

By: Representative White

To: Public Health and Human Services

HOUSE BILL NO. 903

1 AN ACT TO REENACT SECTIONS 73-31-1 THROUGH 73-31-29,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI BOARD OF
3 PSYCHOLOGY AND PRESCRIBE ITS POWERS AND DUTIES; TO AMEND SECTION
4 73-31-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE
5 REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 73-31-1, Mississippi Code of 1972, is
8 reenacted as follows:

9 73-31-1. It is declared to be the policy of the State of
10 Mississippi that, in order to safeguard life, health, property and
11 the public welfare of this state, and in order to protect the
12 people of this state against unauthorized, unqualified and
13 improper application of psychology, it is necessary that a proper
14 regulatory authority be established and adequately provided for.

15 **SECTION 2.** Section 73-31-3, Mississippi Code of 1972, is
16 reenacted as follows:

17 73-31-3. When used in this chapter, the word or term:

18 (a) "Board" means the Mississippi Board of 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, this
25 term means an institution of higher education that is provincially
26 or territorially chartered to grant doctoral degrees.

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

29 (d) (i) "Practice of psychology" means the
30 observation, description, evaluation, interpretation, prediction
31 and modification of human behavior through the application of
32 psychological principles, methods and procedures, for the purposes
33 of:

34 1. Preventing, eliminating, evaluating,
35 assessing, or predicting symptomatic, maladaptive, or undesirable
36 behavior;

37 2. Evaluating, assessing and/or facilitating
38 the enhancement of individual, group and/or organizational
39 effectiveness including personal effectiveness, adaptive behavior,
40 interpersonal relationships, work and life adjustment, health, and
41 individual, group and/or organizational performance; or

42 3. Assisting in legal decision-making.



43 (ii) The practice of psychology includes, but is
44 not limited to:

45 1. Psychological testing and the evaluation
46 or assessment of personal characteristics, such as intelligence;
47 personality; cognitive, behavioral, physical and/or emotional
48 abilities; skills; interests; aptitudes; and neuropsychological
49 functioning;

50 2. Counseling, psychoanalysis, psychotherapy,
51 hypnosis, biofeedback, and behavior analysis and therapy;

52 3. Diagnosis, treatment, and management of
53 mental and emotional disorder or disability, alcoholism and
54 substance abuse, disorders of habit or conduct, as well as of the
55 psychological aspects of physical illness, accident, injury, or
56 disability;

57 4. Psychoeducational evaluation, therapy and
58 remediation;

59 5. Consultation with physicians, other health
60 care professionals and patients regarding all available treatment
61 options, as well as consultation with attorneys, judges, business,
62 and industry;

63 6. Provision of direct services to
64 individuals and/or groups for the purpose of enhancing individual
65 and thereby organizational effectiveness, using principles,
66 methods and/or procedures to assess and evaluate individuals on
67 personal characteristics for individual development and/or



68 behavior change or for making decisions about the individual, such
69 as selection; and

70 7. The supervision of any of the above.

71 (iii) Psychological services are provided to
72 individuals, families, groups, systems, organizations, and the
73 public. The practice of psychology shall be construed within the
74 meaning of this definition without regard to whether payment is
75 received for services rendered and without regard to the means of
76 service provision (e.g., face-to-face, telephone, Internet, or
77 telehealth).

78 (e) A "psychologist" is any person licensed under this
79 chapter, and includes a person who represents himself or herself
80 to be a psychologist by using any title or description of services
81 incorporating the words "psychological," "psychologist,"
82 "psychology," or who represents that he or she possesses expert
83 qualification in any area of psychology, or offers to the public,
84 or renders to individuals or to groups of individuals services
85 defined as the practice of psychology by this chapter.

86 **SECTION 3.** Section 73-31-5, Mississippi Code of 1972, is
87 reenacted as follows:

88 73-31-5. (1) There is created a Mississippi Board of
89 Psychology consisting of seven (7) members who are citizens of the
90 United States and residing in the State of Mississippi. One (1)
91 member of the board shall be a person who is not a psychologist or
92 a mental health professional but who has expressed a continuing



93 interest in the field of psychology. Each board member shall
94 otherwise be licensed under this chapter. The composition of the
95 board shall at all times include psychologists engaged in the
96 professional practice of psychology and psychologists who are
97 faculty at institutions of higher learning that grant doctoral
98 degrees or staff or faculty of an American Psychological
99 Association approved doctoral level internship or postdoctoral
100 fellowship.

