

By: Representative Moody

To: Public Health and Welfare

HOUSE BILL NO. 832

1 AN ACT TO AMEND SECTIONS 73-31-3 THROUGH 73-31-9, 73-31-13,
 2 73-31-21, 73-31-23 AND 73-31-27, MISSISSIPPI CODE OF 1972, TO
 3 EXTEND THE AUTOMATIC REPEALERS ON CERTAIN STATUTES WHICH ESTABLISH
 4 AND EMPOWER THE MISSISSIPPI BOARD OF PSYCHOLOGY; TO FURTHER AMEND
 5 SECTION 73-31-9, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEE FOR
 6 RENEWAL OF A LICENSE; TO FURTHER AMEND SECTION 73-31-13,
 7 MISSISSIPPI CODE OF 1972, AND AMEND SECTIONS 73-31-14, 73-31-15 AND
 8 73-31-19, MISSISSIPPI CODE OF 1972, TO CLARIFY QUALIFICATIONS FOR
 9 APPLICANTS AND TO AUTHORIZE A FEE FOR EVALUATING CREDENTIALS; TO
 10 FURTHER AMEND SECTION 73-31-27, MISSISSIPPI CODE OF 1972, TO
 11 DELETE CERTAIN PROHIBITIONS RELATING TO THE PRACTICE OF
 12 PSYCHOLOGY; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 SECTION 1. Section 73-31-3, Mississippi Code of 1972, is
 15 amended as follows:

16 73-31-3. When used in this chapter, the word or term:

17 (a) "Board" means the Mississippi * * * Board of
 18 Psychology.

19 (b) "Institution of higher education" means any
 20 regionally accredited institution of higher education in the
 21 United States, accredited by an accrediting body recognized by the
 22 U.S. Department of Education, including a professional school,
 23 that offers a full-time doctoral course of study in psychology
 24 that is acceptable to the board; for Canadian universities, such
 25 term means an institution of higher education is authorized by
 26 Provincial statute or Royal Charter to grant doctoral degrees.

27 (c) "Person" includes an individual, firm, partnership,
 28 association or corporation.

29 (d) "Practice of psychology" means the description,
 30 interpretation and modification of human behavior through the
 31 application of psychological principles and procedures. The

32 practice of psychology includes, but is not limited to, the
33 assessment of personal characteristics such as intelligence,
34 personality, ability, and other cognitive, behavioral and
35 neuropsychological functioning, and efforts to change or improve
36 symptomatic, maladaptive behavior or mental health through
37 psychotherapy procedures including psychoanalysis, behavior
38 therapy, biofeedback and hypnosis. Psychologists diagnose and
39 treat mental and emotional disorders, disorders of habit and
40 conduct, and disorders associated with physical illness or injury.
41 Psychological services are provided to individuals, families,
42 groups and the public. The practice of psychology shall be
43 construed within the meaning of this definition without regard to
44 whether payment is received for services rendered.

45 (e) "Psychologist" is a person who represents himself
46 or herself to be a psychologist by using any title or description
47 of services incorporating the words "psychological,"
48 "psychologist," "psychology," or who represents that he or she
49 possesses expert qualification in any area of psychology, or
50 offers to the public, or renders to individuals or to groups of
51 individuals services defined as the practice of psychology by this
52 chapter.

53 This section shall stand repealed from and after July 1,
54 2011.

55 SECTION 2. Section 73-31-5, Mississippi Code of 1972, is
56 amended as follows:

57 73-31-5. (1) There is * * * created a Mississippi * * *
58 Board of Psychology consisting of seven (7) members who are
59 citizens of the United States and residing in the State of
60 Mississippi. One (1) member of the board shall be a person who is
61 not a psychologist or a mental health professional but who has
62 expressed a continuing interest in the field of psychology. Each
63 board member shall otherwise be licensed under this chapter. At
64 all times the board shall be composed of three (3) members who are

65 faculty at institutions of higher learning that grant doctoral
66 degrees, or staff or faculty of an American Psychological
67 Association approved doctoral level internship. Three (3) members
68 of the board shall be engaged in the professional practice of
69 psychology. The membership of the board shall reflect a diversity
70 of practice specialties.

