment**" shall mean a location that has passed inspection by the Department, wherein tattooing and/or body piercing is performed, and to which an individual is registered to perform tattooing and/or body piercing.

8. "**Provisional Certificate of Registration**" shall mean the certificate issued by the Department certifying that a particular individual is registered to perform tattooing and/or body piercing at a specific establishment, only under the on-site

direct technical supervision of an individual with a "Regular Certificate of Registration."

9. "**Regular Certificate of Registration**" shall mean the certificate issued by the Department certifying that a particular individual is registered to perform tattooing and/or body piercing at a specific establishment.

10. "**Sterilization**" shall mean sterilization by means of an autoclave.

11. "**Work Area**" shall mean the area or section of the establishment in which the tattooing and/or body piercing is performed.

12. "**Act**" shall mean Sections 73-61-1 and 3 et seq. Of Mississippi Code of 1972, annotated

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.1.3 **Age Of Consent:** It shall be unlawful for any person to perform tattooing and/or body piercing upon any person under the age of eighteen (18) years.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 2: Certificate of Registration

Rule 11.2.1 It shall be unlawful for any individual to perform tattooing and/or body piercing upon any person for compensation within the State of Mississippi without possessing a current and valid Certificate of Registration issued by the Mississippi Department of Health. The Certificate of Registration shall contain the name of the person registered to do the tattooing and/or body piercing, and the name and location of the establishment, and shall indicate whether the registrant has a "Regular" or "Provisional" status.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.2.2 **Display Of Certificate Of Registration;** The Certificate of Registration shall be displayed in a conspicuous location within the establishment.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 3: Requirements for Certificate of Registration

Rule 11.3.1 **Regular Certificate of Registration;** An applicant for a Regular Certificate of Registration shall submit to the Department, verified by oath, written evidence in form and substance satisfactory to the Department, that the applicant:

1. is over the age of eighteen (18) years; and;

2. has successfully completed the American Red Cross "Preventing Disease Transmission" course or a similar course acceptable to the Department, and;

3. has successfully worked in the State of Mississippi under a Provisional Certificate of Registration for a period of not less than nine (9) months, and the holder of the Regular Certificate of Registration who supervised the applicant attests to the competency of the applicant; or

4. has been registered or licensed within eighteen (18) months in Mississippi or in another state performing the discipline of the registration being applied for, and no disciplinary action was filed against said registration or license, or;

5. is employed in a physician's office or clinic and acting under the direct orders of a physician licensed by the Mississippi State Board of Medical Licensure.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.3.2 **Provisional Certificate of Registration;** An applicant for a Provisional Certificate of Registration shall submit to the Department, verified by oath, written evidence in form and substance satisfactory to the Department, that the applicant:

1. is over the age of eighteen (18) years; and

2. will work under the direct on-site supervision of an individual with a "Regular Certificate of Registration" at a registered establishment, and;

3. has successfully completed the American Red Cross "Preventing Disease Transmission" course or a similar course acceptable to the Department.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 4: Renewal of Registration

Rule 11.4.1 **General Provisions:**

1. Initial Certificates of Registration issued during the course of a licensure term shall expire at the end of the term in which issued.

2. Certificates of Registration shall be renewed on an annual basis after the initial period, and shall require that the individual registered complete a renewal form prepared by the Department, and that the establishment pass an inspection conducted by the Department.

3. The registration year shall be construed as June 1st through May 31st.

4. The renewal period shall be construed as ending on May 31st of each year.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.4.2 **Procedure for Renewal of Registration:** The Department shall mail notices, at least thirty (30) days prior to the renewal date, to the last home address registered with the Department, to the persons to whom registrations were issued or renewed during the preceding renewal period. The registrant shall:

1. complete the renewal form;

2. file the above with the Department prior to the end of the renewal period with the appropriate fee.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.4.3 **Failure to Renew:** A registrant who does not file, with the Department, his renewal application within the renewal period will be deemed to have allowed his registration to lapse. Said registration may be reinstated by the Department, in its discretion, by the payment of the renewal fee and a reinstatement fee, provided said application for reinstatement is made within one (1) year of the end of the renewal period.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 5: Establishment

Rule 11.5.1 No Certificate of Registration shall be issued or renewed to any individual, unless the establishment meets the following minimum standards:

1. The establishment shall be maintained in a clean and sanitary manner.

2. A working toilet shall be located within the establishment and shall be accessible to the customers of the establishment.