101 (2) When the term of each psychologist member ends the
102 Governor shall, within thirty (30) days, appoint as his or her
103 successor, for a term of five (5) years, a psychologist who holds
104 a doctoral degree from an institution of higher education and who
105 has been licensed under this chapter. When the term of the member
106 who is not a psychologist ends, the Governor shall, within thirty
107 (30) days, appoint a qualified person as his or her successor for
108 a term of five (5) years. No board member shall serve for more
109 than two (2) consecutive terms. Any vacancy occurring in the
110 board membership other than by expiration of term shall be filled
111 by the Governor by appointment for the unexpired term of the
112 member. All appointments of psychologist members of the board
113 shall be made from a list containing the names of at least three
114 (3) eligible nominees for each vacancy submitted by the
115 Mississippi Psychological Association. Each board member shall
116 receive a certificate of appointment from the Governor before
117 entering on the discharge of his or her duties, and within thirty



118 (30) days from the effective date of his appointment shall
119 subscribe an oath for the faithful performance of his or her
120 official duty before any officer authorized to administer oaths in
121 this state, and shall file the same with the Secretary of State.

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

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

129 **SECTION 4.** Section 73-31-7, Mississippi Code of 1972, is
130 reenacted as follows:

131 73-31-7. (1) The board shall annually elect from its
132 membership a chairman and executive secretary at a meeting held
133 during the last two (2) quarters of the fiscal year. The board
134 shall meet at any other times as it deems necessary or advisable,
135 or as deemed necessary and advisable by the chairman or a majority
136 of its members or the Governor. Reasonable notice of all meetings
137 shall be given in the manner prescribed by the board. A majority
138 of the board shall constitute a quorum at any meeting or hearing;
139 except that when only four (4) members are present, decisions not
140 gaining unanimous support shall be decided by mail ballot to all
141 board members within fifteen (15) days succeeding the board



142 meeting. Any meeting at which the chairman is not present shall
143 be chaired by his designee.

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

145 (a) Adopt and, from time to time, revise any rules and
146 regulations not inconsistent with, and as may be necessary to
147 carry into effect the provisions of this chapter.

148 (b) Within the funds available, employ and/or contract
149 with a stenographer and other personnel, and contract for
150 services, as are necessary for the proper performance of its work
151 under this chapter.

152 (c) Adopt a seal, and the executive secretary or board
153 administrator shall have the care and custody thereof.

154 (d) Examine, license, and renew the license of duly
155 qualified applicants.

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

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

160 (g) Issue an educational letter to a licensee in order
161 to assist that individual in his or her practice as a
162 psychologist. Such a letter will not be considered to be
163 disciplinary action.

164 (h) Cause the prosecution and enjoinder of all persons
165 violating this chapter, and incur necessary expenses therefor.



166 (i) Charge a fee of not more than Seven Hundred Dollars
167 (\$700.00) to a qualified psychologist as determined by the board
168 who is applying for certification by the board to conduct
169 examinations in civil commitment proceedings.

170 (j) Purchase general liability insurance coverage,
171 including errors and omissions insurance, to cover the official
172 actions of the board members and contract personnel and suits
173 against them in their individual capacity. That coverage shall be
174 in an amount determined by the board to be adequate, and the costs
175 of the insurance shall be paid out of any funds available to the
176 board.

177 (k) As additional responsibilities, effective July 1,
178 2018, the board shall administer and support the function of the
179 Mississippi Autism Board under Sections 73-75-1 through 73-75-25,
180 relating to the licensure of licensed behavior analysts and
181 licensed assistant behavior analysts.

182 (3) Within thirty (30) days after the close of each fiscal
183 year ending June 30, the board shall submit an official report,
184 reviewed and signed by all board members, to the Governor
185 concerning the work of the board during the preceding fiscal year.
186 The report shall include the names of all psychologists to whom
187 licenses have been granted; any cases heard and decisions rendered
188 in relation to the work of the board; the names, remuneration and
189 duties of any employees of the board; and an account of all monies
190 received and expended by the board.