71 (2) When the term of each psychologist member ends the
72 Governor shall, within thirty (30) days, appoint as his successor,
73 for a term of five (5) years, a psychologist who holds a doctoral
74 degree from an institution of higher education and who has been
75 licensed under this chapter. When the term of the member who is
76 not a psychologist ends, the Governor shall, within thirty (30)
77 days, appoint a qualified person as his successor for a term of
78 five (5) years. No board member shall serve for consecutive
79 terms. Any vacancy occurring in the board membership other than
80 by expiration of term shall be filled by the Governor by
81 appointment for the unexpired term of such member. All
82 appointments of psychologist members of the board shall be made
83 from a list containing the names of at least three (3) eligible
84 nominees for each vacancy submitted by the Mississippi
85 Psychological Association. Each board member shall receive a
86 certificate of appointment from the Governor before entering on
87 the discharge of his duties, and within thirty (30) days from the
88 effective date of his appointment shall subscribe an oath for the
89 faithful performance of his official duty before any officer
90 authorized to administer oaths in this state, and shall file the
91 same with the Secretary of State. To enable the board to have
92 regular, planned changes in membership the following one-time
93 changes in length of terms of board members is enacted:

94 (a) One (1) of the two (2) practice members appointed
95 in 1998 will serve a three-year term.

96 (b) The practice member appointed in 2002 will serve a
97 three-year term.

98 (c) One of the two (2) academic members appointed in
99 2002 will serve a four-year term.

100 (3) The Governor may remove any board member for misconduct,
101 incompetency, or neglect of duty after giving the board member a
102 written statement of the charges and an opportunity to be heard
103 thereon.

104 (4) Each board member shall serve without compensation, but
105 shall receive actual traveling and incidental expenses necessarily
106 incurred while engaged in the discharge of official duties.

107 This section shall stand repealed from and after July 1,
108 2011.

109 SECTION 3. Section 73-31-7, Mississippi Code of 1972, is
110 amended as follows:

111 73-31-7. (1) The board shall annually elect from its
112 membership a chairman and executive secretary at a meeting held
113 during the last two (2) quarters of the fiscal year. The board
114 shall meet at such other times as it deems necessary or advisable,
115 or as deemed necessary and advisable by the chairman or a majority
116 of its members or the Governor. Reasonable notice of all meetings
117 shall be given in the manner prescribed by the board. A majority
118 of the board shall constitute a quorum at any meeting or hearing;
119 except that when only four (4) members are present, decisions not
120 gaining unanimous support shall be decided by mail ballot to all
121 board members within fifteen (15) days succeeding the board
122 meeting. Any meeting at which the chairman is not present shall
123 be chaired by his designee.

124 (2) The board is authorized and empowered to:

125 (a) Adopt and, from time to time, revise such rules and
126 regulations not inconsistent with, and as may be necessary to
127 carry into effect the provisions of this chapter.

128 (b) Within the funds available, employ and/or contract
129 with a stenographer and other personnel, and contract for

130 services, as are necessary for the proper performance of its work
131 under this chapter.

132 (c) Adopt a seal, and the executive secretary shall
133 have the care and custody thereof.

134 (d) Examine, license, and renew the license of duly
135 qualified applicants.

136 (e) Conduct hearings upon complaints concerning the
137 disciplining or licensing of applicants and psychologists.

138 (f) Deny, approve, withhold, revoke, suspend and/or
139 otherwise discipline applicants and licensed psychologists.

140 (g) Cause the prosecution and enjoinder of all persons
141 violating this chapter, and incur necessary expenses therefor.

142 (h) Charge a fee of not more than Two Hundred Fifty
143 Dollars (\$250.00) to a qualified psychologist as determined by the
144 board who is applying for certification by the board to conduct
145 examinations in civil commitment proceedings.

146 (i) Purchase general liability insurance coverage,
147 including errors and omissions insurance, to cover the official
148 actions of the board members and suits against them in their
149 individual capacity. Such coverage shall be in an amount
150 determined by the board to be adequate, and the costs of such
151 insurance shall be paid out of any funds available to the board.

152 (j) Enter into agreements of reciprocity with other
153 states, jurisdictions and organizations.

