Rules and Regulations

Mississippi State Board of Examiners
for
Licensed Professional Counselors

TABLE OF CONTENTS

CHAPTER 1: General Provisions
Rule 1.1 Statutory Authority 3
Rule 1.2 Non-Discrimination 3
Rule 1.3 Purpose 3
Rule 1.4 Definitions 4

CHAPTER 2: Fees
Rule 2.1 Fee Schedule 7
Rule 2.2 General Provisions 8
Rule 2.3 Reapplication and Lapsed License Fee and Process 8

CHAPTER 3: Organization
Rule 3.1 Mississippi Board of Examiners for Licensed Professional Counselors 9
Rule 3.2 Board Operations 12
Rule 3.3 Open Meetings Law and Open Records Policy 13
Rule 3.4 Oral Proceedings on Proposed Rules 14
Rule 3.5 Declaratory Opinions 16

CHAPTER 4: Licensure Requirements
Rule 4.1 General Requirements 19
Rule 4.2 Education Requirements 21
Rule 4.3 Experience Requirements 24
Rule 4.4 Mississippi Qualified Supervisor Requirements 25
Rule 4.5 Supervision Criteria 27
Rule 4.6 Examination Requirements 27
Rule 4.7 Agreement of Reciprocity 29

CHAPTER 5: Application Procedure
Rule 5.1 Phases of the Application Process 30
Rule 5.2 Administrative Appeal 32
Rule 5.3 Reapplication/Reinstatement 32
Rule 5.4 Licensure Categories 33

CHAPTER 6: License Renewal and Duplicate/Replacement Wall Certificates
Rule 6.1 Biennial Renewal 34
Rule 6.2 Continuing Education Requirements 35
Rule 6.3 Replacement Wall Certificate/Renewal Card 38

CHAPTER 7: Professional Responsibilities
Rule 7.1 Standards of Practice 39
Rule 7.2 Exemption from Licensure 40
Rule 7.3 Representation as "Licensed Professional Counselor" by an Unlicensed Person 41
Rule 7.4 Injunction to Prohibition of Unlicensed Practice of the Profession of Counseling 41
Rule 7.5: Practice of Distance Professional Services

CHAPTER 8: Complaints, Disciplinary Hearings, Sanctions, & Disciplinary Appeal
Rule 8.1 Grounds for Disciplinary Action 42
Rule 8.2 Complaint Procedures 42
Rule 8.3 Sanctions 45
Rule 8.4 Disciplinary Appeal 46
Rule 8.5 Reinstatement Following Disciplinary Action 46

CHAPTER 9: Online Application Process
Rule 9.1 Application Instructions 47
Rule 9.2 Contact Information 48

Mississippi Code of 1972, Annotated (LPC Law) 1-10
Revised April 2015

MISSISSIPPI CODE OF 1972

Rules and Regulations

Mississippi State Board of Examiners
for
Licensed Professional Counselors

Title 30: Professions and Occupations

Part 2201: Licensed Professional Counselors, Board of Examiners of

Part 2201. CHAPTER 1. General Provisions

Rule 1.1: Statutory Authority

The State Legislature granted Statutory Authority for the licensing of Professional Counselors in 1985. Section 73-30-1 et seq., of the *Mississippi Code of 1972, Annotated* provides for the regulation of the practice of counseling as well as the use of the title "Licensed Professional Counselor" for those who offer counseling services to the public for fees.

Source: *Miss Code Ann.* § 73-30-1 (Rev. 1985)

Rule 1.2: Non-discrimination.

The Mississippi State Board of Examiners for Licensed Professional Counselors (LPC) does not discriminate against any Applicant, Candidate, or Licensee because of race, color, creed, gender, sexual orientation, religion, national origin, age, physical handicap, disability, or political affiliation.

Source: *Miss Code Ann.* § 73-30-9 (Rev. 2008*)*

Rule 1.3: Purpose.

The purpose of these rules shall be to provide interpretation and application guidelines regarding state law as indicated in Chapter 1, Section 1 above and to communicate established procedures and requirements for the following:

A. The establishment of a State Board of Examiners for Licensed Professional Counselors;

B. The selection of Board members;

C. The establishment of rules and procedures for Board meetings;

D. Standards and qualifications requisite in the issuance of professional licensure;

E. Evaluation of qualifications of individuals applying for professional licensure;

F. Issuance and renewal of professional licensure to qualified persons;

G. Setting fees necessary for administration of the licensure program; and,

H. Establishing criteria for disciplinary actions against Licensees.

Source: *Miss Code Ann.* § 73-30-5 & 73-30-7 (6) (Rev. 2008)

Rule 1.4: Definitions.

Note: The terms counseling and psychotherapy are used interchangeably throughout this document.

A. **Applicant:** An individual who has submitted an application packet for licensure as a Licensed Professional Counselor.

B. **Approved Educational Institution:** An institution offering a graduate degree which is accredited by a regional or national accrediting body approved by the Board.

C. **Active Status:** An individual Licensee who is in good standing, including timely submission of all fees, changes of information, etc., and without sanctions, will be considered to be current.

D. **Board:** The Mississippi State Board of Examiners for Licensed Professional Counselors.

E. **Board Qualified Supervisor (BQS) (LPC-S):** A Mississippi LPC who has completed the Board requirements and been approved to provide supervision to an Applicant as his or her Clinical Supervisor. A BQS is one who monitors the performance of an applicant by providing documented one-to-one and/or group face-to-face consultation, guidance, and instruction with respect to the clinical skills and competencies of the supervised individual. A BQS is required to be trained in Clinical Applicant supervision, have the required experience, and have been approved by the Board as a BQS and identified by the LPC-S designation. (as referenced in Rule 4.4(A))

F. **Candidate:** A person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the Board to sit for the Board required examination.

G. **Clock Hours:** Fifty-sixty minutes in a continuing education activity.

H. **Clinical Setting:** A setting in which professional counseling/psychotherapy is offered; this may include a university counseling laboratory.

I. **Competency Area:** An area in which a person possesses training, experience, knowledge, skills, and the ability to apply them in the clinical setting.

J. **Complainant:** A person who has filed an allegation with the Board against a Licensee.

K. **Continuing Education Hours (CEH):** Term representing the clock hours of continuing education and how a Licensee may describe his/her continuing education experience.

L. **Counseling/Psychotherapy Procedures:** Counseling/Psychotherapy is the application of mental health, psychological, or human development principles, through cognitive, affective, behavioral, or systemic intervention strategies that address wellness, personal growth, or career development, as well as pathology. Counseling/Psychotherapy involves diagnosis, assessment, and treatment by the use of counseling/psychotherapy methods and techniques, both verbal and nonverbal, which require the application of principles, methods, or procedures of understanding, predicting and/or influencing behavior and motivation; the use of informational and community resources for personal or social development; the use of group and/or placement methods and techniques which serve to further the goals of counseling/psychotherapy; designing, conducting and interpreting research on human subjects and on any consultation on any item above; and appraisal techniques including, but not limited to, testing of achievement, abilities, interests, aptitudes and personality.

M. **Direct Service:** Interaction with clients that includes the application of counseling, consultation, or human development skills. In general, the term is used in these standards to refer to time spent by practicum or internship students or post-graduate supervision in work directly related to clients. Direct Services are only face to face counseling including individual counseling, couples/family counseling, group counseling, and testing and assessment.

N. **Distance Professional Services:** Counseling, consulting, and clinical supervision services provided by a professional in one location to a recipient of services in another location by means of electronic communication in either asynchronous methods including email and social network systems or synchronous methods such as telephone, chat, and video systems.

O. **Fees for Licensed Counseling Services:** Any form of compensation received for the practice of counseling.

P. **Group Supervision:** The process of clinical supervision of more than one person but no more than six (6) persons in a group setting provided by a Board Qualified Supervisor.

Q. **Internship:** Supervised, planned, practical, advanced experience obtained in a clinical setting observing and applying principles, methods, and techniques learned in training and/or educational settings. NOTE: The internship involves a longer period of time than a practicum.

R. **Inactive Status:** A license not in Current Status which renders the Counselor from practicing as an LPC in the State of Mississippi.

S. **Individual Supervision:** "Face-to-face" supervision in the physical presence of the individuals involved in the supervisory relationship during one-to-one supervision.

T. **Lapsed Status:** An LPC who fails to renew his/her license in a timely manner. Lapsed individuals are not licensed to practice.

U. **Licensed Clinician:** A licensed clinician is a counseling professional that is licensed by a board or agency of the state of Mississippi, the Department of Mental Health or the Department of Education, including but not limited to psychologists, licensed professional counselors, school counselors, Applied Behavior Analysts.

V. **Licensed Professional Counselor:** Shall mean and is restricted to any person who presents himself/herself to the public by any title or description of services incorporating the words licensed professional counselor or psychotherapist and who offers to render professional counseling or psychotherapy services to individuals, groups, or organizations, corporations, institutions, government agencies or the general public for a fee, monetary or otherwise, implying that he/she is licensed in Mississippi.

W. **Licensee:** A Counselor who holds a current license from the Mississippi State Board of Examiners for Licensed Professional Counselors.

X. **Mandatory Audit:** Ten percent of Licensees will be randomly chosen to have their continuing education activities audited at the time of license renewal.

Y. **Probation Status:** Probation Status, as a result of disciplinary action, may result in a stay of suspension during which conditions stipulated by the Board must be satisfied. Failure to meet any of these conditions may result in suspension, restriction or revocation.

Z. **Practice of Counseling/Psychotherapy:** Rendering, offering to render, or supervising those who render to individuals, group organizations, corporations, institutions, government agencies, or the general public any service involving the application of counseling procedures (See Rule 1.4(H)) and other related areas of behavioral sciences to help in learning how to solve problems or make decisions related to personal growth, marriage, family, or other interpersonal or intrapersonal concerns.