3. A lavatory with running hot and cold water, soap, and single use paper towels shall be located within the establishment and shall be accessible to the customers of the establishment.

4. The establishment shall meet all local zoning laws and business requirements.

5. All registrations issued to a specific establishment shall be automatically suspended, until such time as the Department is satisfied that sufficient safeguards have been adopted, upon a criminal or administrative finding that:

    a. an unregistered individual has performed tattooing and/or piercing within the establishment: or

    b. an individual under the age of eighteen (18) has been tattooed and/or pierced within the establishment.

6. All registrations issued to a specific establishment shall be automatically suspended, until such time as the Department is satisfied that sufficient safeguards have been adopted, upon a written finding by the District Epidemiology Nurse or District Health Officer, or his/her designee, that:

   a. the establishment does not meet the sterilization of equipment standards as set forth in these Regulations: or

   b. the establishment does not meet the sanitation standards as set forth in these Regulations.

7. All registrations issued to a specific establishment shall be automatically suspended, until such time as the Department is satisfied that sufficient safeguards have been adopted, upon a written finding by the District Epidemiology Nurse or District Health Officer that: the establishment is not maintaining the consent forms as required pursuant to these regulations.

8. A mobile establishment shall meet the all the requirements set forth in these regulations.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.2 **Work Area:** No Certificate of Registration shall be issued or renewed to any individual, unless the work area meets the following minimum standards:

1. The work area shall be capable of being separated from waiting customers by walls, or other configuration, that shall assure privacy for the person to be tattooed and/or pierced.

2. The floor and walls of the work area shall be constructed of easily cleanable material, and shall be maintained in clean condition and good repair. Carpeting is prohibited.

3. All surfaces in the work area, including but not limited to counters, tables, equipment, chairs, recliners, shelving, and cabinets, shall be made of easily cleanable material, shall be painted, enameled or otherwise imperviously finished, with a smooth washable finish, and shall be maintained in clean condition and good repair.

4. The work area shall be well lighted and ventilated.

5. It shall be unlawful to smoke, eat, or drink in the work area, at any time.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.3 **Tattoo Equipment:** No Certificate of Registration shall be issued or renewed to any individual, unless the tattooing equipment meets the following minimum standards:

1. All needles used for tattooing shall be designated as "single use disposable tattooing needles" by the manufacturer, and contained in a self sealing sterilization pouch with indicator, shall be dated with the sterilization date and shall have a shelf life of at least one (1) year before requiring re-sterilization, or shall be disposed of in accordance with the manufacturer's instructions.

2. Sanitary, single service or individual containers of dye or ink, commercially produced specifically for use in tattooing and obtained from professional suppliers, shall be used for each patron or customer, and the container therefore shall be discarded immediately after completing work on a patron. Any dye in which the needles were dipped shall not be used on another person.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.4 **Piercing Equipment:** No Certificate of Registration shall be issued or renewed to any individual, unless the piercing equipment meets the following minimum standards:

1. All needles used for body piercing shall be designated as "piercing needles" or "medical needles" by the manufacturer, shall be single use disposable needles and contained in a self sealing sterilization pouch with indicator, shall be dated with the sterilization date and shall have a shelf life of one (1) year before requiring re-sterilization, or shall be disposed of in accordance with the manufacturer's instructions.