154 (3) Within thirty (30) days after the close of each fiscal
155 year ending June 30, the board shall submit an official report,
156 reviewed and signed by all board members, to the Governor
157 concerning the work of the board during the preceding fiscal year.
158 The report shall include the names of all psychologists to whom
159 licenses have been granted; any cases heard and decisions rendered
160 in relation to the work of the board; the names, remuneration and
161 duties of any employees of the board; and an account of all monies
162 received and expended by the board.

163 This section shall stand repealed from and after July 1,
164 2011.

165 SECTION 4. Section 73-31-9, Mississippi Code of 1972, is
166 amended as follows:

167 73-31-9. (1) All fees from applicants seeking licensing
168 under this chapter and all license renewal fees received under
169 this chapter shall be nonrefundable.

170 (2) The board shall charge an application fee to be
171 determined by the board but not to exceed Three Hundred Dollars
172 (\$300.00) to applicants for licensing, and shall charge the
173 applicant for the expenses incurred by the board for examination
174 of the applicant.

175 (3) Every licensed psychologist in this state shall annually
176 pay to the board a fee determined by the board but not to exceed
177 Three Hundred Dollars (\$300.00); and the executive secretary shall
178 thereupon issue a renewal of the license for a term of one (1)
179 year. The license of any psychologist who shall fail to renew
180 during the month of July in each and every year shall lapse; the
181 failure to renew the license, however, shall not deprive the
182 psychologist of the right of renewal thereafter. Such lapsed
183 license may be renewed within a period of two (2) years after such
184 lapse upon payment of all fees in arrears. A psychologist wishing
185 to renew a license which has been lapsed for more than two (2)
186 years shall be required to reapply for licensure.

187 (4) On July 1, 1993, and every odd numbered year thereafter,
188 no psychologist license shall be renewed unless the psychologist
189 shows evidence of a minimum of twenty (20) clock hours of
190 continuing education activities approved by the board.

191 (5) All fees and any other monies received by the board
192 shall be deposited in a special fund that is created in the State
193 Treasury and shall be used for the implementation and
194 administration of this chapter when appropriated by the
195 Legislature for such purpose. The monies in the special fund

196 shall be subject to all provisions of the state budget laws that
197 are applicable to special fund agencies, and disbursements from
198 the special fund shall be made by the State Treasurer only upon
199 warrants issued by the State Fiscal Officer upon requisitions
200 signed by the chairman or executive secretary of the board. Any
201 interest earned on this special fund shall be credited by the
202 State Treasurer to the fund and shall not be paid into the State
203 General Fund. Any unexpended monies remaining in the special fund
204 at the end of a fiscal year shall not lapse into the State General
205 Fund. The State Auditor shall audit the financial affairs of the
206 board and the transactions involving the special fund at least
207 once a year in the same manner as for other special fund agencies.

208 This section shall stand repealed from and after July 1,
209 2011.

210 SECTION 5. Section 73-31-13, Mississippi Code of 1972, is
211 amended as follows:

212 73-31-13. The board shall issue a license as a psychologist
213 to each applicant who shall file an application upon a form and in
214 such manner as the board prescribes, accompanied by such fee as is
215 required by this chapter; and who furnishes evidence satisfactory
216 to the board that he:

217 (a) Is at least twenty-one (21) years of age; and

218 (b) Is a citizen of the United States, a Canadian
219 citizen applying for licensure under the terms of a reciprocity
220 agreement, or has declared his intention to become a citizen. A
221 statement by the applicant under oath that he is a citizen, a
222 Canadian citizen applying for licensure under the terms of a
223 reciprocity agreement, or that he intends to apply for citizenship
224 when he becomes eligible to make such application, shall be
225 sufficient proof of compliance with this requirement; and

226 (c) Is of good moral character; and

227 (d) Is not in violation of any of the provisions of
228 this chapter and the rules and regulations adopted thereunder; and

229 (e) Holds a doctoral degree in psychology from an
230 institution of higher education that is: regionally accredited by
231 an accrediting body recognized by the U.S. Department of
232 Education, or authorized by Provincial statute or Royal Charter to
233 grant doctoral degrees: and from a program accredited by the
234 American Psychological Association, or the Canadian Psychological
235 Association. For graduates from newly established programs
236 seeking accreditation or in areas where no accreditation exists,
237 applicants for licensure shall have completed a doctoral program
238 in psychology that meets recognized acceptable professional
239 standards as determined by the board. For applicants graduating
240 from doctoral level psychology training programs outside of the
241 United States of America or Canada, applicants for licensure shall
242 have completed a doctoral program in psychology that meets
243 recognized acceptable professional standards as determined by the
244 board; and