AA. **Practicum:** Supervised, planned, practical, advanced experience occurring in a clinical setting for an early introduction to subject matter by a Licensed Clinician. It is generally time-bound and for a shorter period of time than an internship, but it allows for demonstration and testing of information, knowledge, and skills acquired.

BB. **Restriction Status:** Restriction Status, as a result of disciplinary action is a limitation placed on the scope of a Licensee's practice.

CC. **Revocation:** The withdrawal of the privilege to practice as an LPC in the State of Mississippi.

DD.**Retired Status:** An LPC, who, of his/her own volition, chooses to cease practice. This category is not related to any disciplinary action, which would be the cause of ceasing to practice. An LPC's request for retired status is subject to Board approval. A Licensee in Retired Status cannot practice as an LPC in Mississippi. Retired Status Counselors do not pay the biennial license renewal fee. A Retired Status Counselor must request in writing to the Board and provide the Board appropriate documentation of all continuing education requirements demonstrating that he or she has remained abreast of current professional standards of practice if he/she wants to return to Active Status from Retired Status. If Board approval is given, biennial license renewal fees must be paid by the Licensee.

EE.**Revoked Status:** Revoked Status is the result of disciplinary action by the Board and as defined in the Miss Code Ann § 73-30-21 (Rev. 2008)

FF.**Supervision:** The ongoing process performed by a BQS in assisting the counselor in developing expertise in methods of the professional mental health counseling practice and in developing self-appraisal and professional development strategies.

GG.**Surrendered Status (Disciplinary Action):** An LPC, as a result of disciplinary action, may request Surrendered Status. The Licensee's request for Surrendered Status is subject to the approval of the Board.

HH.**Surrendered Status (Voluntarily):** An LPC who wishes to voluntarily surrender his/her license for personal reasons.

II.**Suspension Status:** Suspension Status, as a result of disciplinary action, is the withdrawal of the privilege to practice for a specified period of time.

JJ. **Total Hours:** Sum total of direct service hours, indirect service hours, individual and group supervision hours.

Source: *Miss Code Ann.* § 73-30-3 & 73-30-7 (6) (Rev. 2008)

Part 2201. CHAPTER 2. Fees

Rule 2.1: Fee Schedule

A. Application for Licensure Fee	_____	$100.00
B. Initial and Biennial License Renewal Fee (subject to change-reflected in renewal notice)	_____	$200.00
C. Application for Board Qualified Supervisor Fee	_____	$50.00
D. Biennial Board Qualified	_____	$50.00

	Supervisor Renewal Fee	
E.	File Transfer Fee (copy & mail)	$40.00
F.	Replacement Wall Certificate/Renewal Card	$30.00
G.	Name Change Fee	$30.00
H.	Per Page Copying Fee	$1.00
I.	Reapplication Fee	$100.00
J.	Failure to Notify of Change of Address Fee	$50.00
K.	License Verification Fee	$50.00

Source: *Miss Code Ann.* § 73-30-7 (Rev. 2008)
Source: *Miss Code Ann.* § 97-19-55, 97-19-57, and 25-61-7

Rule 2.2: General Provisions

A. All fees are nonrefundable.

B. Fees shall be paid in full by check or money order made payable to the Mississippi State Board of Examiners for Licensed Professional Counselors.

C. No application for initial licensure shall be considered complete unless accompanied by the required fees.

D. Periodically, this document, the Rules, Regulations and Application Guidelines for Mississippi State Board of Examiners for Licensed Professional Counselors, is updated and/or revised. The Applicant/Candidate/Licensee must comply with the most current version of this document, and it is the applicant's responsibility to ensure that he/she has the most current version(s) of application documents accepted by the Board. Additionally, the Applicant/Candidate/Licensee is responsible for all provisions listed in the most current Rules, Regulations, and Applications Guidelines.

E. The Board is responsible for the final interpretation of all provisions contained within this document, and this interpretation will be considered binding on Applicants/Candidates/ Licensees.

Source: *Miss Code Ann.* § 73-30-7 (Rev. 2008)

Rule 2.3: Reapplication and Lapsed License Fee and Process

A. The Reapplication Fee is charged when an LPC allows his/her license to lapse and seeks to return to a Current Status. This Reapplication Fee is a mandatory fee. In addition, the LPC will be required to pay the current year renewal fee. During the reapplication period of time,

the LPC status will be changed to Lapsed Status which will not allow the Counselor to practice as an LPC.

B. Any license in Lapsed Status that exceeds 90 days will be reviewed by the Board to determine if the Lapsed Status should be transitioned to an Inactive Status. Lapsed Status means the LPC will not be able to practice as an LPC until such time the individual completes the reapplication process and the license is transitioned back to Current Status by the Board. During the reapplication process, the individual will be required to pay a Reapplication Fee and the current renewal fee to reactivate his/her license.

C. Any Applicant who has not completed the application process within 365 days from the date the application was received by the office of the Mississippi State Board of Examiners for LPC must pay a Reapplication Fee to continue the application process in order to reactivate his/her file for an additional one (1) year. If an applicant does not complete the application process within the additional year, the application will become void.

D. A Candidate who has not passed the Board approved exam within 365 days of the distinction of Candidate Status must send a written request to be eligible to take the Board approved examination again and must pay a reapplication fee to the Board office in order to continue in the licensure process. The request and fee must be received prior to the end of the 365 days or the application will become void.

E. A Candidate who has failed a Board approved examination two times may submit a written request for a third attempt. The request must include an explanation of what steps that the Candidate has taken in an effort to improve his/her performance. The Candidate might take additional coursework or a credible examination/preparatory course. The Candidate's explanation will be used by the Board to determine if the Candidate should be eligible to have one final attempt to pass a Board approved examination. A Reapplication Fee is also required from a Candidate to continue in the licensure process after failing the Board required examination two (2) times.

F. A license renewal is considered lapsed due to a bounced check or credit card or e-check refusal.

Source: *Miss Code Ann.* § 73-30-7 (Rev. 2008)

Part 2201. CHAPTER 3. Organization

Rule 3.1: Mississippi State Board of Examiners for Licensed Professional Counselors

A. Board Responsibilities

1. The Board exists to regulate the profession of counseling, as well as the use of the title "Licensed Professional Counselor," in Mississippi.

2. The Board has authority to ensure that no one practices counseling in the State of Mississippi who is not either licensed by this Board or exempt from licensure by statute. In the event the Board becomes aware of any person representing himself by the title Licensed Professional Counselor or who offers services to the public for a fee, monetary or otherwise, the Board shall proceed in accordance with Miss. Code Ann. §§ 73-30-1, et. seq., including but not limited to § 73-30-19.

3. The Board accepts applications to determine eligibility for licensure and to determine candidacy to sit for Board approved examination. The Board further issues license to those found to meet full requirements, ensures complete and appropriate renewal process, and conducts audits of Licensees.

4. The Board investigates complaints against Licensees, determines the merit of complaints, and provides appropriate disciplinary action to Licensees.

5. The Board makes reasonable rules and regulations regarding its operation.

6. The Board receives and disburses revenues derived from fees.

7. The Board is responsible for the final interpretation of all provisions contained within this document, and this interpretation will be considered binding on all Applicants/Candidates/Licensees.

B. Composition and Appointment

1. The Board shall be comprised of five (5) members, one (1) member from each of the four (4) congressional districts of Mississippi and a member at large, appointed by the Governor with the advice and consent of the State Senate.

2. A nomination list for appointment to the Board is provided to the Governor by the Mississippi Counseling Association (MCA) for each vacancy. The nomination list must include at least two (2) names from each congressional district in which a vacancy exists with attention needed to balance the membership of the board as stated in Rule 3.B(5).

3. Nominees to the Board must be Licensed Professional Counselors in good standing and qualified electors of the State of Mississippi.

4. The Governor must fill appointments within sixty (60) days after the vacancy occurs.

5. The Board will consist of three (3) Licensees who are primarily engaged in private or institutional practice in counseling and two (2) Licensees who are primarily engaged in teaching, training, or research in counseling at the corporate or university level.

6. At the time of appointment, no more than one (1) person employed by or receiving compensation from any one (1) institution, organization, or partnership will be appointed to the Board.

7. Initial Board appointments will be for staggered terms. After the initial appointments, all terms shall be for five (5) years.

8. No Board member shall succeed himself/herself for an additional five-year term without waiting a period of five (5) years after having served one full five-year term.

9. Board members will be reimbursed for necessary and ordinary expenses and mileage incurred while performing their duties as members of the Board at the rate authorized for public employees.

C. Oath, Officer Elections and Exemption from Civil Liability

1. Board members will take an oath, administered by a person qualified by law to administer oaths, to faithfully perform the duties of their office.

2. Board members are expected to attend all regularly scheduled board meetings.

3. Board members will be LPCs in good standing upon taking the oath as Board members.

4. A Chair, Vice-Chair, and Secretary/Treasurer shall be chosen by the Board from among its members in January of odd numbered years.

5. The term for elected officers shall be for two (2) years.

6. A Board member shall not vote on any applicant previously supervised by that member.

7. Board members are individually exempt from any civil liability as a result of any action taken by the Board.

8. The Board may recommend to the appointing authority removal of any member of the Board or the Chair from his/her position on the Board for:

    a. Malfeasance in office;

    b. Conviction of a felony or a crime of moral turpitude while in office;

    c. Failure to attend three (3) consecutive regular Board meetings within a fiscal year. No Board member may be removed from his/her position until after a public hearing of the charges against him/her. At least thirty (30) days prior written notice must be given to the Board member detailing those charges indicating the date fixed for the hearing.

9. All Board members shall sign an LPC Board Conflict of Interest policy.

Source: *Miss Code Ann.* § 73-30-5 (Rev. 2008)

Rule 3.2: Board Operations

A. The Board shall adopt rules and regulations in compliance with the Mississippi Administrative Procedures Law.

B. The Board will hold at least two (2) regular meetings each year.

C. Additional meetings may be called by the Chair of the Board or at the written request of a quorum of the Board.

D. Meeting dates, times, and locations are published on the LPC website and Department of Finance & Administration's Public Meeting Notice website.