2. All jewelry used in the performance of the body piercing procedure shall be single use, shall be in self-sealing sterilization pouch with indicators which shall be dated with the date of sterilization, and shall have a shelf life of one (1) year before requiring re-sterilization. All sterilizations shall be in accordance with these regulations. The jewelry inserted as part of a body piercing procedure shall be made of surgical steel (316 L grade or better), implant grade stainless steel (ASTM F138 and ISO 5832-1), solid 14K through 24K gold, niobium, or titanium. Ear studs or other jewelry designed for ears shall not be used in other parts of the body.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.5 **Sanitation And Sterilization Of Tattoo And Piercing Equipment:** No Certificate of Registration shall be issued or renewed to any individual, unless the establishment meets the following minimum standards:

1. All non-disposable tattoo and body piercing equipment shall be sanitized after each use by scrubbing thoroughly with a blood dissolving chemical and disinfectant solution, and then by being placed in an ultrasonic unit, which shall be operated in accordance with the manufacturer's instructions. After sanitizing the non-disposable equipment, each item shall be placed in an individual self-sealing sterilization pouch with indicators which shall be dated with the date of sterilization and sterilized in an autoclave.

2. All single use tattoo and body piercing equipment or jewelry requiring sterilization shall be placed in an individual self-sealing sterilization pouch with indicators which shall be dated with the date of sterilization and sterilized in an autoclave.

3. All sterilizing and sanitizing equipment, and all chemicals, must be kept in a room separate and apart from any work area, separated by walls or other configuration. All sterilizing and sanitizing equipment, and all chemicals, shall be cleaned, maintained, and stored in accordance with the manufacturer's instructions, which shall be kept available at the establishment.

4. Sterile equipment may not be used if the individual self-sealing sterilization pouch has been breached or after the expiration date, without re-sterilizing as required in these regulations.

5. After sterilization, all tattoo and body piercing equipment shall be stored in secure, dry, clean cabinets, or other secure covered containers reserved for the storage of such equipment.

6. Performance of the autoclave shall checked once per month using Bacillus Stereothermophilus spore strips or suspensions and results recorded and maintained for a period of three years. If the autoclave fails a performance check, the autoclave must be immediately checked for proper use and function and the spore test repeated. If the spore test remains positive, use of the autoclave shall be discontinued until it is repaired, and a repeat spore test is negative.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.6 **Tattoo Procedures:** No Certificate of Registration shall be issued or renewed to any individual, unless the following tattoo procedures are followed:

1. Before beginning any tattoo procedure, the tattooist shall discuss the risks and responsibilities required in the particular procedure with the client. The tattooist shall also explain aftercare instructions prior to the tattoo procedure. The client shall then fill out and sign a client consent form for the tattoo, indicating that he consents to the procedure, understands the risks, understands the aftercare requirements, and has received written aftercare instructions. The original of the client consent form, along with a photocopy of a government-issued identification, shall be retained at the establishment as required in these regulations.

2. The tattooist shall thoroughly wash hands and forearms with antibacterial soap and warm water before and after each procedure. After thorough washing, the hands shall be dried using clean, single use paper towels.

3. The tattooist shall wear new, clean, single use, disposable sanitary latex examination gloves, or other type gloves approved by the Department, for every client during the procedure. If a glove is pierced, torn, or contaminated by

coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Hands shall be washed prior to donning a new pair of disposable examination gloves. Gloves shall be discarded after the completion of each procedure on an individual client. Under no circumstances shall a pair of gloves be used on more than one person. The use of disposable gloves does not preclude the need for, or substitute for, the hand washing procedure.

4. Immediately before the procedure is to begin, the work procedure area shall be wiped down with a product classified by the United States Environmental Protection Agency (EPA) as a hospital disinfectant without label claim for tuberculocidal activity (low level disinfection) or greater, and covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.

5. Before beginning the tattooing procedure, the immediate and surrounding area of the skin which is to be tattooed shall be washed with an EPA-approved antiseptic solution, applied with a clean, single use paper product.

6. If shaving is necessary, single use disposable razors shall be used and discarded. Following shaving, the skin and surrounding area shall be washed with an EPA-approved antiseptic solution, applied with a clean, single use paper product.

7. Upon completion of the tattoo procedure, the tattooist shall review the verbal and printed aftercare instructions with the client on the care of the tattoo.

8. If A&D ointment or other lubricant is utilized, it shall be from a collapsible or plastic tube or single-dosage unit, and shall be applied using sanitary procedures.