245 (f) Has two (2) years of supervised experience in the
246 same area of emphasis as the academic degree, which includes an
247 internship and one (1) year of supervised post-doctoral
248 experience, that meet the standards of training as defined by the
249 board. Each year (or equivalent) shall be comprised of at least
250 two thousand (2,000) hours of actual work, to include direct
251 service, training and supervisory time. A pre-doctoral internship
252 may be counted as one (1) of the two (2) years of experience; and

253 (g) Demonstrates professional knowledge by passing a
254 written (in this statute, the term "written" means either
255 paper-and-pencil or computer-administered or computerized testing)
256 and oral examination in psychology prescribed by the board; except
257 that upon examination of credentials the board may, by unanimous
258 consent, consider these credentials adequate evidence of
259 professional knowledge.

260 Upon investigation of the application and other evidence
261 submitted, the board shall, not less than thirty (30) days prior

262 to the examination, notify each applicant that the application and
263 evidence submitted is satisfactory and accepted or unsatisfactory
264 and rejected; if rejected, the notice shall state the reasons for
265 such rejection.

266 The place of examination shall be designated in advance by
267 the board, and such examination shall be given at such time and
268 place and under such supervision as the board may determine. The
269 examination used by the board shall consist of written tests and
270 oral tests, and shall fairly test the applicant's knowledge and
271 application thereof in those areas deemed relevant by the board.
272 These shall include, but not be limited to, the following:
273 history of psychology, statistical methods, experimental design,
274 personality theory and psychology of learning. In addition, the
275 applicant shall be required to demonstrate his knowledge and
276 application thereof in those areas deemed relevant to his
277 specialty and/or those services he intends to offer to the public.

278 The board shall evaluate the results from both the written
279 and oral examinations. The passing scores for the written and
280 oral examinations shall be established by the board in its rules
281 and regulations * * *. In the event an applicant fails to receive
282 a passing score on the entire examination, he may reapply and
283 shall be allowed to take a subsequent examination. An applicant
284 who has failed two (2) successive examinations by the board may
285 not reapply until after two (2) years from the date of the last
286 examination failed. The board shall keep the written examination
287 scores, and an accurate transcript of the questions and answers
288 relating to the oral examinations, and the grade assigned to each
289 answer thereof, as part of its records for at least two (2) years
290 subsequent to the date of examination.

291 If any psychologist duly licensed under this chapter shall,
292 by virtue of additional training and experience, become qualified
293 to practice in a specialty other than that for which he was deemed
294 competent at the time of initial licensing, and wishes to offer

295 such service under the provisions of this chapter, he shall at the
296 time of annual renewal of licenses submit additional credentials
297 and be given the opportunity to demonstrate his knowledge and
298 application thereof in areas deemed relevant to his specialty.
299 The board may charge a reasonable fee for evaluating these
300 credentials and the applicant's knowledge.

301 This section shall stand repealed from and after July 1,
302 2011.

303 Each application or filing made under this section shall
304 include the social security number(s) of the applicant in
305 accordance with Section 93-11-64.

306 SECTION 6. Section 73-31-14, Mississippi Code of 1972, is
307 amended as follows:

308 73-31-14. Applicants who have met all the educational and
309 internship requirements for licensure as stated in Section
310 73-31-13, and in the board's rules and regulations, may, during
311 their post-doctoral year of supervision, apply for a provisional
312 license. Each applicant for provisional licensure shall file an
313 application upon a form and in such a manner as the board
314 prescribes accompanied by a fee equal to that required for
315 permanent licensure. The provisional license will be issued upon
316 passage of the EPPP examination at the level established by the
317 board in its rules and regulations and equivalent to that required
318 for permanent licensure.

319 The provisional license is valid only for psychological
320 services rendered as part of the post-doctoral year of supervision
321 and is not valid for nonsupervised independent practice. Initial
322 provisional licensure and renewal fees shall be equivalent to
323 those established for permanent licensure. A provisional license
324 may only be renewed one (1) time.

