

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

IN THE MATTER OF: MICHELLE KIM, LPC – #2024-28

FINAL ORDER

THIS MATTER came before the Mississippi State Board of Licensed Professional Counselors (“Board”) on October 14, 2024, on the appeal of application denial requested by Michelle Kim of Philadelphia, PA (“Respondent”) to give good cause why her application for licensure should not be denied. A quorum of the Board members was present throughout the hearing and deliberations in this matter.

Respondent appeared in person via teleconference and testified as her only witness. She did not introduce any tangible evidence into the record. Though Respondent acknowledged her right to counsel, she voluntarily chose to proceed with the hearing without legal representation. Special Assistant Attorney General Alexis E. Morris served as legal counsel for the Board. Attorney Morris introduced into evidence, without objection, Composite Exhibit 1 and 2, and called Investigating Board Member, Kimberly Elam Sallis, PhD, LPC-S, to testify as the Board’s only witness. The case was called for hearing without objection from any party. A court reporter made a record of the proceedings.

Special Assistant Attorney General Kristen N. Love, designated by the Board to serve as its Administrative Hearing Officer, presided over the proceeding and was directed by the Board to prepare its written decision in accordance with its deliberations. The hearing was held pursuant to Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, and pursuant to any and all other applicable Mississippi laws and regulations.

Board member, Kimberly Elam Sallis, PhD, LPC-S, recused from Board deliberations and decision made by the Board in this matter. Based upon the clear and convincing evidence, the Board makes the following findings of fact, conclusions of law, and final order:

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 professional counseling in the State of Mississippi.

2. MISS. CODE ANN. § 73-30-7 authorizes the Board to adopt such rules and regulations it finds necessary to conduct the business of the Board and to carry out its licensure and regulatory functions.

3. The provisions of Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, and Board rules and regulations permit the Board to deny an application for licensure for an applicant’s failure to meet all the requirements for licensure.

4. The provisions of MISS. CODE ANN. § 73-30-11 authorize the Board to conduct hearings upon the request of an applicant denied licensure by the Board under the provisions of Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, or any Board rules or regulations.

5. Respondent was properly noticed of the date and time of the hearing in accordance with MISS. CODE ANN. § 73-30-11.

6. Respondent appeared at the hearing and was not represented by an attorney.

7. The Board received Respondent's application for Licensed Professional Counselor on or about September 15, 2023. In a letter to Respondent dated January 31, 2024, the Board identified the following deficiencies in Respondent's application:

- Supervised Experience:
 - Mississippi requires an LPC-Supervisor
 - Maximum of 40 total hours in a week can be reported, for every 25 hours of direct services need 1 hour of individual supervision
 - Supervised Experience: Does not meet 1:25 or 1:40 hours
 - You reported 70 hours per week (max of 40 hours per week in MS)

- Coursework: Missing three-semester hour course in following areas:
 - Human Growth and Development
 - Social and Cultural Foundations
 - Lifestyle and Career Development
 - Counseling Skills
 - Marriage & Family Counseling

- Missing documentation of Distance Professional Services requirement
 - As an out of state applicant, you must provide proof of the BC-TMH credential or proof of the training for credential
 - The two CEH certificates uploaded do not qualify for the minimum 9-hour program or the BC-TMH credential.

For these reasons, the Board denied Respondent's application during its meeting held on or about January 31, 2024, due to Respondent's failure to meet the requirements for licensure as follows: (1) supervised experience, (2) coursework and (3) distance professional services credential.

8. Applicants for Licensed Professional Counselor are required to obtain supervised experience under a supervisor that is a Mississippi Board qualified supervisor (LPC-S) or equivalent. Supervision hours must meet the following maximum ratios: one (1) supervision hour to forty (40) hours of services provided or one (1) hour of supervision to twenty-five (25) hours of direct services. Respondent's application reported seventy (70) hours per week, roughly thirty (30) hours more than the maximum hours allowed under the Board's rules. Moreover, Respondent reported supervision hours under two supervisors but neither of the reported supervisors met qualifications for supervisor in Mississippi. Respondent also reported supervision hours that overlapped over a seventh-month period. Related to coursework, Applicants must have completed a three (3) hour semester course or its equivalent in each required course area and cannot use one course to satisfy more than one course area. Respondent's application reported one course to satisfy two course requirements. Specifically, Respondent identified a course titled "Intro to Counseling & Development (CNED500)" to satisfy the Board's coursework requirements for Human Growth and Development and Professional Orientation to Counseling or Ethics. Respondent also identified a

course titled “Group Process Guidance in Counseling (CNED404)” to satisfy the Board’s course requirements for Group Counseling and Marriage and/or Family Counseling Therapy. Applicants providing counseling services through the means of Distance Professional Services (TeleMental Health) must submit verification of training (including synchronous or asynchronous audio/video webinars) in TeleMental Health counseling by completing either the Board Certified-TeleMental Health (BC-TMH) credential from the Center for Credentialing and Education, Inc. (CCE), an affiliate of the National Board of Certified Counselors (NBCC), or an equivalent credential as recognized by CCE or by completing professional training which must be a minimum of nine (9) clock hours that includes the seven (7) content areas outlined in Rule 7.5. Respondent did not submit verification of training in TeleMental Health counseling that meets the requirements set forth in Rule 7.5.

9. The Board issued its Notice to Show Cause on September 18, 2024, setting Respondent’s requested hearing for October 14, 2024. Respondent waived process via sworn affidavit dated September 21, 2024.