E. An organizational meeting shall be held in January of odd numbered years for the purpose of electing officers.

F. All meetings of the Board are open to the public, and citizens are encouraged to attend meetings. Notification of Board meetings is posted in the building where the meeting is to be held.

G. Information regarding the Board's activities, submissions to the Board, and requests of the Board should be made in writing to the Board.

H. Individuals who wish to be included on the Board's agenda must submit a written request to the Board. The Board must receive this request at least ten (10) working days prior to the regularly scheduled Board meeting.

I. The Board will review only complete applications for licensure.

J. The Board may, after notice and opportunity for a hearing, restrict, suspend, revoke, or refuse to issue or renew a license or may reprimand an LPC for the following reasons, including, but not limited to:

    1. Failure to meet all requirements for licensure;

    2. Engaging in the conduct of professional counseling in a grossly negligent or incompetent manner;

    3. Conviction of a felony;

    4. Obtaining a license or certification by fraud, deceit or other misrepresentation;

    5. Assisting another in falsely obtaining a license or certification;

    6. Swearing falsely under oath or affirmation;

7. Violation of the American Counseling Association Code of Ethics and Standards of Practice adopted by the Board. See Rule 7.1.

8. Violation of Board rules and regulations;

9. Declaration of mental incompetence by the court;

10. Intentional violation of any provisions of 73-30-1 et.seq. of the *Mississippi Code of 1972, Annotated* (LPC law).

K. The Board shall enter into a formal contract for an accountant/CPA that specifies the scope of duties, compensation, term, and relevant issues. The accountant/CPA shall provide monthly financial reports to the Executive Director and the Board. The most recent monthly financial report shall be introduced at the Board meetings and an annual audit shall be made available at the end of the fiscal year.

Source: *Miss Code Ann.* § 73-30-7 (Rev. 2008)

Rule 3.3: Open Meetings Law and Open Records Policy

The Mississippi Board of Examiners for Licensed Professional Counselors shall adhere to the Open Meeting Law, Section 25-41-3, Miss. Code Ann. (1972) as amended. The following regulation is enacted for the purpose of providing reasonable written procedures concerning the cost, time, place, and method of access, under the provisions of the Mississippi Public Records Act of 1983 (Open Records Act) [Section 25-61-1, et. seq.]

It is not intended that these procedures shall apply to any public record or other document which is exempt from the provisions of said Act or not covered by the provisions of the Open Records Act.

Any individual seeking to inspect, copy, or mechanically reproduce or obtain a reproduction of any public record of the Board should make a written request signed by the individual to be mailed to the Executive Director of the Board. The written request must be typed or clearly hand printed on a letter size piece of paper and shall specify in detail the public record sought. The request should include if possible a description of the type of record, title of publication, and other information, which may aid in the locating of the record.

The written request must specify the purpose for obtaining the record that the individual requesting the record proposes to do with the record, i.e. inspect, copy, etc; state the date and time for the proposed activity; state the number of persons scheduled to participate and shall provide the name, address, and home and office telephone number of the applicant. The Executive Director, upon receipt of any such request, shall review same and determine whether the records sought are exempt under the Mississippi Public Records Act, and shall either produce records or deny access to or production of the records sought within seven (7) working days of the receipt of the request.

All inspection, copying, or mechanical reproduction shall be done in the offices of the Board or such other reasonable place within the State of Mississippi as may be designated by the Board. It shall be the duty of the applicant to contact the Executive Director by phone before noon of the first working day preceding the proposed date set out in the application to determine if same is acceptable and, if not, what date and/or time will be substituted. Where possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld.

If the Executive Director determines that the records requested are exempt or privileged under the law, she shall deny the request and shall send the person making the request a statement of specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three (3) years. The Executive Director is authorized to calculate the estimated cost of searching, obtaining from storage, reviewing, shipping, and/or duplicating records and to require payment in advance of such estimated charges prior to complying with request. There shall be a charge of $1.00 per page for each copy. Copies printed on both sides (front & back) shall be considered as two pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If request involves notice to be given to a third party, the cost of mailing such notice via certified mail return receipt requested shall be charged to the person requesting such public records. In the event that actual cost of such activity exceeds the estimate, the Executive Director is authorized to withhold mailing or delivery of said documents or to delay inspection until the difference is paid.

There shall be no charge for inspection of the current Board records maintained at the Board office. Cost of obtaining records from state storage facilities and the search for it shall be charged to the applicant.

The Executive Director may waive any or all of the foregoing requirements related to written notice, time and method of access prepayment of expenses whenever the determination is made that such waiver would be in the public interest. Information regarding the Board's activities, submissions to the Board, and requests of the Board should be made in writing to the Board. Individuals who wish to be included on the Board's agenda must submit a written request to the Board. The Board must receive this request at least ten (10) working days prior to the regularly scheduled Board meeting.

Source: *Miss Code Ann.* § 73-30-7 (6) (Rev. 2008)

Rule 3.4: Oral Proceedings on Proposed Rules

A. Scope. This rule applies to all oral proceedings held for the purposes of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Board pursuant to §25-43-3.104.

B. When Oral Proceedings will be scheduled on Proposed Rules. The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

C. Request Format. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board and signed by the requestor(s).

D. Notification of Oral Proceeding. The date, time, and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

E. Presiding Officer. The Chairperson or his/her designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

F. Public Presentations and Participation.

1. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments, or arguments concerning the proposed rule.

2. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.

3. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.

4. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

5. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.

6. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

G. Conduct of Oral Proceeding

1. Presiding officer. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall

(i) call proceeding to order; (ii) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule; (iii) call on those individuals who have contacted the Board about speaking on or against the proposed rule; (iv) allow for rebuttal statements following all participants' comments; (v) adjourn the proceeding.

2. Questions. The presiding officer where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

3. Physical and Documentary Submissions. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.

4. Recording. The Board may record oral proceedings by stenographic or electronic means.

Source: *Miss Code Ann.* § 25-43-2.105 (Rev. 2006)

Rule 3.5: Declaratory Opinions

A. Scope. These rules set forth by the Mississippi State Board of Examiners for Licensed Professional Counselors, hereinafter "Board," rules governing the form and content of requests for declaratory opinions, and the Board's procedures regarding the requests, as required by *Mississippi Code* §25-43-2.103. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

B. Persons Who May Request Declaratory Opinions. Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board by following the specified procedures. "Substantial interest in the subject matter" means: an individual, business, group, or other entity that is directly affected by the Board's administration of the laws within its primary jurisdiction. "Primary jurisdiction of the Board" means the Board has a constitutional or statutory grant of authority in the subject matter at issue.

C. Subjects Which May be Addressed in Declaratory Opinions. The Board will issue declaratory opinions regarding the applicability to specified facts of: (1.) a statute administered or enforceable by the Board or (2.) a rule promulgated by the Board. The Board will not issue a declaratory opinion regarding a statute or rule, which is outside the primary jurisdiction of the agency.

D. Circumstances in which Declaratory Opinions Will Not Be Issued. The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

1. lack of clarity concerning the question presented;

2. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;

3. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;

4. the facts presented in the request are not sufficient to answer the question presented;

5. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;

6. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;

7. no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;

8. the question presented by the request concerns the legal validity of a statute or rule;

9. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;

10. no clear answer is determinable;

11. the question presented by the request involves the application of a criminal statute or a set of facts which may constitute a crime;

12. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;

13. the question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;

14. a similar request is pending before this Board or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law;

15. where issuance of a declaratory opinion may adversely affect the interests of the State, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;

16. the question involves eligibility for a license, permit, certificate, or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate, or other approval would be determined.

E. Form of the Request for a Declaratory Opinion - Written Request Required. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board.

F. Where to Send Requests. All requests must be mailed or delivered to:

The Mississippi State Board of Examiners for Licensed Professional Counselors
239 North Lamar Street
Suite 402
Jackson, MS 39201
ATTN: DECLARATORY OPINION REQUEST

The request shall clearly state that it is a request for a declaratory opinion. No oral, telephone requests, or email requests will be accepted for official opinions. Name, Address, and Signature of Requestor must be included.

G. Time for Board's Response. Within forty-five (45) days after the receipt of a request for a declaratory opinion, which complies with the requirements of these rules, the Board shall, in writing:

1. issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;

2. decline to issue a declaratory opinion, stating the reasons for its action; or

3. agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request. The forty-five (45) day period shall begin running on the first state of Mississippi business day on or after the request is received by the Board, whichever is sooner.

H. Opinion Not Final for Sixty Days. A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

I. Notice by Board to Third Parties. The Board may give notice to any person, agency, or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments, and opinions from other persons, agencies, or other entities other than the requestor.

J. Public Availability of Requests and Declaratory Opinions. Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

K. Effect of a Declaratory Opinion. The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: *Miss Code Ann.* § 25-43-2.105 (Rev. 2006)

Part 2201. CHAPTER 4. Licensure Requirements

Rule 4.1: General Requirements

A. No person shall practice as a Licensed Professional Counselor in the State of Mississippi except as provided by state statute and these regulations.

B. An Applicant must be at least twenty-one (21) years of age.

C. The Applicant is a Mississippi resident, pays income tax in the State of Mississippi, or has an immigration document to verify legal alien work status in the United States. The immigration document must be current and issued by the United States Immigration Bureau.

D. An Applicant must be of good moral character. The Board may request endorsements attesting to the Applicant's character, professional integrity, and professional competence.

E. Applicants must pass Board approved examination to be eligible for licensure.

F. Applicants must meet all education and experience requirements.

G. The Board must receive a complete application packet, official transcript(s), and criminal background check results prior to the established application deadline for the Applicant to be considered for licensure or candidacy at any Board meeting.

H. An applicant may not be in violation of any of the provisions of Section 73-30-1 et seq., of the *Mississippi Code of 1972, Annotated* or any of the rules and regulations adopted by the Board.

