

STATE OF MISSISSIPPI



**JIM HOOD**  
**ATTORNEY GENERAL**

**OPINIONS  
DIVISION**

October 19, 2018

LeeAnn Parham Mordecai, Executive Director  
Mississippi State Board of Examiners  
for Licensed Professional Counselors  
239 North Lamar St., Ste. 402  
Jackson, MS 39201

Re: Provisional Licensed Professional Counselors

Dear Ms. Mordecai:

Attorney General Hood is in receipt of your request for an official opinion on behalf of the Mississippi State Board of Examiners for Licensed Professional Counselors (Board), and it has been assigned to me for research and reply.

### **Background**

Your request states, in part:

The Mississippi Legislature added a Provisional Licensed Professional Counselor (P-LPC) effective July 1, 2018. Since working on the implementation, the Board has come across an issue and needs some advice.

Prior to the new law, the Board would review applicants' applications and approve them to sit for examination. During this period of time, they would have met all other requirements (i.e. supervision hours, education). Once the candidates passed the exam, they would become a Licensed Professional Counselor. However, a candidate could take up to four years from the date of application, under the old rules to pass the exam. During this time, they would not continue to be under supervision. In the future, someone of their status would be a P-LPC.

As of July 1, 2018, these candidates are not LPCs, neither are they P-LPCs as they are not currently under supervision. Having a P-LPC may provide individuals more opportunities in their practice. The State does not direct us on how to treat these candidates.

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### Applicable Law and Analysis

The regulation of Licensed Professional Counselors (LPCs) and Provisional Licensed Professional Counselors (P-LPCs) is addressed in Miss. Code Ann. Section 73-30-1, *et seq.* The Mississippi State Board of Examiners for Licensed Professional Counselors (Board) is established pursuant to Section 73-30-5 and its duties include the administration of licensing and examinations. Miss. Code Ann. Section 73-30-7. In order to carry out its duties, the Board is authorized to adopt rules and regulations consistent with Sections 73-30-1, *et seq.* Miss. Code Ann. Section 73-30-7(2).

A review of Chapter 390, Laws, 2018, indicates that qualifications for a P-LPC license were added to the already existing qualifications for a LPC license found in Section 73-30-9. Section 73-30-9 requires the Board to issue a license to an individual as either a Provisional Licensed Professional Counselor or a Licensed Professional Counselor when the requirements of the statute – including the submission of an application and payment of a licensing fee – are met by an applicant. With regard to supervised experience, Section 73-30-9(1)(h) states “a provisional license issued under this section shall require that the individual confine one’s practice to a board-approved site and accrue counseling experience under the supervision of a board-qualified supervisor.” The statute requires LPCs to have “post graduate supervised experience in professional counseling acceptable to the Board.”

### Questions Presented and Responses

1. Are these candidates automatically qualified for the P-LPC or would they have to apply for this title?

In response, existing candidates must apply for a P-LPC license pursuant to the requirements of Section 73-30-9(1)(a). The statute does not exempt existing LPC candidates from the P-LPC application process.

2. If so, do they continue under the same time frame as when approved to originally test (instead of starting over at P-LPC approval)?

In response, the licensing requirements found in Section 73-30-9 do not appear to address your question. We note that the Board has adopted rules and regulations with regard to licensing guidelines as well as supervised experience requirements for LPCs and may do the same for P-LPCs so long as they are reasonable and consistent with Sections 73-30-1, *et seq.*

3. Should they be required to pay an application fee for the title, if previously approved for candidacy?

In response, pursuant to Section 73-30-9(1)(a), a candidate is required to pay an application fee if he or she applies for a P-LPC license. The statute does not exempt existing LPC candidates from this requirement.

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4. Another dilemma before the Board is how to handle applicants that meet the qualifications for candidacy; however, they do not want to apply for a P-LPC. Can they be forced to take the P-LPC title if they only applied for candidacy?

In response, Section 73-30-1, *et seq.* does not require existing candidates who were approved for LPC candidacy to apply for a P-LPC license. We are of the opinion that the law does not authorize the Board to require these existing LPC candidates to apply for P-LPC licensure.

Please let us know if this office can be of further assistance.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Elizabeth S. Bolin  
Special Assistant Attorney General

OFFICIAL OPINION