325 A provisional license carries all the weights and privileges
326 of licensure except for the requirement of continued supervision.
327 Provisional licensees are subject to the same Mississippi laws and

328 board rules and regulations, including continuing education
329 requirements, that govern permanent licensees. The board may
330 revoke or suspend a provisional license at any time the board
331 determines that requirements of supervised experience are not
332 being met.

333 Upon satisfactory completion of the post-doctoral year of
334 supervision (in a manner equal to that required of applicants for
335 permanent licensure), applicants holding provisional licenses may
336 apply for the oral exam, by filing an application upon a form and
337 in such a manner as the board prescribes accompanied by a fee
338 equal to that required by the board. Successful passage of the
339 oral examination will lead to the issuance of a permanent license
340 without the requirement of additional fees with the exception of
341 renewal fees as required of all other licensees. Applicants who
342 fail the oral exam must surrender their provisional license but
343 may retake the oral exam according to requirements specified by
344 the board in its rules and regulations governing oral
345 examinations.

346 Applicants who have satisfactorily completed * * * all
347 requirements for licensure, with exception of passage of the oral
348 examination, may, upon application for licensure, request a
349 temporary license valid until the next administration of the oral
350 examination. A temporary license cannot be issued to anyone who
351 has failed the oral exam or has had their license suspended or
352 revoked by the board. Rules and procedures for issuance of
353 temporary licenses shall be established by the board in its rules
354 and regulations.

355 Applicants awaiting licensure in Mississippi are prohibited
356 from practice of psychology without a provisional or temporary
357 license issued by the board except in cases where specific written
358 permission to practice is granted by the board.

359 SECTION 7. Section 73-31-15, Mississippi Code of 1972, is
360 amended as follows:

361 73-31-15. Upon application accompanied by fee the board may,
362 without written * * * examination, issue a license to any person
363 who furnishes, upon a form and in such manner as the board
364 prescribes, evidence satisfactory to the board that he (1) is
365 licensed or certified as a psychologist by another state,
366 territorial possession of the United States, District of Columbia,
367 Commonwealth of Puerto Rico or Canadian Province if the
368 requirements for such license or certification are the substantial
369 equivalent of this chapter, or (2) * * * is a diplomate in good
370 standing of the American Board of Examiners in Professional
371 Psychology; or (3) is licensed in a jurisdiction that is a party
372 to an agreement for reciprocity with the State of Mississippi, and
373 meets the terms and conditions for reciprocity as specified in the
374 agreement; or (4) possesses a valid Certificate of Professional
375 Qualification (CPQ) granted by the Association of State and
376 Provincial Psychology Boards; or (5) surrendered a valid
377 Mississippi license which had been held in good standing for not
378 less than twenty (20) years.

379 SECTION 8. Section 73-31-19, Mississippi Code of 1972, is
380 amended as follows:

381 73-31-19. The board shall issue a license signed by the
382 chairman and executive secretary of the board whenever an
383 applicant has been successfully qualified as provided in this
384 chapter. A copy of such license, so certified by the executive
385 secretary as a true copy, shall be filed in the office of the
386 clerk of the circuit court in the county in which the licentiate
387 resides.

388 SECTION 9. Section 73-31-21, Mississippi Code of 1972, is
389 amended as follows:

390 73-31-21. (1) The board, by an affirmative vote of at least
391 four (4) of its seven (7) members, shall withhold, deny, revoke or
392 suspend any license issued or applied for in accordance with the
393 provisions of this chapter, or otherwise discipline a licensed

394 psychologist, upon proof that the applicant or licensed
395 psychologist:

396 (a) Has violated the current code of ethics of the
397 American Psychological Association or other codes of ethical
398 standards adopted by the board; or

399 (b) Has been convicted of a felony or any offense
400 involving moral turpitude, the record of conviction being
401 conclusive evidence thereof; or

402 (c) Is using any narcotic or any alcoholic beverage to
403 an extent or in a manner dangerous to any other person or the
404 public, or to an extent that such use impairs his ability to
405 perform the work of a professional psychologist with safety to the
406 public; or

407 (d) Has impersonated another person holding a
408 psychologist license or allowed another person to use his license;
409 or

410 (e) Has used fraud or deception in applying for a
411 license or in taking an examination provided for in this chapter;
412 or

413 (f) Has accepted commissions or rebates or other forms
414 of remuneration for referring clients to other professional
415 persons; or

416 (g) Has allowed his name or license issued under this
417 chapter to be used in connection with any person or persons who
418 perform psychological services outside of the area of their
419 training, experience or competence; or

420 (h) Is legally adjudicated mentally incompetent, the
421 record of such adjudication being conclusive evidence thereof; or

422 (i) Has willfully or negligently violated any of the
423 provisions of this chapter. The board may recover from any person
424 disciplined under this chapter, the costs of investigation,
425 prosecution, and adjudication of the disciplinary action.