I. The application process for licensure must be completed within 365 days of the Board's receipt of the individual's application packet. "Completed" with respect to this provision means either Board approved for candidacy or Board approved for licensure (as appropriate). As stipulated in Rule 2.3(C), an individual who has not completed the application process within the 365 days' time frame must pay a Reapplication Fee in order to reactivate his/her to continue the application process. As stipulated in Rule 9.1(E) (Application Process), incomplete applications will be kept on file for two (2) years, after which time they will be destroyed.

J. Periodically, this document, the Rules, Regulations and Application for the Mississippi State Board of Examiners for Licensed Professional Counselors, is updated and/or revised. The Applicant/Candidate/Licensee must comply with the most current version of this document, and it is the responsibility of the Applicant to ensure that he/she has the most current version(s) of application documents accepted by the LPC Board. Additionally, the Applicant/Candidate/Licensee is responsible for all provisions listed in the most current Rules and Regulations and Application Guidelines. The Rules and Regulations may be downloaded from the Board's website www.lpc.ms.gov.

K. The Board shall require state and national criminal background check, to include consulting sex offender registries, through the Department of Public Safety for each first time Applicant for licensure as well as Licensees seeking renewal, every six years, to be calculated based on the Licensee's initial date of licensure.

1. For purposes of these background checks, "good moral character" shall be established by an absence of felony convictions or convictions for misdemeanors involving moral turpitude.

2. The background check shall conform to the applicable federal standards and shall include the taking of fingerprints.

3. The Applicant shall sign a release of information to the Board and shall be responsible for the payment of the fee associated with the criminal background check.

4. Upon completion of the background check, the Department of Public Safety shall forward to the Board all releasable information obtained concerning the Applicant or Licensee.

5. No person shall be eligible to receive or hold a license issued by the Board if that person has pled guilty or nolo contendre to or has been found guilty of any felony or misdemeanor involving moral turpitude.

6. Upon receipt of information from the Department of Public Safety that a person has pled guilty or nolo contendre to or found guilty of any felony or misdemeanor involving moral turpitude, the Board shall immediately deny licensure or refuse renewal of license.

7. The provisions of Rule 4.1(K)(5) and Rule 4.1(K)(6) above may be waived by the Board upon request of the affected applicant for licensure or the person holding a license subject to revocation. The request shall be for a show cause hearing within ten (10) days, which shall be conducted pursuant to the process set out in the Regulations providing for the Board complaints process.

8. Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

    a. The age at which the crime was committed;

    b. The circumstances surrounding the crime;

    c. The length of time since the crime;

    d. Subsequent work history;

    e. Employment references;

    f. Character references; and

    g. Other evidence demonstrating that the applicant does not pose a threat to the health or safety of the public.

9. There will be no waiver opportunities for any conviction involving Child Abuse or Abuse of a Vulnerable Adult.

Source: *Miss Code Ann.* § 73-30-7 (6) & 73-30-9 &73-30-21 (Rev. 2008)

Rule 4.2: Education Requirements

The following is a list of education requirements that all applicants must meet in order to be licensed:

A. Sixty (60) semester hours or ninety (90) quarter hours of graduate study.
Effective 2017 the Board will only accept sixty (60) hour masters degree programs, and those programs shall be CACREP 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 in Rule 4.2.C, as part of sixty (60) semester 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.

B. A graduate program related to counselor education is defined as one that contains course work in all of the following areas. Each applicant must have completed a three (3) hour semester course or its equivalent in each of the following areas:

1. Human Growth and Development - Course work includes studies that provide a broad understanding of the nature and needs of individuals at all levels of development, normal and abnormal human behavior, personality theory, life-span theory, and learning theory within cultural contexts. Emphasis is placed on psychological approaches used to explain, predict, and modify human behavior.

2. Social and Cultural Foundations - Course work includes studies that provide a broad understanding of societal changes and trends in human roles, societal subgroups, social mores, interaction patterns, and multicultural and pluralistic trends in differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination, and methods for alleviating these concerns.

3. Counseling and Psychotherapy Skills - Course work includes studies that provide a broad understanding of philosophic bases of helping processes, counseling theories and their applications, basic and advanced helping skills, consultation theories and their application, client and helper self-understanding and self-development, and facilitation of client or consultee change.

4. Group Counseling - Course work includes studies that provide a broad understanding of group development, dynamics, and counseling theories; group leadership styles; basic and advanced group counseling methods and skills; and other group approaches.

5. Lifestyle and Career Development - Course work includes studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling guidance and education; lifestyle and career decision-making; career development program planning resources and effectiveness evaluation.

6. Testing and Appraisal - Course work includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data, and information gathering methods, validity and reliability, psychometric statistics, factors, influencing appraisals, and use of appraisal results in helping process. Additionally, the specific ability to administer and interpret tests and inventories to assess interests and abilities and to identify career options is important.

7. Research and Evaluation - Course work includes studies that provide a broad understanding of different types of research, basic statistics, research-report development,

research implementation, program evaluation needs assessment, publication of research information, and legal considerations.

8. Professional Orientation to Counseling or Ethics - Course work includes studies that provide a broad understanding of professional roles and functions of counselors, professional goals and objectives, professional counseling organizations and associations, professional history and trends, ethical and legal standards, professional standards, and professional credentialing.

9. Theories of Counseling Psychotherapy and Personality – Course work includes studies in basic theories, principles and techniques of counseling, and their application to professional counseling settings.

10. Marriage and/or Family Counseling/Therapy – Course work includes studies that provide a broad understanding of marriage and family theories and approaches to counseling with families and couples. This includes appraisal of family and couples systems and the application of these to counseling families and/or couples in pre-marriage, marriage and/or divorce situations.

11. Abnormal Psychology and Psychopathology – Course work includes studies that provide a broad understanding of individuals' current mental/emotional states consistent with accepted classifications such as those provided in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV or DSM-5 or most recent edition), as published by the American Psychiatric Association; and the ICD—10-CM (or most recent edition of ICD) and the development of planned, diagnosed - relevant interventions, including the goals of counseling, methods of treatment, and means of monitoring progress.

12. Internship – Supervised, planned, practical, advanced experience obtained in a clinical setting observing and applying principles, methods, and techniques learned in training and/or educational settings.

C. Courses completed by applicants that were not part of a counselor education or related counseling graduate program are evaluated on a case-by-case basis to determine applicability.

D. All applicants must provide official transcripts of all graduate work. Unopened official transcripts shall be submitted in the application packet or submitted to the Board directly from the approved educational institution.

Source: *Miss Code Ann.* § 73-30-7 (6) & 73-30-9 (Rev. 2008)

Rule 4.3: Experience Requirements

A. Supervision Requirements - An Applicant must document the following supervised experience requirements prior to applying for licensure. The supervisor must be a Board approved Qualified Supervisor (BQS). The art of supervision is defined as assisting the counselor in developing expertise in methods of the professional mental health counseling practice and in developing self-appraisal and professional development strategies.

1. A total of three thousand five hundred (3,500) supervised hours of counseling (approximately 2 years) in a clinical setting post Bachelor's degree (See Rule 1.4(H)) comprised of the following:

    a. A maximum of forty (40) supervised hours may be obtained per workweek.

    b. Up to one thousand seven hundred fifty (1,750) hours may be obtained while enrolled in a Graduate Degree's program internship or practicum and, although not required, where possible the Board would prefer BQS Supervision during internship or practicum.

    c. A minimum of one thousand one hundred sixty-seven (1,167) supervised hours must be in Direct Services with clients and/or psychotherapy service to clients.. Direct Services are only face to face counseling including individual counseling, couples/family counseling, group counseling, and testing and assessment.

    d. One hundred (100) hours of individual face to face supervision are required. Up to 50 hours may be obtained while enrolled in a Graduate Degree program, including internship/practicum. This is based on at least (a minimum of) 1 hour of supervision for every 25 hours of supervisee's direct service with clients. No more than 50 hours of individual supervision received during a Graduate Degree Program will be accepted.

    e. Group supervision will be acceptable for not more than fifty (50) hours of the required one hundred (100) hours of individual supervision. This is based on two (2) hours of group supervision being equivalent to one (1) hour of individual supervision. Total hours of group supervision should be reported in full and will then be divided by two (2) by the Board at review time.

    f. Individual supervision provided by multiple supervisors regarding the same direct client service hours at the same site during the same time frame will not be accepted.

2. In order to receive supervision by a BQS with the LPC-S credential and obtain required experience for licensure, Applicants who have completed the education requirements for licensure may practice in a clinical setting that is governed by federal, State, county or municipality. Where this is not the case, the Applicant may practice under the employment of a Licensed Professional Counselor with a LPC-S on site.

3. Individual and Group Supervision provided by a BQS with the LPC-S credential to Applicants who have completed the educational requirements for licensure may be provided by way of Distance Professional Services under the following criteria only:

    a. The LPC-S must hold a Distance Credentialed Counselor credential from the Center for Credentialing and Education. The credential must be on file with the LPC Board office prior to initiating supervision through distance means.

    b. Distance supervision sessions must be provided by means of synchronous video conferencing only. Supervision by telephone, email, chat, or other forms of communication must be reserved to only emergency communications.

    c. The Supervision Agreement submitted to the LPC Board must include information explaining the use and limits of distance supervision, specify the qualifications of the LPC-S to provide distance supervision, and establish procedures for managing the failure of the video communication system.

B. Effective July 1, 2015, Applicants shall present supervised experience obtained within the last (7) years.

C. Supervision Verification forms must be submitted in sealed, signed envelopes in the application packet or through the online process available.

Source: *Miss Code Ann.* § 73-30-7 (6) & 73-30-9 (Rev. 2008)

Rule 4.4: Mississippi Qualified Supervisor Requirements

A. A Board Qualified Supervisor shall meet the following requirements:

1. Be a current LPC. The supervisor must hold a Mississippi license as an LPC.

2. The supervisor must have been practicing mental health counseling in their setting (i.e., school, agency, private practice) for at least five years. Two of the five years experience must be post-licensing experience.