9. Transfer of Design.

    a. Acetate stencil - No acetate stencil shall be used to transfer a design to the skin unless the acetate stencil is first thoroughly cleaned and rinsed in an approved surface disinfectant for at least twenty minutes, dried with a single use sponge, gauze pad or cotton ball(s) and placed in a sanitized package. An approved disinfectant for environmental surfaces and instrument shall mean an FDA approved high-level hospital grade disinfectant such as CIDEX

    b. Paper stencil - If a paper stencil is used to transfer a design to the skin, the paper stencil shall be single use, disposable, and shall be used only once and then discarded.

    c. Direct drawing - If the design is drawn directly onto the skin, the design shall be applied with a single use article only, which shall then be discarded.

10. Excess dye or ink shall be removed from the skin only with a single use sponge, towel, gauze pad or cotton ball, which shall be used only on one patron or customer, and then immediately discarded in a sanitary fashion. If there is blood combined with the excess dye or ink, then the sponge, towel, gauze pad or cotton ball shall be discarded in a bio-hazard bag.

11. After completing work on any person, the tattooed area shall be washed with a single use sponge, towel, gauze pad or cotton ball saturated with an EPA-approved antiseptic solution. The tattooed area shall be allowed to dry and A&D ointment or similar skin lubricant from a collapsible or plastic tube or single-dosage unit shall be applied, using sterile gauze. A sanitary dressing shall then be fastened to the tattooed area with adhesive, adhesive tapes, or strips.

12. Only A&D ointment or other lubricant in collapsible metal or plastic tubes, or single-dosage unit shall be used on the area subsequent to tattooing.

13. The use of styptic pencils, alum blocks, or other solid styptic to check the flow of blood is prohibited, unless the styptic is single use, used only once, and then properly disposed of.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.7 **Body Piercing Procedure:** No Certificate of Registration shall be issued or renewed to any individual, unless the following piercing procedures are followed:

1. Before beginning any body piercing procedure, the body piercer shall discuss the risks and responsibilities required in the particular piercing with the client. The body piercer shall also explain aftercare instructions prior to the performance of the piercing. The client shall then fill out and sign a client consent form for the body piercing, indicating that he consents to the body piercing, understands the risks, understands the aftercare requirements, and has received written aftercare instructions. The original of the client consent form, along with a photocopy of a government-issued identification, shall be retained at the establishment as required in these regulations.

2. The body piercer shall thoroughly wash hands and forearms with antibacterial soap and warm water before and after each procedure. After thoroughly washing, the hands shall be dried using clean, single use paper towels.

3. The body piercer shall wear new, clean, single use, disposable sanitary latex examination gloves, or other type gloves approved by the Department, for every client during the procedure. If a glove is pierced, torn, or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Hands shall be washed prior to donning a new pair of disposable examination gloves. Gloves shall be discarded after the completion of each procedure on an individual client. Under no circumstances shall a pair of gloves be used on more than one person. The use of disposable

gloves does not preclude the need for, or substitute for, the hand washing procedure.

4. Immediately before the procedure is to begin, the work procedure area shall be wiped down with a product classified by the United States Environmental Protection Agency (EPA) as a hospital disinfectant without label claim for tuberculocidal activity (low level disinfection) or greater, and covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.

5. Before beginning the piercing procedure, the immediate and surrounding area of the skin which is to be pierced shall be washed with an EPA-approved antiseptic solution, applied with a clean, single use paper product.

6. If shaving is necessary, single use disposable razors shall be used and discarded. Following shaving, the skin and surrounding area shall be washed with an EPA-approved antiseptic solution, applied with a clean, single use paper product. Upon completion of the procedure, the body piercer shall review the verbal and printed aftercare instructions with the client on the care of the body opening.

7. Gloves shall be worn when cleaning blood spills.

8. A piercing gun may only be used on the outer perimeter or lobe of the ear, and may not be used on any other part of the body.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.8 **Disposal Of Equipment:** No Certificate of Registration shall be issued or renewed to any individual, unless the establishment meets the following minimum standards:

1. Contaminated needles and other sharps shall be disposed of in a Department approved sharps container, and disposed of in accordance with the Department "Medical Waste Management Plan."