426 (2) Notice shall be effected by registered mail or personal
427 service setting forth the particular reasons for the proposed
428 action and fixing a date not less than thirty (30) days nor more
429 than sixty (60) days from the date of such mailing or such
430 service, at which time the applicant or licentiate shall be given
431 an opportunity for a prompt and fair hearing. For the purpose of
432 such hearing the board, acting by and through its executive
433 secretary, may subpoena persons and papers on its own behalf and
434 on behalf of the applicant or licentiate, may administer oaths and
435 may take testimony. Such testimony, when properly transcribed,
436 together with such papers and exhibits, shall be admissible in
437 evidence for or against the applicant or licentiate. At such
438 hearing applicant or licentiate may appear by counsel and
439 personally in his own behalf. Any person sworn and examined by a
440 witness in such hearing shall not be held to answer criminally,
441 nor shall any papers or documents produced by such witness be
442 competent evidence in any criminal proceedings against such
443 witness other than for perjury in delivering his evidence. On the
444 basis of any such hearing, or upon default of applicant or
445 licentiate, the board shall make a determination specifying its
446 findings of fact and conclusions of law. A copy of such
447 determination shall be sent by registered mail or served
448 personally upon the applicant or licentiate. The decision of the
449 board denying, revoking or suspending the license shall become
450 final thirty (30) days after so mailed or served unless within
451 that period the licentiate appeals the decision to the chancery
452 court, pursuant to the provisions hereof, and the proceedings in
453 chancery shall be conducted as other matters coming before the
454 court. All proceedings and evidence, together with exhibits,
455 presented at such hearing before the board in the event of appeal
456 shall be admissible in evidence in the court.

457 (3) The board may subpoena persons and papers on its own
458 behalf and on behalf of the respondent, may administer oaths and

459 may compel the testimony of witnesses. It may issue commissions
460 to take testimony, and testimony so taken and sworn to shall be
461 admissible in evidence for and against the respondent. The board
462 shall be entitled to the assistance of the chancery court or the
463 chancellor in vacation, which, on petition by the board, shall
464 issue ancillary subpoenas and petitions and may punish as for
465 contempt of court in the event of noncompliance therewith.

466 (4) Every order and judgment of the board shall take effect
467 immediately on its promulgation unless the board in such order or
468 judgment fixes a probationary period for applicant or licentiate.
469 Such order and judgment shall continue in effect unless upon
470 appeal the court by proper order or decree terminates it earlier.
471 The board may make public its order and judgments in such manner
472 and form as it deems proper. It shall, in event of the suspension
473 or revocation of a license, direct the clerk of the circuit court
474 of the county in which that license was recorded to cancel such
475 record.

476 (5) Nothing in this section shall be construed as limiting
477 or revoking the authority of any court or of any licensing or
478 registering officer or board, other than the Mississippi Board of
479 Psychology, to suspend, revoke and reinstate licenses and to
480 cancel registrations under the provisions of Section 41-29-311.

481 (6) Suspension by the board of the license of a psychologist
482 shall be for a period not exceeding one (1) year. At the end of
483 this period the board shall reevaluate the suspension, and shall
484 either reinstate or revoke the license. A person whose license
485 has been revoked under the provisions of this section may reapply
486 for license after more than two (2) years have elapsed from the
487 date such denial or revocation is legally effective.