3. Have documentation/verification of Supervision training [Course work or minimum of 30 hour workshop]. Supervisors must have successfully completed either options a or b or c below.

    a. Graduate-Level Academic Training. At least one graduate-level academic course in counseling supervision. The course must have included at least 45 clock hours (equivalent to a three credit hour semester course) of supervision training.

    b. Professional Training. A Board approved professional training program in supervision. The training program must be a minimum of 30 clock hours with the trainers and meet presentation standards established by the Board.

c. Show completion of Approved Clinical Supervisor Credential from NBCC.

4. Have current resume/Vitae on file with the Board. Supervisor will submit to the Board a resume either in electronic or print form. It is the responsibility of the supervisor to keep the information current.

5. Submit a Philosophy of Supervision. The Supervisor will have their own philosophy of supervision and the models that are used. They will be aware of the strengths and weaknesses of the philosophy and be able to discuss the model and demonstrate familiarity with the model.

6. Complete a minimum of one (1) hour of supervision continuing education per year; a minimum of two (2) hours per renewal period. Renewal will occur simultaneously with LPC renewal. The Board Qualified Supervisor will continually be aware of the need to increase knowledge of supervision and how it relates to the counseling environment. They will strive to obtain continuing education in supervision.

7. Have documented membership in a professional counseling organization.

8. Shall follow the most recent ACA (American Counseling Association) *Code of Ethics.*

9. Have no disciplinary sanctions against license

10. Provide a background check, if requested.

11. Shall be approved by the Board; applications will be reviewed at any Board meeting.

12. At the beginning of a supervision relationship, supervisors must submit to the Board a signed contract and agreement between each active supervisee and supervisor that states requirements of each party. Academic supervisors are exempt from the requirement.

B. A supervisor may not be a relative of the counselor intern. Relative of the counselor applicant is defined as spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, uncle, one who is or has been related by marriage or has any other dual relationship.

C. Limitations of Supervision Practice. No Qualified Supervisor may exceed a total of ten (10) active supervisees.

D. No person shall serve as a supervisor if their license is expired or subject to probation, suspension, or revocation

Source: *Miss Code Ann.* § 73-30-7 (6) & 73-30-9 (Rev. 2008)

Rule 4.5: Supervision Criteria shall include, but is not limited to, the following:

A. Professional relationships

B. Supervision roles

C. Professional ethics

D. Self-evaluation

E. Continued professional learning

F. Etiology and diagnosis

G. Therapist-client relationships

H. Oral communication

I. Written communication

Source: *Miss Code Ann.* § 73-30-7 (6) & 73-30-9 (Rev. 2008)

Rule 4.6: Examination Requirements

A. Prior to licensure, all applicants must pass the National Counselor Examination or the National Clinical Mental Health Counselor Examination for Licensure or Certification (NCE or NCMHCE) published by the National Board for Certified Counselors (NBCC), Inc. After July 1, 2015, the Board will only approve Applicants to sit for the NCMHCE.

    1. Individuals making initial application for licensure must meet all education and experience requirements in order to be approved by the Board as a candidate.

        a. The Board will notify NBCC of each candidate approved for administration of the examination.

        b. The Board will notify all candidates of approval to sit for the examination.

        c. The Board will provide examination registration to those approved to sit.

    2. The examination will be administered by the NBCC.

    3. Individuals making initial application for licensure who have already taken the NCE, prior to July 1, 2015, or the NCMHCE must include in their application packet an official VERIFICATION OF CERTIFICATION AND EXAMINATION SCORES report from the National Board for Certified Counselors, Inc., or directly from another state's

appropriate licensing board, indicating a passing score. These individuals will be considered for licensure without retaking the NCE or NCMHCE.

B. Examination Time Limits

A Candidate will be granted 12 months from the date that the application is received in the LPC office to successfully complete the application process, receive Board approval, and sit for the examination. If the candidate has not taken the examination by the end of the prescribed 365 day period, the Candidate will not be authorized to take the examination until:

1. A reapplication fee, which reactivates the Candidate's application file for an additional one year, is paid; and,

2. The Board approves the individual to take the examination.

3. A Candidate must take and pass the examination by the four-year anniversary date of receipt of application to take the examination. Otherwise, the Candidate's application file becomes null; the application file is destroyed, and he/she must reapply for licensure.

C. Reexamination Requirements

1. General:

    a. Reexamination will be required if the examination is failed and the candidate wishes to continue the licensure process.

    b. Candidates wishing to be reexamined need to refer to the specific scenario below, which addresses his/her particular situation (i.e. "First Failure"; "Second or Subsequent Failure").

2. First Failure: A candidate may be reexamined within one (1) year from the date of the Board's initial approval to take the examination without paying a reapplication fee and without presenting evidence of additional education and/or experience. To be reexamined, the candidate must notify the Board in writing.

    a. Any candidate not reexamined within one (1) year from the date of the Board's initial approval will not be authorized to retake the examination until:

        i. A Reapplication Fee, which reactivates the candidate's application file for an additional one year, is paid; and,

        ii. The Board approves the candidate to retake the examination. If the Board approves the Candidate to retake the examination, then the Candidate must also pay a reexamination fee.

3. Second or Subsequent Failure:

    a. Second failure: A Candidate who fails the examination two (2) times and who wishes to continue the licensure process shall reapply for licensure by paying the reapplication fee and must notify the Board in writing.

        i. The Board shall review each individual's written request and make a determination whether additional requirements are necessary.

        ii. If additional requirements are deemed necessary by the Board, official documentation must be submitted to the Board upon completion of all additional requirements.

        iii. The Board may approve the Applicant to sit for the examination a third time or deny licensure. If the Board approves the Candidate to sit for the examination, then the Candidate will be notified and the Board will notify NBCC of Candidate's approval to sit a third time. The Candidate must schedule reexamination and pay appropriate fees to NBCC.

4. Third failure: An individual who fails the examination three (3) or more times and wishes to continue the licensure process must notify the Board in writing. The individual will be subject to reevaluation as determined by the Board on a case-by-case basis.

Source: *Miss Code Ann.* § 73-30-7 (6) & 73-30-7 (Rev. 2008)

Rule 4.7: Agreement of Reciprocity

A. The Mississippi State Board of Examiners for Licensed Professional Counselors does not presently have an agreement of reciprocity with any other state.

B. An individual interested in providing counseling services in Mississippi must obtain licensure through the Mississippi State Board of Examiners for Licensed Professional Counselors' application process.

C. Licensure criteria met by the applicant in other states may be honored by the Mississippi State Board of Examiners for Licensed Professional Counselors if he/she substantially meets the requirements for licensure in the State of Mississippi. Each criterion will be evaluated on a case-by-case basis.

Source: *Miss Code Ann.* § 73-30-7 & 73-30-15 (Rev. 2008)

Part 2201. CHAPTER 5. Application Procedure

Rule 5.1: Phases of the Application Process

A. Applicant Phase

1. Individual submits complete application packet.

2. Only complete applications go before the Board for review.

3. Periodically, this document, the *Rules, Regulations and Application Guidelines for the Mississippi State Board of Examiners for Licensed Professional Counselors*, is updated and/or revised. The Applicant/Candidate/Licensee must comply with the most current version of this document, and it is the responsibility of the applicant to ensure that he/she has the most current version(s) of application documents accepted by the LPC Board. Additionally, the Applicant/Candidate/Licensee is responsible for all provisions listed in the most current *Rules, Regulations, and Application Guidelines*.

4. The Board will review all competed applications and approve Candidates to sit for an approved Mississippi licensure examination.

5. Applicants who have already taken and passed the National Counselor Examination (NCE) prior to July 1, 2015, or the National Clinical Mental Health Counseling Examination (NCMHCE) and submitted official passing scores will be considered for licensure by the Board.

6. An Applicant for licensure as a professional counselor (LPC) must pass the jurisprudence examination also known as the Mississippi Legal and Ethical Responsibilities Examination. This examination is administered by the Board.

7. The Board is responsible for the final interpretation of all provisions contained within this document, and this interpretation will be considered binding on all Applicants/Candidates/Licensees.

B. Candidate Phase

1. An Applicant who is approved by the Board to sit for an approved Mississippi licensure examination is considered to be a Candidate.

2. Once approved, Candidates will receive a form to register for a licensure examination from the Board, and the National Board for Certified Counselors (NBCC) will be notified of the Candidate's eligibility to sit for the examination. Each Candidate is responsible for registering for licensure examination with NBCC.

3. Candidates are notified by NBCC of the examination results. Candidates are responsible for requesting results of examination to be sent to the Board.

4. Candidates who do not pass the licensure examination will remain in the Candidate phase (Rule 4.6(B) & (C).

C. Licensee Phase

1. Candidates who have submitted passing scores on the approved licensure examination or Applicants already approved for licensure will receive a letter notifying them of their licensure along with a verification of licensure card. Following a regularly scheduled Board meeting, the new Licensees will receive an official wall certificate.

2. Licensees are required to renew their license on a biennial basis.

D. Continued Review Phase

In the event the Board finds the application to be deficient, the file may be placed on Continued Review. At such time, the applicant will be notified of this status, as well as the cause, and will be given the opportunity to correct noted deficiencies.

E. Denial of Licensure:

The Board may deny application for licensure for the following reasons, including, but not limited to:

1. Failure to meet all requirements for licensure;

2. Failure to pay required fees;

3. Declaration of mental incompetence by the court or appointment of a guardian.

4. Conviction of a felony or misdemeanor involving Moral Turpitude;

5. Swearing falsely under oath or affirmation;

6. Engaging in the conduct of professional counseling in a grossly negligent or incompetent manner;

7. Intentional violation of any provisions of 73-30-1 et. seq. of the *Mississippi Code of 1972, Annotated* (LPC law);

8. Violation of Board rules and regulations;

9. Assisting another in falsely obtaining a license or certification;

10. Violation of the American Counseling Association Code of Ethics and Standards of Practice adopted by the Board;

As indicated in Rule 4.1(I), the application process for licensure must be completed within 365 days of the Board's receipt of the individual's application packet. "Completed" in this respect means either Board approved for candidacy or licensure (as appropriate). Thus, denied applications for licensure would not fulfill this requirement.