2. Used disposable dental bibs or drapes, paper towels, gauze pads, or other disposable items other than those listed above, shall be placed in a closed container that is lined with a plastic bag for disposal and shall be removed from the establishment at the end of the day.

3. Used linens shall be placed in a laundry hamper that is lined with a plastic bag and shall be laundered or removed from the establishment at the end of the day.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.9 **Restrictions**

1. No person shall perform a tattoo or body piercing procedure while under the influence of alcohol or drugs.

2. No person shall perform a tattoo or body piercing procedure if exhibiting an exposed rash, skin lesion, boil, or infection.

3. No person shall perform a tattoo or body piercing procedure unless attired in clean, washable, outer clothing.

4. No person shall perform a tattoo or body piercing procedure upon any individual who appears to be under the influence of drugs or alcohol.

5. No person shall perform a tattoo or body piercing procedure upon any individual exhibiting an exposed rash, skin lesion, pimple, boil, infection, or manifest any evidence of unhealthy condition in the area to be tattooed and/or pierced..

6. No skin area shall be penetrated, abraded, or treated with chemicals for the purpose of removing, camouflaging, or altering any blemish, birthmark, scar, or tattoo.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.10 **Consent Forms:**

1. A photocopy of an original government-issued identification containing the date of birth of the client shall be attached to the consent form. Consent forms shall be maintained at the establishment for a minimum of two (2) years, shall be produced and be made available at the request of the Department, and shall contain, at a minimum, the following information:

    a. Name of Tattooist or Body Piercer and Department Certificate of Registration Number;

    b. Name of supervisor, if the Tattooist or Body Piercer has a Provisional Certificate of Registration;

    c. Name and address of Establishment;

    d. Date of tattoo or body piercing;

    e. Name of client;

    f. Home address of client;

    g. Home telephone number of client;

h. Sex of Client;

i. Date of Birth of client;

j. Description of location on the body to be tattooed or pierced;

k. Acknowledgment of the risks involved in a tattoo or body piercing;

l. Acknowledgment of the receipt of the printed aftercare responsibilities of the client;

m. Statement that the client is not under the influence of drugs or alcohol;

n. Signature of the client;

o. Signature of the Tattooist or Body Piercer; and

p. Signature of supervisor if required.

2. The consent form must contain a recommendation to the patron which states the Mississippi State Board of Health recommends that any tattooing or piercing involving the mucous membranes, such as the tongue or genitalia, be performed by a licensed physician or oral surgeon as appropriate.

3. The consent form must contain a warning to persons who are diabetic, HIV infected, or have End Stage Renal Disease that they are at higher risk of complications and should consult their personal physician prior to being tattooed or pierced.

4. The consent form must contain a warning to patrons that tattooing or piercing of persons with preexisting cardiac conditions, especially when piercing occurs on areas of the body involving the mucous membranes, may result in bacteria in the blood stream which can further damage the heart, and that such persons should seek permission from their physician prior to the tattooing or piercing procedure.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.11 **Tattoo Aftercare Instructions:** Every client, prior to the tattooing procedure beginning, shall be given a printed statement of instructions for care of the tattoo, and must contain, at a minimum, the following information:

1. Care and cleaning of the specific area tattooed.

2. Signs and symptoms of infections.

3. Instructions to consult with a medical professional, if there are signs or symptoms of infection.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.12 **Body Piercing Aftercare Instructions:** Every client, prior to the piercing procedure beginning, shall be given a printed statement of instructions for care of the piercing. The instructions must be specific for the area pierced, and must contain, at a minimum, the following information:

