

MINUTES

Mississippi State Board of Examiners for Licensed Professional Counselors
Special Called "Teleconference" Board Meeting
Suite 402; Robert E Lee Building
239 North Lamar Street; Jackson, Mississippi
November 20, 2013

Board Members Present:

Dr. Glenn Waller
Dr. Walter Frazier
April Krieger
Dr. Juawice McCormick

Board Members Absent

Dr. Susan Carmichael

Others Present:

LeeAnn Mordecai, Executive Director

Legal Counsel Present

Margarette Meeks, Attorney General's office

I. Call to Order:

The Special Called "Teleconference" Board Meeting of the Mississippi State Board of Examiners for Licensed Professional Counselors ("Board") was available for public attendance and participation at the office of the Board located at 239 N. Lamar Street, Suite 402, Robert E. Lee Building, Jackson, Mississippi, was called to order by Dr. Glenn Waller, Chair ("Chair") at 1:02 p.m. Four of the five Board members were present and a quorum was established. The purpose of the meeting was to allow the Board to address Statute changes regarding fingerprint background checks; Circuit Court appeals change of venue to the seat of state government; and correcting the fee language for MS LPC Board annual fees.

II. Statute Changes

Upon motion by McCormick, seconded by Frazier, and unanimously passed, the Board directed Legal Counsel to draft proposed language for statute changes to be presented to Legislature regarding authority to require fingerprint based background checks; Circuit

Court appeals change of venue to the seat of state government; and correcting the fee schedule statute language for the Board annual fees.

Meeks recommended using the model language as proposed in SB 2988 from the 2007 regular session of the legislature which sets forth model language that other state boards have used to craft the language for their relevant statutes.

Krieger joined the teleconference at 1:07 p.m.

Upon motion by Frazier, seconded by McCormick, abstention April Krieger, carried to propose statute changes regarding fingerprint based background checks to allow for a broader background check to ensure the safety of the public by using SB 2988 from the 2007 regular session of the legislature which sets forth model language for agencies similar to the Board to craft the language for statute.

Upon motion by Krieger, seconded by Frazier, and passed unanimously, the Board requested legal counsel write language for proposed statute regarding change of venue for appeals and that appeals be filed in the appropriate court in Hinds County, which is the seat of state government, instead of appeals of Board decisions being filed in county of residence of LPC.

In regard to correcting the fee language for Board annual fees 73-30-29, currently paragraph one of 73-30-29 says that "the renewal of license fee under this chapter shall be One Hundred Dollars (\$100) per biennial licensing renewal period. License renewal fees may be increased by the board as deemed necessary, but may not be increased by more than ten percent (10%) of the previous year's fee."

The Chair called for a clarification from Meeks as to whether the Board would be allowed to address the issue by going back and referencing prior to 2008 statute amendment and move from that standpoint. Meeks does not think the language of the statute prior to 2008 amendment would help, and suggested the Board propose that the last sentence be stricken in the statute so that you do not have a qualifier, to get rid of the language of the 10% increase. Two different issues involved. Meeks pointed out that a change to license renewal fee statute would take care of any tweaking of the language set forth in the statute which could include the amount, when the fee is collected, and the increase.

The Chair called for a motion to have Meeks to draft the language for 73-30-29 changes for the Board's approval at a later date. Meeks agreed this would be acceptable motion and that she was under the assumption with respect to all three of these items that she would, based upon Board action, draft this language with the particulars set forth by the Board today during this meeting.

The Chair asked the Board to (1) call for a motion to strike the sentence that limits the Board to 10% increase per year as well as (2) address the renewal fee be collected \$200 biennially (every two (2) years).

Frazier recommended the Board does not remove the 10% increase and the only change should be to increase the biennial licensing renewal fee amount to \$200 so as not to limit future fee increase and provide for a reasonable restriction to charge licensees renewal fees.

The Chair, once again, called for a motion to have Meeks draft the language for the fee schedule changes to 73-30-29 for review at a future face-to-face meeting.

Upon motion by Frazier, seconded by McCormick, and passed unanimously, the Board directed Meeks to write language for a change to 73-30-29 statute in two different forms so that they may be reviewed and voted on by the Board at a subsequent meeting 1. To strike the limiting amount (restriction) of increasing renewal fees by no more than 10% year; 2. Change current fee which is listed as \$100 per biennial renewal to \$200 per biennial fee.

The Chair scheduled a special called meeting Tuesday, December 3 at 9:30 a.m. in Jackson, Mississippi, for the purpose of continuing the discussion regarding statutes changes drafted and presented by Meeks. The meeting location will be determined.

Next meeting:

Tuesday, December 3 at 9:30 a.m. - for the purpose of discussing proposed legislation for 2014 MS Legislature and matters relating to prospective litigation; Jackson, Mississippi

January 24, 2014 – 9:00 a.m. – for purpose of administrative hearing – Room 138 North; Woolfolk Building; 501 North West Street; Jackson, Mississippi

January 25, 2014 – 9:00 a.m. – Regular Board Meeting - 239 N Lamar Street; Suite 402; Robert E. Lee Building, Jackson, Mississippi

Adjourn

There being no further business, upon motion by Frazier, seconded by McCormick, and unanimously passed, the meeting was adjourned at 1:38 p.m.

Approved this the 27th day of February, 2014.

_____/s/_____

Glenn Waller, Chair

_____/s/_____

Board Member

The Mississippi State Board of Examiners for Licensed Professional Counselors (Board) will hold a “Special Called Board Meeting” on Wednesday, November 20, 2013, at 1:00 p.m. The Board will conduct the meeting through teleconference.

The meeting is being held for the purpose of allowing the Board to address Statute changes regarding fingerprint ID; Circuit Court appeals in the seat of state government; and correcting the fee language for Board annual fees.

The meeting will be available for public attendance and participation in the Robert E. Lee Building, Suite 402, located at 239 North Lamar Street in Jackson, MS.