Source: *Miss Code Ann.* § 73-30-7 (6) & 73-30-9 (Rev. 2008)

Rule 5.2: Administrative Appeal

A. An applicant who has been denied licensure may submit a request for an administrative hearing ten (10) working days prior to regularly scheduled Board meeting following notice of denial or appear in person at the next regularly scheduled Board meeting following notice of denial.

B. After the administrative hearing, the Board will notify the individual of its final decision.

C. An individual may appeal the decision of the Board to the circuit court of the county of the Applicant's residence.

D. An Applicant may appeal the decision of the circuit court to the Mississippi Supreme Court.

Source: *Miss Code Ann.* § 73-30-7 (6) & 73-30-11 (Rev. 2008)

Rule 5.3: Reapplication/Reinstatement

A. Upon a final decision by the Board not to license, the applicant must wait a period of at least one (1) year before resubmitting a new, complete application packet.

B. The resubmitted application packet referred to above must include new evidence for the applicant to be reconsidered for licensure.

C. An individual who has been denied renewal may reapply for licensure one (1) year after the Board's decision to refuse to renew licensure.

D. An individual whose license has been revoked and is seeking license reinstatement must wait a period of no less than one (1) year after revocation and reapply for licensure, including all application fees. All current requirements for licensure must be met.

E. An individual who fails to pay the required biennial renewal fees by the due date will be considered in Lapsed Status beginning immediately. For up to one year, the Licensee may pay the reapplication fee and the license renewal fee to return to Active Status. Continuing Education requirements for the original renewal period will still be required at that time.

After one year in Lapsed Status, the Licensee will be considered Inactive and must reapply for licensure.

Source: *Miss Code Ann.* § 73-30-7 & 73-30-9 (Rev. 2008)

Rule 5.4: Licensure Categories

A. Active Status: An individual Licensee who is in good standing.

B. Inactive Status: A license not in Current Status which renders the Counselor from practicing as an LPC in the State of Mississippi.

C. Lapsed Status: An LPC who fails to renew his/her license in a timely manner. Individuals in Lapsed Status are not licensed to practice.

D. Restricted Status: The Board, as a result of disciplinary action, may choose to limit or restrict the scope of a Licensee's practice.

E. Retired Status: An LPC, who, of his/her own volition, chooses to cease practice. This category is not related to any disciplinary action, which would be the cause of ceasing to practice. An LPC's request for Retired Status is subject to Board approval. A Licensee in Retired Status cannot practice as an LPC in Mississippi, yet is allowed to retain his/her original wall certificate. LPCs in Retired Status do not pay the biennial license renewal fee. Board approval is required to return from Retired Status to current. Upon returning to Current Status (from Retired Status), the LPC is required to pay the biennial license renewal fees. The Licensee who desires to return to practice must present to the Board appropriate documentation of continuing education demonstrating that he/she has remained abreast of current professional standards of practice.

F. Revoked Status: The Board may revoke an individual's license as a result of disciplinary action, as defined in the law (Section 73-30-21).

G. Suspended Status: The Board, as a result of disciplinary action, may choose to invalidate a license for any period of time.

H. Surrendered Status: An LPC, as a result of disciplinary action, may request Surrendered Status. The Licensee's request for Surrendered Status is subject to the approval of the Board.

I. Voluntarily Surrendered Status: An LPC who wishes to voluntarily surrender his/her license for personal reasons.

J. Memorial Status: Upon receipt by the Board office of notification of death of an LPC, the LPC's license status will change to Memorial Status.

Source: *Miss Code Ann.* § 73-30-7 (6) & 73-30-9 (Rev. 2008)

Part 2201. CHAPTER 6. License Renewal and Duplicate/Replacement Wall Certificates

Rule 6.1: Biennial Renewal

A. All licenses will be renewed biennially on or before June 30 of the applicable year. The evidence of the following must be received in the Office of the State Board of Examiners for Licensed Professional Counselors on or before June 30 of the year of renewal by every license holder who intends to continue to practice: Each Active Status LPC must accrue twenty-four (24) Continuing Education Hours during the preceding license period, six (6) of which must involve topics in professional ethics or legal issues in the delivery of counseling services. Board Qualified Supervisors must submit a minimum of one (1) hour of continuing education specific to supervision per year; a minimum of two (2) hours per renewal period.

   The following items must be received in the LPC Board Office on or before June 30 of the year of renewal by every license holder who intends to continue to practice:

   1. A completed renewal form; and,

   2. The prescribed license renewal fee, and

   3. The log of Continuing Education Hours (CEH)

   4. The Board shall require state and national criminal background check, to include consulting sex offender registries, through the Department of Public Safety for Licensees seeking renewal, every six years, to be calculated based on the Licensee's initial date of licensure.

B. As a courtesy, LPCs are notified of the renewal.

C. Failure to receive a renewal notice from the Board will not relieve the license holder from the renewal requirement.

D. The license status will be changed to Lapsed Status for all Licensees who fail to renew their license.

E. An individual with a Lapsed Status license who wishes to return to current status must pay a reapplication fee in addition to the current year's renewal fee.

F. Lapsed Status may be maintained for a period of 90 days, after which time, if not renewed, the Licensee will be reviewed by the Board to determine the status of the license.

G. Any individual whose license has lapsed for failure to pay the required renewal fees for a period of twelve months must follow the rules set forth in Rule 5.3(E).

Source: *Miss Code Ann.* § 73-30-7 (6) (Rev. 2008) & 73-30-29 (Rev. 2015)

Rule 6.2: Continuing Education Requirements

A. General Guidelines

1. Continuing education shall be defined as continuing education hours (CEH). One CEH is equivalent to one (1) contact (clock) hour, which equals fifty-sixty minutes in a continuing education activity.

2. Each active LPC Licensee (Active Status LPC) must accrue 24 CEH by the biennial renewal period. Six (6) of the twenty-four (24) each biennial renewal period must involve topics in professional ethics or legal issues in the delivery of counseling services.

3. A Licensee shall not be required to complete continuing education for the first renewal of licensure.

4. Accrual of continuing education begins only after the date the license was issued.

5. CEH accrued beyond the required 24 hours may not be applied toward the next renewal period. Renewal periods run from July 1 to June 30, every two (2) years.

B. Documentation

1. At the time of renewal the Board will conduct a mandatory audit of 10 percent (10%) of the LPCs who will be randomly chosen. The audit is to ensure that the CEH requirement is being met. If you are one of the 10 percent chosen, you will be requested to submit additional documentation within 30 days of the date of receipt of the audit notice. The Board will review the records and respond to the individuals with a statement of compliance or non-compliance.

2. Each Licensee is responsible for keeping a personal record of attendance and completion of all continuing education hours. This documentation should be retained for two years from the end of the license renewal year. Do not forward documentation of CEH to the Board office as they are accrued.

3. Non-Compliance. If an audited LPC fails to comply with the CEH requirements, the non-compliant LPC will have three (3) months to comply. Failure to comply within the three (3) month period will result in Suspension Status.

C. Approved Continuing Education Criteria

1. CEH are meant to encourage personal and professional development throughout the LPC's career. For this reason a wide range of options are offered to accommodate the diversity of counselors' training, experience and geographic locations.

2. An LPC may obtain the 24 CEH through one or more of the options listed below.

a. Continuing Education Pre-approved. Continuing Education approved by the following entities, and others, that meet standards similar to or exceeding those required by the Board:

   i. American Counseling Association (ACA),

   ii. American Mental Health Counselors Association (AMHCA),

   iii. Mississippi Counseling Association (MCA) or Mississippi Licensed Professional Counseling Association (MLPCA),

   iv. American Association for Marriage and Family Therapy (AAMFT),

   v. The National Board of Certified Counselors (NBCC).

   One may contact these associations or their divisions, regions and state branches to find out which organizations, groups or individuals are approved providers. One may receive one CEH for each hour of direct participation in a structured educational format as a learner. Credit cannot be granted for: business/governance meetings; breaks; social activities including meal functions, except for actual time of a content speaker. Credit cannot be given for an approved session to persons who leave early from that session.

b. Continuing Education Not Pre-approved. For those organizations, groups or individuals that do not carry provider status by one of the above associations, the CEH will be subject to approval by the Board at the time of renewal. The Board will not pre-approve any type of CEH. The CEH must be given by a qualified presenter. A qualified presenter is considered to be someone at the master's level or above and trained in the mental health field or related services. One may receive one clock hour of CEH for each hour of direct participation in a structured educational format as a learner. Credit cannot be granted for: business/governance meetings; breaks; social activities including meal functions, except for actual time of a content speaker. Credit cannot be given for an approved session to persons who leave early from that session. Verification for workshops, seminars, or conventions should consist of copies of certificates of attendance, and other documentation, which clearly indicates learning objectives.

c. Coursework. CEH may also be gained by taking coursework from a regionally accredited institution in one of the 11 approved content areas for continuing education listed. One may take a course for credit or audit a course. In a college or university program, one semester hour is equivalent to 15 clock hours and one-quarter hour is equivalent to 10 clock hours. Therefore, 45 CEH will be given for a three-hour university course and 10 CEH will be given for a one quarter-hour university course completed at a regionally accredited university. Verification for coursework can consist of either a copy of transcripts for coursework taken for credit or letter of attendance from instructor for courses audited.

