

**BEFORE THE MISSISSIPPI STATE BOARD OF EXAMINERS FOR
LICENSED PROFESSIONAL COUNSELORS**

In the Matter of:

PORCHIA SAMONE POWE,

Applicant

No. 2020-07

FINAL ORDER

THIS MATTER came before the Mississippi State Board of Examiners for Licensed Professional Counselors (“Board”) on February 28, 2020, to determine whether the application of Porchia Samone Powe (“Applicant”) for license as a Provisional Licensed Professional Counselor should be granted. Board Member Richard Strebeck, Ph.D., LPC-S, NCC, CSAT recused himself and did not participate in the Board’s consideration and deliberation in this matter. A quorum of the remaining Board members was present throughout the hearing and deliberation in the matter.

Ken Walley, Legal Counsel for the Board, presented the charges regarding the application for licensure. Applicant, having been served with notice of these proceedings and being fully informed of her rights to a formal hearing before the Board, elected to proceed in the matter and to represent herself. The case was called for hearing without objection from any party.

Gloria J. Green served as Administrative Hearing Officer, presided at the hearing and was directed to prepare the Board’s written decision in accordance with its deliberation. Having conducted the hearing in this matter, and based upon the exhibits, testimony and the evidence presented, the Board makes the following findings, conclusions and order based on clear and convincing evidence:

FINDINGS OF FACT

1. The Board is established pursuant to Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, and is charged with the duty of licensing and regulating the practice of Licensed Professional Counselors in the State of Mississippi.

2. On or about December 8, 2018, Applicant filed a Provisional Licensed Professional Counselor (“P-LPC”) application with the Board. The application was denied because of a determination that Applicant did not meet the education requirements. Applicant appealed the denial and the matter is now before the Board on appeal.

3. Applicant was properly served with notice of the time, place and nature of the proceedings to be held before the Board.

4. Section 73-30-9 of the Mississippi Code of 1972, as amended,¹ lists the eligibility requirements for P-LPC licensure. The list includes, among other things, proof that the applicant has “a minimum acceptable graduate semester hour or acceptable quarter-hour master's degree ... primarily in counseling or related counseling field from a regionally or nationally accredited college or university program in counselor education or a related counseling program” as required by the Board. [Section 73-30-9 (1) (f)]. According to the Board’s Rules and Regulations at 30 Miss. Admin. Code Pt. 2201, R. 4(C), the minimum acceptable hours are sixty (60) semester hours or ninety (90) quarter hours of graduate study.

5. Applicant appeared before the Board in support of her application for P-LPC licensure. She submitted that she met the education requirements based on Section 73-30-9 when it stated that “[p]ersons applying for licensure with a master’s degree of less than sixty (60) semester hours or ninety (90) quarter hours may complete the additional coursework required without earning an additional degree, provided the coursework is in a regionally or nationally accredited college or university program in counseling or a related field”.

6. Applicant received a Master of Science in Adult Continuing Education Counseling/Psychology from the University of West Alabama on October 7, 2016. This degree did not include sixty (60) semester hours or ninety (90) quarter hours. Applicant argued, however, that she acquired the additional hours on October 5, 2018, when she received an Education Specialist degree. The evidence of record reflects that the applicant’s specialist degree from the University of West Alabama in Counseling is not a qualifying degree, because it is not intended for licensure or certification.

7. The evidence of record also shows that at the time that Applicant filed her P-LPC application, Section 73-30-9 had been amended to remove the provision allowing for a person to earn the additional coursework without earning a degree in counselor education or a related counseling program.

8. The evidence of record also reveals that Applicant’s 2016 Master of Science is not a qualifying degree for licensure as a P-PLC. As noted above, it did not include sixty (60) semester hours or ninety (90) quarter hours of graduate course.

9. Further, the 2016 Master of Science is not a qualifying degree for P-LPC as indicated by the University of West Alabama. The University website explains that it’s Master of Science in Adult Continuing Education Program “does not prepare graduates for licensure. The program is designed for persons who seek to expand their knowledge of counseling psychology, do not plan to immediately pursue licensure as a LPC and/or are already licensed in a related field.”

10. 30 Miss. Admin. Code Pt. 2201, R. 4(C) also provides that:

For degrees conferred after January 1, 2017, the Board will only accept sixty (60) semester hours or ninety (90) quarter-hour master’s degree programs.

¹ Unless indicated otherwise, all statutory references are to the Mississippi Code of 1972, as amended.

Those programs shall be either CACREP² degree programs or degree programs with the word counseling in its title and meet the structure of CACREP as it specifically pertains to the twelve (12) courses specified, as part of sixty (60) semester hours or ninety (90) quarter hours that are required for completion of the degree or having earned a doctoral or educational specialist degree primarily in a counseling, guidance, or related field, which meets similar standards as specified above.

11. Applicant's official transcript from her education institute does not show evidence of the above degree or course work described in Rule 4.2.

Based upon the foregoing Findings of Fact, the Board makes the following:

CONCLUSION OF LAW

1. The Board has jurisdiction of this matter pursuant to Sections 73-30-7 and 73-30-11. Venue is likewise properly placed before the Board to hear this matter in Jackson, Hinds County, Mississippi.

2. This matter was duly and properly convened and all substantive and procedural requirements under law have been satisfied.

3. Section 73-30-7 authorizes the Board to adopt such rules and regulations as it finds necessary to conduct the business of the Board and to carry out its licensure and regulatory functions.

4. Section 73-30-9 provides that an applicant must furnish the Board with satisfactory evidence that he or she meets the requirements for licensure.

5. By clear and convincing evidence, the Board finds that Applicant has failed to demonstrate that she meets the education requirements necessary for a P-LPC license established by Section 73-30-9 (1) (f) and 30 Miss. Admin. Code Pt. 2201, R. 4.2(C).

Given the entire evidence produced in the record, the Board issues the following order:

ORDER

IT IS THEREFORE ORDERED that Porchia Samone Powe's application for licensure in the State of Mississippi is hereby denied.

FURTHER ORDERED that this decision and opinion shall be a final order of the Board and shall be conclusive evidence of the matters described herein.

FURTHER ORDERED that this action and order of the Board shall be public record. It may be shared with other licensing boards (in- and out-of-state) and the public and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This

² Council for Accreditation of Counseling and Related Educational Programs.

action shall be spread upon the Minutes of the Board as its official act and deed.

FURTHER ORDERED that upon execution of this Final Order by affixing the Board authorized signature below, the provisions of this Final Order shall become the final order of the Board.

SO ORDERED, this the 14th day of July 2020.

**MISSISSIPPI STATE BOARD OF EXAMINERS FOR
LICENSED PROFESSIONAL COUNSELORS**

BY: Kimberly E. Sallis, Ph.D., LPC-S
Kimberly Sallis, Ph.D., LPC-S
Vice Chair