1. Care and cleaning of the specific area pierced.

2. Information regarding the care and cleaning of the jewelry inserted, including any restrictions.

3. Signs and symptoms of infections.

4. Instructions to consult with a medical professional, if there are signs or symptoms of infection.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.13 **Follow-Up Log:** Any reports or complaints to the Establishment concerning a tattoo and/or piercing performed at the establishment, whether such complaint be delivered in person, by telephone or other electronic means, shall be recorded in a log which must include, at a minimum, the name of the complainant, sufficient identifying information to cross reference to the identification attached to the consent form, a summary of the complaint, a summary of any advice provided by the establishment, and change in contact information which is different from the original consent form.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.14 **Exemption:** These regulations do not apply to physicians licensed to practice medicine in the State of Mississippi in the performance of their professional duties.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.5.15 **Summary Suspension:** The Department may summarily suspend a Certificate of Registration prior to a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:

1. The health, safety, or welfare of the general public is in immediate danger; or

2. The Registrant's physical capacity to practice his profession is in issue; or

3. The Registrant's mental capacity to practice his profession is in issue.

4. Any hearing held pursuant to this provision shall be held within 20 days of service of the formal complaint and notice of hearing.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 6: Standards of Conduct

Rule 11.6.1 The Department may, in its discretion, deny an initial application for registration, deny an application for renewal, or file formal charges against a registrant during a licensure term seeking to have the Certificate of Registration suspended, revoked, or otherwise disciplined if the Department determines that the Registrant:

1. Is guilty of fraud, misrepresentation, concealment of material facts, or deceit in procuring or attempting to procure a Certificate of Registration.

2. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency.

3. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics.

4. Has performed tattooing or body piercing without possessing a Certificate of Registration from the Department.

5. Has performed tattooing or body piercing after the Certificate of Registration has expired or has been suspended.

6. Has performed tattooing or body piercing under cover of any permit or registration illegally or fraudulently obtained or issued.

7. Has violated, aided, or abetted others in violation of any provision of these regulations, rules of the Board or Department, or the Act.

8. Has engaged in any conduct considered by the Department to be detrimental to the practice of tattooing or body piercing.

9. Is performing tattooing or body piercing procedures in an Establishment that violates any provision of these regulations, rules of the Board or Department, or the Act.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.2 **Complaints:** All verifiable complaints concerning a Registrant or Establishment shall be investigated by the Department to determine what action, if any, shall be initiated.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.3 **Notice of Charges and Hearing**: Following the investigative process, the Department may file formal charges against the Registrant. Such formal complaint shall, at a minimum, inform the Registrant of the facts which are the basis of the charge and which are specific enough to enable the Registrant to defend against the charges.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.4 Each Registrant, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the Registrant, shall be served notice of the formal charge at least fifteen (15) days before the date of hearing. A hearing shall be presided over by the State Health Officer, or a designee. Service shall be considered to have been given if the notice was personally received by the Registrant, or the notice was mailed certified, return receipt requested, to the Registrant at the Registrant's last known home address as listed with the Department.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.5 The notice of the formal hearing shall consist at a minimum of the following information:

1. The time, place, and date of hearing;

2. That the Registrant shall appear personally at the hearing and may be represented by counsel;

3. That the Registrant shall have the right to produce witnesses and evidence in the Registrant's behalf, and shall have the right to cross-examine adverse witnesses and evidence;

4. That the hearing could result in disciplinary action being taken against the Registrant's Certificate of Registration.

5. That rules for the conduct of these hearings exist and it may be in the Registrant's best interest to obtain a copy; and

6. After the conclusion of the hearing, the hearing officer shall, within forty-five (45) days, make findings of fact and conclusions of law, and shall issue judgment, separately stated, as to what disciplinary action, if any, should be imposed on the Registrant.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.6 Disposition of any complaints may be made by consent order or stipulation between the Department and the Registrant.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.6.7 All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61--3.

Subchapter 7: Department Sanctions

Rule 11.7.1 The Department may impose any of the following sanctions, singly or in combination, when it finds that a Registrant is guilty of any of the above offenses, or in violation of any section of the Regulations:

1. Revocation of the Registration.

2. Suspension of the Registration for not more than 12 months.

3. Censure the Registrant.

4. Issue a letter of reprimand to the Registrant.

5. Place a Registrant on probationary status and require the Registrant to submit to any of the following:

    a. report regularly to the Department upon matters which are the basis of probation;

    b. practice tattooing or body piercing only under the on-site direct technical supervision of an individual with a "Regular Certificate of Registration"

    c. such other reasonable requirements or restrictions as are proper;

6. Refuse to renew a Registration.

7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

8. Impose a monetary fine not to exceed five hundred ($500.00) dollars.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.7.2 **Appeal:** Any person aggrieved by a decision of the Department shall have a right of appeal in the manner provided for under in the Act and the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.7.3 **Criminal Offenses And Punishment:**

1. Any person who violates any provision of Sections 73-61-1 of Mississippi Code of 1972, annotated shall be guilty of a misdemeanor, and upon conviction, be punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense.