d. Home Study. The ACA Newsletter Counseling Today, the AMHCA Newsletter, The Advocate, video presentations and approved teleconferences are all approved home study options. Each option must carry a provider number from either NBCC, or other board approved mental health organizations. Each activity will specify the number of CEH that will be granted upon completion. Verification consists of a certificate issued by NBCC, or certificates from other professional mental health organizations that will be reviewed by the board.

e. Presentations. Presenters may get credit for original presentations at a rate of five clock hours per one-hour presentation. Presenters must meet the qualifications stated in Subparagraph 2.b above. The presentation must be to the professional community; not to the lay public or a classroom presentation. Verification of your presentation consists of obtaining a letter from the workshop/convention coordinator stating the topic, date, and number of hours of presentation.

f. Publishing. Authors may receive five clock hours per article or chapter in a book. The article must be published in a professional refereed journal. Verification will consist of a reprint of the article/chapter or a copy of the article/chapter, cover of the book/journal and page listing the editor or publisher.

g. Counseling (10 hours maximum per renewal period). One may receive one clock hour of continuing education per counseling hour as a client. To qualify, one must be a client receiving services from a licensed mental health professional having qualifications equal to or exceeding those currently required of LPCs. Consultation and supervision hours do not qualify. Verification will consist of a letter from the counseling mental health professional verifying client therapy hours.

h. Research. One may receive one clock hour of continuing education per hour of planning or conducting of, or participating in, counseling or counseling-related research. To qualify, this activity must constitute an original and substantive educational experience for the learner. Verification will consist of a letter from the faculty member or researcher.

i. Organizational and Regulatory. One may receive one clock hour of continuing education per hour of service to the Board or to a Board approved counseling service organization. To qualify, this activity must constitute an original and substantive educational experience for the learner. Verification will consist of a letter or certificate from the Board or from the Board approved counseling service organization.

3. Continuing Education credit will not be allowed for the following:

a. Regular work activities, administrative staff meetings, case staffing/reporting, etc.

b. Training specifically related to policies and procedures of an agency may not be counted,

c. Non-counseling content courses.

D. Types of Documentation Needed for Verification

1. Copy of certificate of attendance for workshops, seminars, or conventions.

2. Copy of transcript for coursework taken for credit/letter of attendance from instructor for courses audited.

3. Home study verification form or certificate issued by sponsoring organization.

4. Letter from workshop/convention coordinator verifying presentations.

5. Copy of article, cover, and editorial board page for publications.

6. Letter from counseling mental health professional verifying number of hours in counseling as a client.

7. Letter from the faculty member or researcher verifying number of hours in research.

8. Letter or certificate from the Board, or from the Board approved counseling service organization, verifying number of hours of service.

Source: *Miss Code Ann.* § 73-30-7 (6) (Rev. 2008) & 73-30-29 (Rev. 2015)

Rule 6.3: Replacement Wall Certificate/Renewal Card

A. It is the intent of the Board for each LPC to have only one (1) current wall certificate attesting to the Licensee's title as a Licensed Professional Counselor in Mississippi. The Board does not provide multiple original wall certificates to Licensees.

B. Wall certificates issued by the Board are the property of the Board and must be surrendered upon official request.

C. Each Licensee must ensure that the current wall certificate bears his/her current legal name. A Licensee in good standing whose name has legally changed may request a replacement wall certificate by submitting the following:

1. Written notification of the change and a request for a new wall certificate bearing the Licensee's current legal name;

2. A copy of the legal paper document indicating the change;

3. Returning the original wall certificate to the LPC Board Office; and,

4. Paying the prescribed “Name Change Fee”.

D. A Licensee in good standing may request a replacement wall certificate if his/her original wall certificate was damaged by submitting the following:

1. A written request for a replacement wall certificate;

2. The damaged original wall certificate; and,

3. Payment of the prescribed “Replacement Wall Certificate/Renewal Card Fee”.

E. A Licensee in good standing may request a replacement wall certificate if his/her original wall certificate was destroyed by submitting the following items:

1. A written request for a replacement wall certificate, indicating that the original wall certificate was destroyed;

2. A notarized affidavit, including a statement and an explanation that the wall certificate was destroyed; and,

3. Payment of the prescribed “Replacement Wall Certificate/Renewal Card Fee”.

F. Any other request for a replacement wall certificate will be handled by the Board on a case-by-case basis.

G. A Licensee in good standing may request a replacement Renewal Card with written request for replacement of Renewal Card and payment of the prescribed “Replacement Wall Certificate/Renewal Card Fee”.

Source: *Miss Code Ann.* § 73-30-7 (6) (Rev. 2008)

Part 2201. CHAPTER 7. Professional Responsibilities

Rule 7.1: Standards of Practice

The protection of the public health, safety, welfare, and the best interest of the public are the primary guides in determining the appropriate professional conduct of all individuals licensed through the Mississippi State Board of Examiners for Licensed Professional Counselors. Persons licensed by the Board shall adhere to all parts of the current American Counseling Association Code of Ethics and Standards of Practice with the exception of any parts superseded by state law, policy, or rules and regulations adopted by the Mississippi State Board of Examiners for Licensed Professional Counselors.

Source: *Miss Code Ann.* § 73-30-13 (Rev. 2008)

Rule 7.2: Exemption From Licensure

It is not the intention of the Board to monitor members of other appropriately regulated professions in Mississippi who provide counseling in the normal course of the practice of their own professions. The following individuals who provide counseling in the normal course of the practice of their own professions are exempt from Section 73-30-1 et seq., of the *Mississippi Code of 1972, Annotated*:

A. Any person registered, certified, or licensed by the state to practice any other occupation or profession while rendering counseling services in the performance of the occupation or profession for which he/she is registered, certified, or licensed;

B. Certified school counselors when they are practicing counseling within the scope of their employment;

C. Certified vocational counselors when they are practicing vocational counseling within the scope of their employment;

D. Counselors in post-secondary institutions when they are practicing within the scope of their employment;

E. Student interns or trainees in counseling pursuing a course of study in counseling in a regionally or nationally accredited institution of higher learning or training institution if activities and services constitute a part of the supervised course of study, provided that such persons be designated a counselor intern;

F. Professionals employed by regionally or nationally accredited post-secondary institutions as counselor educators when they are practicing counseling within the scope of their employment;

G. Duly ordained ministers or clergy while functioning in their ministerial capacity and duly accredited Christian Science practitioners;

H. Professional employees of regional mental health centers, state mental hospitals, vocational rehabilitation institutions, youth court counselors, employees of the Mississippi Employment Security Commission, or other government agencies so long as they practice within the scope of their employment;

I. Professional employees of alcohol or drug abuse centers or treatment facilities, whether privately or publicly funded, so long as they practice within the scope of their employment;

J. Private employment counselors;

K. Any non-resident temporarily employed in this state to render counseling services for not more than thirty (30) days in any year, if in the opinion of the Board the person would

qualify for a license under this chapter and if the person holds any license required for counselors in his home state or country; and,

L. Any social worker holding a master's degree in social work from a school accredited by the Council on Social Work Education and who does counseling in the normal course of the practice of his/her own profession.

Source: *Miss Code Ann.* § 73-30-25 (Rev. 2008)

Rule 7.3: Representation as "Licensed Professional Counselor" by an Unlicensed Person

Any person who represents himself/herself by the title "Licensed Professional Counselor" without having first complied with the application procedures set forth and without having been awarded a license by the Mississippi State Board of Examiners for Licensed Professional Counselors shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) and not more than One Thousand Dollars ($1,000.00) for each offense.

Rule 7.4: *Injunction to Prohibition of Unlicensed Practice of the Profession of Counseling*

Any person who holds himself out to the public by any title or description of services incorporating the words licensed professional counselor or psychotherapist, and who offers to render professional counseling or psychotherapy services to individuals, groups, organizations, corporations, institutions, government agencies or the general public for a fee, monetary or otherwise, implying that he is licensed without having first complied with the application procedures set forth and without having been awarded a license by the Mississippi State Board of Examiners for Licensed Professional Counselors shall be required to discontinue that counseling or psychotherapy practice and prohibited from practicing as a counselor or psychotherapist until that person has been granted a license.

Source: *Miss Code Ann.* § 73-30-1& 73-30-3 & 73-51-1 & 73-30-19 (Rev. 2008)

Rule 7.5: Practice of Distance Professional Services

Any person that provides counseling or supervision services through the means of Distance Professional Services must be licensed both in the location where services are provided by the professional as well as in the location of the recipient of the services. Distance Professional Services must be performed in accordance with these Rules and Regulations, the current American Counseling Association's Code of Ethics, the current National Board for Certified Counselors Policy Regarding the Provision of Distance Professional Services, and Mississippi and Federal law.

Part 2201. CHAPTER 8. Complaints, Disciplinary Hearings, Sanctions, Appeal

Rule 8.1: Grounds for Disciplinary Action

The Board may, after notice and opportunity for a hearing, restrict, suspend, revoke, or refuse to issue or renew a license or may reprimand the LPC for the following reasons, including, but not limited to:

A. Failure to meet all requirements for licensure;

B. Failure to pay required fees;

C. Declaration of mental incompetence by the court or appointment of a guardian;

D. Conviction of a felony or misdemeanor involving Moral Turpitude;

E. Swearing falsely under oath or affirmation;

F. Obtaining a license or certification by fraud, deceit or other misrepresentation;

G. Practicing professional counseling in a grossly negligent or incompetent manner;

H. Intentional violation of any provisions of 73-30-1 et. seq. of the *Mississippi Code of 1972, Annotated* (LPC law).

I. Violation of Board rules and regulations;

J. Assisting another in falsely obtaining a license or certification;

K. Violation of the American Counseling Association Code of Ethics and Standards of Practice adopted by the Board.

Source: *Miss Code Ann.* § 73-30-7 (6) & 73-30-7 (8) (Rev. 2008)

Rule 8.2: Complaint Procedures

A. Complaints should be mailed to the executive director at the Board office.

   1. If needed, the Executive Director of the Board shall send the appropriate complaint forms to the complainant.

   2. The complaint should be on the complaint forms approved by the Board.

   3. The complaint must include the street address, phone numbers, email address, and any other reasonable contact information of the individual filing the complaint.