10. During the hearing, Respondent testified that her application was completed by a third party and attributed some of the deficiencies in her application to such. For instance, Respondent provided corrected dates for the overlapping supervision hours reported on her application. Respondent further explained that when one supervisor was unable to provide supervision, the other reported supervisor filled in. Nonetheless, Respondent admitted that neither of her supervisors had the supervision credentials required by Mississippi Board of Examiners for Licensed Professional Counselors. Another instance, Respondent’s application reported one course to satisfy two course area requirements. However, Respondent explained that the course titled “Intro to Counseling & Development (CNED500)” should have satisfied the Board’s coursework requirements for Professional Orientation to Counseling or Ethics and the course titled “Group Process Guidance in Counseling (CNED404)” should have satisfied the Board’s course requirements for Group Counseling. Related to the TeleMental Health training, Respondent offered to supplement her training requirements with appropriately credentialed courses but provided no such supplementation during the hearing.

11. The evidence clearly and convincingly establishes Respondent failed to meet the requirements for licensure as follows: (1) supervised experience, (2) coursework and (3) distance professional services credential. Respondent reported supervision hours under two supervisors but neither of the supervisors met the supervisor requirements for Mississippi supervisor. -Related to coursework, though Respondent graduated from a CACREP accredited program, Respondent failed to verify coursework completed under the following content areas: Human Growth and Development and Marriage and/or Family Counseling/Therapy. Lastly, Respondent failed to submit verification of training in TeleMental Health counseling that meets the requirements for Rule 7.5.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to Title 73, Chapter 30 of the Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter at its regularly scheduled Board meeting.

2. The provisions of Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, and Board rules and regulations permit the Board to deny an application for licensure for an applicant's failure to meet all the requirements for licensure.

3. The provisions of MISS. CODE ANN. § 73-30-11 authorize the Board to conduct hearings upon the request of an applicant denied licensure by the Board under the provisions of Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, or any Board rules or regulations.

4. This matter was duly and properly convened with all substantive and procedural requirements satisfied.

5. The provisions of MISS. CODE ANN. § 73-30-7 authorize 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.

6. The provisions of MISS. CODE ANN. § 73-30-9 require an applicant furnish the Board with satisfactory evidence of completion of the requirements for licensure.

7. Under Rule 4.3 of the Board's Rules and Regulations, applicants for Licensed Professional Counselor are required to obtain supervised experience under a supervisor that is a Mississippi Board qualified supervisor (LPC-S) or equivalent. Supervision hours must meet the following maximum ratios: one (1) supervision hour to forty (40) hours of services provided or one (1) hour of supervision to twenty-five (25) hours of direct services. Respondent's application reported seventy (70) hours per week, roughly thirty (30) hours more than the maximum hours allowed under the Board's rules. Moreover, Respondent reported supervision hours under two supervisors but both of the supervisors were not a Mississippi Board qualified supervisor (LPC-S) or equivalent.

8. Under Rule 4.2(B) of the Board's Rules and Regulations, the minimum acceptable hours are sixty (60) semester or ninety (90) quarter-hour master's degree programs. Acceptable programs must be either CACREP accredited or programs that include the word counseling in the title and include three (3) hour semester coursework or its equivalent in each of the following areas: Human Growth and Development, Social and Cultural Foundations, Counseling and Psychotherapy Skills, Group Counseling, Lifestyle and Career Development, Testing and Appraisal, Research and Evaluation, Professional Orientation to Counseling or Ethics, Theories of Counseling Psychotherapy and Personality, Marriage and/or Family Counseling/Therapy, Abnormal Psychology and Psychopathology and Internship. Respondent's application reported one course to satisfy two course area requirements. However, Respondent explained that the course titled "Intro to Counseling & Development (CNED500)" should have satisfied the Board's coursework requirements for Professional Orientation to Counseling or Ethics and the course titled "Group Process Guidance in Counseling (CNED404)" should have satisfied the Board's course requirements for Group Counseling. Consequently, though Respondent graduated from a CACREP accredited program, Respondent failed to verify coursework completed under the following content areas: Human Growth and Development and Marriage and/or Family Counseling/Therapy.

9. Under Rule 7.5 of the Board's Rules and Regulations, applicants providing counseling services through the means of Distance Professional Services (TeleMental Health) must submit verification of training in TeleMental Health counseling. Consequently, Respondent failed to submit

verification of training in TeleMental Health counseling that meets the requirements set forth in Rule 7.5.

10. The evidence clearly and convincingly establishes Respondent failed to demonstrate she meets the requirements necessary for licensure as a Licensed Professional Counselor under the Board's Rules and Regulations.

Based upon its Findings of Fact and Conclusions of Law, the Board finds as follows:

FINAL ORDER

IT IS, THEREFORE, ORDERED that the application for licensure for Michelle Kim is denied by clear and convincing evidence in accordance with MISS. CODE ANN. § 73-30-9(1)(f) and Rules 4.2(B), 4.3 and 7.5 of the Board's Rules and Regulations.

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

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

SO ORDERED, this the 26th day of **NOVEMBER, 2024**.

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



BY: Kimberly E. Sallis, PhD, LPC-S
KIMBERLY ELAM SALLIS, PhD, LPC-S
BOARD CHAIR

NOTICE OF APPEAL RIGHTS

Michelle Kim, Respondent, may, within thirty (30) days after the decision of the Board appeal therefrom in accordance with MISS. CODE ANN. § 73-30-11.