2. Any person who violates any provision of Sections 73-61-3 of Mississippi Code of 1972, annotated shall be guilty of a misdemeanor, and upon conviction, be punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense.

3. Any person who violates these regulations as adopted by the Board of Health shall, pursuant to the provision of Sections 41-3-59 of Mississippi Code of 1972, be guilty of a misdemeanor, and upon conviction shall be punishable by fine not exceeding five hundred dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Rule 11.7.4 **Administrative Grievance Procedure**

1. All persons aggrieved by a decision regarding the initial application for a Certificate of Registration, or the renewal of a Certificate of Registration, shall have the right of administrative appeal and a hearing to be conducted according to the policy of the Department.

2. Written notice will be provided to all applicants regarding denial of an initial Certificate of Registration, or a renewal Certificate of Registration. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

3. If requested in writing within the specified time frame, a hearing will be provided in which the aggrieved party may show cause why the Certificate of Registration should be granted or renewed. The hearing shall be presided over by the State Health Officer, or a designee.

4. After the conclusion of the hearing, the hearing officer shall make findings of facts and conclusions of law, and shall issue judgment, separately stated, as to whether the initial Certificate of Registration shall be issued, or whether the renewal of a Certificate of Registration shall be granted.

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

Subchapter 8: Fees

Rule 11.8.1 The following fees are payable to the Mississippi Department of Health by certified check, cashier's check, or money order. Fees paid are non-refundable.

1. Initial Certificate of Registration - $150.00

2. Renewal of Certificate of Registration - $150.00

3. Renewal of Certificate of Registration for individual holding multiple Registrations - $125.00 for each Registration

4. Reinstatement Fee - $200.00

5. Certificate of Registration Replacement Fee - $50.00

6. Change of Location Fee (not requiring establishment inspection) - $25.00

7. Change of Location Fee (requiring establishment inspection) - $100.00

8. Verification of Registration Fee - $25.00

SOURCE: Miss. Code Ann. §73-61-1 and Miss. Code Ann. §73-61-3.

CHAPTER 12: REGULATIONS GOVERNING REGISTRATION OF HEMODIALYSIS TECHNICIANS

Subchapter 1: General provisions

Rule 12.1.1 **Legal Authority:** The Mississippi Department of Health is authorized to establish, adopt, and enforce these rules and regulations by virtue of Section 41-3-15 of Mississippi Code of 1972, annotated.

SOURCE: Miss. Code Ann. §41-3-15

Rule 12.2.2 **Definitions**

1. **Board** shall mean the Mississippi State Board of Health.

2. **Department** shall mean the Mississippi State Department of Health.

3. **Hemodialysis Technician or registrant** shall mean a person who has obtained certification from an organization approved by the Department and has a current registration from the Department, who is not a nurse, physician assistant or physician and who has received special training in the operation of hemodialysis equipment and treatment of patients with renal failure and provides dialysis care in a renal dialysis facility under the direct, on-site supervision of a registered nurse or physician.

SOURCE: Miss. Code Ann. §41-3-15

Subchapter 2: Scope of Practice

Rule 12.2.1 Hemodialysis technicians may administer hemodialysis under the authority of a registered nurse licensed under the Mississippi Nursing Practice Law who may delegate tasks based on nursing judgement to a hemodialysis technician based on the technician's education, knowledge and training skills. A hemodialysis technician who has completed or is currently in a training program recognized by the Board may perform as a hemodialysis technician under the authority of a registered nurse before obtaining national certification; however, the national certification must be obtained within eighteen (18) months of the hiring of the hemodialysis technician, and evidence of the national certification must be provided to the Department.