4. The complaint should include any witness information.

5. The complainant is responsible for completing, notarizing, and returning the forms to the Board Office.

6. The Board may bring a complaint upon its own motion if it can be substantiated as a complaint.

B. Upon receipt of a complaint, the Executive Director will:

1. Assign a complaint number and enter complaint information in the Complaint Log;

2. Prepare a file for the original documents of the complaint;

3. Copy the original documents;

4. Send the copy to the Board member assigned the complaint or, at the direction of the Board, an external investigator, and the Board attorney;

5. Complaints shall be assigned among Board members as the Board investigator on a rotating basis;

6. The option of assigning a complaint to an external investigator shall be determined by the Board on a case-by-case basis.

C. The Board member or investigator shall:

1. Investigate the complaint to determine validity, appropriateness, and jurisdiction of the complaint based on the Code of Ethics, the Rules and Regulations, and the statutes governing LPCs;

2. Inform the Accused a complaint has been filed against him/her and he/she is under investigation. Notice of the filed complaint shall be given within a reasonable time from the date of receipt of the complaint, not to exceed 120 days. The investigating Board member or investigator shall notify the counselor of the allegations and corresponding Code of Ethics, Statutes, and/or Rules and Regulations violations;

3. Once the Accused receives the letter from the investigating Board member or investigator, the Accused will have ten days to respond to the allegations. The Accused may request an extension, of up to thirty (30) days, to respond to the complaint. Extensions will be granted on a case-by-case basis. Justification for additional time is determined by the assigned/designated Board member/investigator.

4. All correspondence to the Accused should be completed using certified return receipt mail.

5. All communications should be copied to the Executive Director and the Board attorney.

6. Original mail receipts should be forwarded to the board office; investigating Board members and/or investigators should keep copies.

D. Criteria the investigating Board member or investigator can use for determining whether a charge should be accepted as a formal complaint includes, but is not limited to, the following:

1. Whether or not the person is a Licensee;

2. Whether the charge, if true, would constitute a violation of the Code of Ethics, Rules and Regulations, or the statutes that govern LPCs;

3. Whether passage of time since the violation requires that the complaint be rejected;

4. Whether relevant, reliable information or proof concerning the charge is available;

5. Whether the complainant is willing to provide proof or other information;

6. Whether the charge appears to be justified or supportable considering the proof available.

E. The Board shall conduct a meeting, with a quorum present, to hear a case presented by the assigned/designated board member or investigator.

1. The assigned case number will be used in referring to the case.

2. Only a minimal description of the case should be offered at this juncture of the proceedings.

3. The Board member can recommend that the Board:

a. Vote to take no action, if no action is merited;

b. Authorize a disciplinary hearing and initiate a formal complaint and notice of disciplinary hearing;

c. Take other appropriate action, as deemed necessary by the Board; or

d. Resolution of any formal complaint may be made between the Board and the Accused. Note: this usually takes the form of an agreed order.

F. In the event that the Board authorizes that a disciplinary hearing be held, the following shall occur:

1. The Accused should receive notice thirty (30) days prior to the date of the disciplinary hearing.

2. Notice shall be considered to have been given if the notice was personally served or by mailing a copy thereof by U.S. First Class mail, postage prepaid, return receipt mail to the last known address of the Accused or his/her representative.

3. The notice shall inform the Accused of the facts which are the basis of the complaint and which are specific enough to enable the Accused to defend against the complaint.

4. The notice of the complaint shall also inform the Accused of the following:

    a. The date, time, and location of the hearing;

    b. That the Accused may appear personally at the disciplinary hearing and may be represented by counsel; and

    c. That the Accused shall have the right to produce witnesses and evidence on the behalf of the Accused and shall have the right to cross-examine adverse witnesses and evidence.

5. The disciplinary hearing shall be before the Mississippi State Board of Examiners for Licensed Professional Counselors and shall be presided over by the Chair, senior member, or designee of the Board.

6. Following the disciplinary hearing, the Board shall, in writing, notify the Accused as to what sanctions(s), if any, shall be imposed and the basis for the Board's action.

7. The Board, upon complaint by any citizen or upon the Board's own motion, can compel attendance of witnesses, the production of documents, administer oaths to witnesses, hear testimony, and receive evidence considering all matters within its jurisdiction.

G. All disciplinary hearing proceedings are matters of public record and shall be preserved pursuant to state law.

H. All final orders issued by the Board shall be reflected in the Board minutes.

Source: *Miss Code Ann.* § 73-30-23 & 73-30-7(6) & 73-30-21 (Rev. 2008)

Rule 8.3: 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 offenses including but not limited to those referred to in Rule 8.1.

A. Reprimand: A Reprimand is an issuance of a letter of official reprimand to the Licensee as public rebuke and possible sanction by the Board for misconduct in the practice of counseling. The Board may require specific follow-up actions by the counselor;

B. Refusal to renew licensure;

C. Restriction or limitation of the individual's scope of practice;

D. Probation: Probation is a stay of suspension or revocation allowing the limited practice within conditions stipulated by the Board. Violation of any of these conditions may result in suspension or revocation;

E. Suspension: Suspension is the withdrawal of privilege to practice for a specified period of time; and,

F. Revocation: Revocation is the withdrawal of privilege to practice as a Licensed Professional Counselor in the State of Mississippi.

Source: *Miss Code Ann.* § 73-30-7(6) & 73-30-23 (Rev. 2008)

Rule 8.4: Disciplinary Appeal

A. An individual may appeal the disciplinary decision of the Board to the Hinds County First Judicial District Circuit Court.

B. An individual may appeal the decision of the circuit court to the Mississippi Supreme Court.

C. Further appeal shall be pursuant to any remedies available at law.

Source: *Miss Code Ann.* § 73-30-7(6) & 73-30-23 (Rev. 2008)

Rule 8.5: Reinstatement Following Disciplinary Action

A. Any person whose license and as a result, BQS certification, has been revoked due to disciplinary action may reapply for licensure, including payment of all fees, one (1) year after the revocation of licensure. All current requirements for licensure and BQS certification must be met.

B. The Board may, at its discretion, grant reinstatement of licensure following a disciplinary action due to any of the sanctions listed in Rule 8.3 other than revocation.

Source: *Miss Code Ann.* § 73-30-7(6) & 73-30-21 (Rev. 2008)

Part 2201. CHAPTER 9. *Online Application Process*

Rule 9.1: Application Instructions

A. It is recommended that the Applicant read all application materials and all of the Rules & Regulations before beginning the application process, as the required application fee is nonrefundable.

B. If Applicant wishes to apply for LPC, please complete and submit the following items to the Licensed Professional Counselor Board Office:

1. Application form

    a. This form should be completed by the applicant using the online process.

2. Supervision Verification form(s)

    a. This must be completed by the applicant and the supervisor either in hard copy or online.

3. Official transcript(s) from an approved educational institution verifying educational qualifications

    a. Only the graduate-level transcripts are required.

    b. The official transcript(s) should be sealed in an envelope and signed across the envelope's seal by the transcript clerk issuing the document to the applicant.

    c. If the approved educational institution will not issue an official transcript to the applicant, the approved educational institution may submit the official transcript directly to the Board. If transcript(s) are sent directly to the Board office from the school/university, ask the Registrar to provide you with a verification that the transcript has been sent and include this with your application.

    d. Please note that all references to hours of college credit are for semester hours. Quarter hours may be converted to semester hours using the standard formula (Number of quarter hours X .67 = Semester hour equivalent). Semester hours must total sixty (60) hours.

4. Pay the nonrefundable application fee of $100.00 in the form of check or money order made payable to the Mississippi Board of Examiners for Licensed Professional Counselors.

5. Official NCE/NCMHCE score report, if applicable. If applicable, the official NCE/NCMHCE score report must be submitted directly to the Mississippi State Board of Examiners for Licensed Professional Counselors from the National Board for Certified

Counselors, Inc. (NBCC) OR submitted directly from another state's appropriate licensing board to the Board.

6. Completed background check results (As indicated in Rule 4.1(K)).

7. A photo meeting passport photo requirements uploaded with the application.
   A color photograph shall be attached to the application. The photograph shall be not more than six (6) months old, 2 by 2 inches overall (passport size), and with the face not less than 3/4 inches wide. (Follow the size specifications on the website.)

8. An applicant must be a citizen of the U.S. and provide appropriate documentation according to US Citizenship and Immigration Services or have an immigration green card to document and verify legal alien work status in the U.S. The green card must be current and issued by the U.S. Immigration Bureau. (Refer to www.uscis.gov/e-verify.)

9. Verification of Licensure in Other Jurisdiction. If you are or have ever been licensed in another State(s), an applicant must have that/those State(s) officially certify that license directly to the Board office.

C. The responsibility for submitting a complete application, including all required application online forms/materials/fees, is that of the applicant. Additionally, individuals making application for LPC should note that periodically the Rules and Regulations, and the corresponding forms, are updated and/or revised. The Applicant/Candidate/Licensee must comply with the most current version of the Rules and Regulations, and Application for the Board.

D. The Board will not review incomplete applications.

E. Incomplete applications will be kept on file for two (2) years, after which time they will be purged. Incomplete applications must adhere to Rule 2.3(C) and be kept current by submitting reapplication fee.

F. The Board is responsible for the final interpretation of all provisions contained within this document, and this interpretation will be considered binding on all Applicants/Candidates/Licensees.

Source: *Miss Code Ann.* § 73-30-7 & 73-30-9 (Rev. 2008)

Rule 9.2: Contact Information

Any questions should be addressed in writing to:
Mississippi State Board of Examiners for Licensed Professional Counselors
239 North Lamar Street; Suite 402
Jackson, MS 39201

Source: *Miss Code Ann.* § 73-30-7(6) & 73-30-9 (Rev. 2008)