488 (7) In addition to the reasons specified in subsection (1)
489 of this section, the board shall be authorized to suspend the
490 license of any licensee for being out of compliance with an order
491 for support, as defined in Section 93-11-153. The procedure for

492 suspension of a license for being out of compliance with an order
493 for support, and the procedure for the reissuance or reinstatement
494 of a license suspended for that purpose, and the payment of any
495 fees for the reissuance or reinstatement of a license suspended
496 for that purpose, shall be governed by Section 93-11-157. Actions
497 taken by the board in suspending a license when required by
498 Section 93-11-157 or 93-11-163 are not actions from which an
499 appeal may be taken under this section. Any appeal of a license
500 suspension that is required by Section 93-11-157 or 93-11-163
501 shall be taken in accordance with the appeal procedure specified
502 in Section 93-11-157 or 93-11-163, as the case may be, rather than
503 the procedure specified in this section. If there is any conflict
504 between any provision of Section 93-11-157 or 93-11-163 and any
505 provision of this chapter, the provisions of Section 93-11-157 or
506 93-11-163, as the case may be, shall control.

507 (8) This section shall stand repealed from and after July 1,
508 2011.

509 SECTION 10. Section 73-31-23, Mississippi Code of 1972, is
510 amended as follows:

511 73-31-23. (1) It shall be a misdemeanor:

512 (a) For any person not licensed under this chapter to
513 represent himself as a psychologist or practice psychology in the
514 manner prescribed in Section 73-31-3 of this chapter; or

515 (b) For any person to represent himself as a
516 psychologist or practice psychology in the manner prescribed in
517 Section 73-31-3 of this chapter during the time that his license
518 as a psychologist shall be suspended or revoked or lapsed; or

519 (c) For any person to otherwise violate the provisions
520 of this chapter.

521 Such misdemeanor shall be punishable, upon conviction, by
522 imprisonment for not more than sixty (60) days or by a fine of not
523 more than Three Hundred Dollars (\$300.00), or by both such fine
524 and imprisonment. Each violation shall be deemed a separate

525 offense. Such misdemeanor shall be prosecuted by the district
526 attorney of the judicial district in which the offense was
527 committed in the name of the people of the State of Mississippi.

528 (2) Any entity, organization or person, including the board,
529 any member of the board, and its agents or employees, acting in
530 good faith and without malice, who makes any report or information
531 available to the board regarding violation of any of the
532 provisions of this chapter, or who assists in the organization,
533 investigation or preparation of any such report or information or
534 assists the board in carrying out any of its duties or functions
535 provided by law, shall be immune from civil or criminal liability
536 for such acts.

537 The immunity granted pursuant to the provisions of this
538 subsection shall not apply to and shall not be available to any
539 psychologist who is the subject of any report or information
540 relating to a violation by such psychologist of the provisions of
541 this chapter.

542 This section shall stand repealed from and after July 1,
543 2011.

544 SECTION 11. Section 73-31-27, Mississippi Code of 1972, is
545 amended as follows:

546 73-31-27. (1) Nothing in this chapter shall be construed to
547 limit:

548 (a) The activities, services, and use of an official
549 title on the part of a person in the employ of a federal, state,
550 county or municipal agency, or of other political subdivisions, or
551 any educational institution chartered by the state, insofar as
552 such activities, services and use of an official title are a part
553 of the duties of his office or position with such agency or
554 institution; or

555 (b) The activities, services and use of an official
556 title on the part of a person in the employ of an exempt

557 organization (in any state) who may be employed by another exempt
558 organization for a consulting fee; or

559 (c) The activities and services of a student, intern or
560 trainee in psychology pursuing a course of study in psychology at
561 an institution of higher education, if these activities and
562 services constitute a part of his supervised course of study; or

563 (d) The services and activities of members of other
564 professional groups licensed or certified by the State of
565 Mississippi who perform work of a psychological nature consistent
566 with their training, work experience history, and with any code of
567 ethics of their respective professions, provided they do not hold
568 themselves out to be psychologists. The practice of psychology as
569 defined by this act overlaps with the activities of other
570 professional groups and it is not the intent of this act to
571 regulate the activities of these professional groups.

572 (2) Individuals certified by the Mississippi State
573 Department of Education may use appropriate titles such as "school
574 psychologist," "certified school psychologist," "educational
575 psychologist" or "psychometrist" only when employed by and
576 practicing in school or educational * * * settings.

577 (3) Lecturers from any school or college may utilize their
578 academic or research title when invited to present lectures to
579 institutions or organizations.

580 * * *

581 This section shall stand repealed from and after July 1,
582 2011.

583 SECTION 12. This act shall take effect and be in force from
584 and after June 30, 2001.