SOURCE: Miss. Code Ann. §41-3-15

Subchapter 3: Requirements for Registration

Rule 12.3.1 Applicants for registration as a hemodialysis technician shall submit the following to the Department:

1. A completed application containing such information as the Department reasonably requires.

2. Evidence that the individual holds one of the following certifications.

   a. Certified Clinical Hemodialysis Technician (CCHT) by the Nephrology Nursing Certification Commission (NNCC).

   b. Certified Hemodialysis Technician (CHT) by the Board of Nephrology Examiners Nursing and Technology (BONENT).

   c. Certified in Clinical Nephrology Technology (CCNT) by the National Nephrology Certification Organization (NNCO).

   d. Certification or licensure as a dialysis technician or similar title by another jurisdiction in the United States provided the standards for certification or licensure are substantially equivalent to those in Mississippi.

3. A registration fee as set by the board made payable to the MS State Department of Health either by check or electronic means. The fee shall be non-refundable.

SOURCE: Miss. Code Ann. §41-3-15

Subchapter 4: Revocation, Suspension and Denial of Registration

Rule 12.4.1 **Standards of Conduct:** Registrants may, at the discretion of the Department, have their registration placed on probation, suspended or revoked, or denied at the

time of application or renewal, or have such other disciplinary action taken as deemed appropriate, if the Department determines that the registrant:

1. Is guilty of fraud or deceit in procuring or attempting to procure a registration or renewal of a registration as a hemodialysis technician.

2. Is unfit or incompetent to function as a hemodialysis technician by reason of negligence or other causes of incompetency.

SOURCE: Miss. Code Ann. §41-3-15

Rule 12.4.2 **Notice of Charges and Hearing:**

1. Following the investigative process, the Department may file formal charges against the registrant. Such formal complaint shall, at a minimum, inform the registrant of the facts which are the basis of the charge and which are specific enough to enable the registrant to defend against the charges.

2. Each registrant, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the registrant, shall be served notice of the formal charge at least fifteen (15) days before the date of hearing. A hearing shall be presided over by the Department's designee. Service shall be considered to have been given if the notice was personally received by the registrant, or the notice was mailed certified, return receipt requested, to the registrant at the registrant's last known address as listed with the Department.

3. The notice of the formal hearing shall consist at a minimum of the following information:

   a. The time, place and date of hearing;

   b. That the registrant shall appear personally at the hearing and may be represented by counsel;

   c. That the registrant shall have the right to produce witnesses and evidence on the registrant's behalf and shall have the right to cross-examine adverse witnesses and evidence;

   d. That the hearing could result in disciplinary action being taken against the registrant's registration;

   e. That rules for the conduct of the hearing exist and it may be in the registrant's best interest to obtain a copy; and

   f. That the Department's designee shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of

law and recommendations, separately stated to the State Health Officer as to what disciplinary action, if any, should be imposed on the registration.

4. The Department's designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the registrant. At the conclusion of the hearing, the State Health Officer shall issue an order, within sixty (60) days.

5. Disposition of any complaints may be made by consent order or stipulation between the Department and the registrant.

6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

SOURCE: Miss. Code Ann. §41-3-15

Rule 12.4.3 **Department Sanctions:** The Department may impose any of the following sanctions, singly or in combination, when it finds that a registrant is guilty of any of the offenses set forth in Rule 12.4.1 or Rule 12.4.2 above:

1. Revocation of the registration;

2. Suspension of the registration, for any period of time;

3. Issuance of a letter of reprimand to the registrant;

4. Placement of the registrant on probationary status with a requirement that the registrant submit to any of the following:

   a. Report regularly to the Board upon matters which are the basis of probation; or

   b. Such other reasonable requirements or restrictions as are proper; or

5. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

SOURCE: Miss. Code Ann. §41-3-15

Rule 12.4.4 **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal to the Hinds County Chancery Court, in the manner provided for in the Laws of the State of Mississippi.

SOURCE: Miss. Code Ann. §41-3-15