191 **SECTION 5.** Section 73-31-9, Mississippi Code of 1972, is
192 reenacted as follows:

193 73-31-9. (1) All fees from applicants seeking licensing
194 under this chapter and all license renewal fees received under
195 this chapter shall be nonrefundable. The board may charge a late
196 fee for nonrenewal by June 30 of each year.

197 (2) The board shall charge an application fee to be
198 determined by the board, but not to exceed Seven Hundred Dollars
199 (\$700.00), to applicants for licensing, and shall charge the
200 applicant for the expenses incurred by the board for examination
201 of the applicant. The board may increase the application fee as
202 necessary, but may not increase the fee by more than Fifty Dollars
203 (\$50.00) above the amount of the previous year's fee.

204 (3) Except as provided in Section 33-1-39, every licensed
205 psychologist in this state shall annually pay to the board a fee
206 determined by the board, but not to exceed Seven Hundred Dollars
207 (\$700.00); and the credentialing coordinator shall thereupon issue
208 a renewal of the license for a term of one (1) year. The board
209 may increase the license renewal fee as necessary, but may not
210 increase the fee by more than Fifty Dollars (\$50.00) above the
211 amount of the previous year's fee. The license of any
212 psychologist who fails to renew during the month of June in each
213 and every year shall lapse; the failure to renew the license,
214 however, shall not deprive the psychologist of the right of
215 renewal thereafter. The lapsed license may be renewed within a



216 period of two (2) years after the lapse upon payment of all fees
217 in arrears. A psychologist wishing to renew a license that has
218 been lapsed for more than two (2) years shall be required to
219 reapply for licensure.

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

224 (5) All fees and any other monies received by the board
225 shall be deposited in a special fund that is created in the State
226 Treasury and shall be used for the implementation and
227 administration of this chapter when appropriated by the
228 Legislature for that purpose. The monies in the special fund
229 shall be subject to all provisions of the state budget laws that
230 are applicable to special fund agencies, and disbursements from
231 the special fund shall be made by the State Treasurer only upon
232 warrants issued by the State Fiscal Officer upon requisitions
233 signed by the chairman or executive secretary of the board. Any
234 interest earned on this special fund shall be credited by the
235 State Treasurer to the fund and shall not be paid into the State
236 General Fund. Any unexpended monies remaining in the special fund
237 at the end of a fiscal year shall not lapse into the State General
238 Fund. The State Auditor shall audit the financial affairs of the
239 board and the transactions involving the special fund at least
240 once a year in the same manner as for other special fund agencies.



241 **SECTION 6.** Section 73-31-11, Mississippi Code of 1972, is
242 reenacted as follows:

243 73-31-11. The board shall keep a record of its proceedings
244 and a register of all applications for licenses, which shall show:

245 (a) The name, age and residence of each applicant;

246 (b) The date of the application;

247 (c) The place of professional practice of the
248 applicant;

249 (d) A summary of the educational and other
250 qualifications of the applicant;

251 (e) Whether or not an examination was required;

252 (f) Whether or not a license was granted;

253 (g) The date of the action of the board;

254 (h) Any other information as may be deemed necessary or
255 advisable by the board in aid of the above requirements.

256 The records of the board shall be public records and evidence
257 of the proceedings of the board set forth in the records; and a
258 transcript thereof, duly certified by the executive secretary of
259 the board, bearing the seal of the board, shall be admissible in
260 evidence with the same force and effect as if the original were
261 produced.

262 **SECTION 7.** Section 73-31-13, Mississippi Code of 1972, is
263 reenacted as follows:

264 73-31-13. The board shall issue a license as a psychologist
265 to each applicant who files an application upon a form and in the



266 manner as the board prescribes, accompanied by the fee as is
267 required by this chapter; and who furnishes evidence satisfactory
268 to the board that he or she:

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

270 (b) Is a citizen of the United States, a Canadian
271 citizen applying for licensure under the terms of a reciprocity
272 agreement, or has declared his or her intention to become a
273 citizen. A statement by the applicant under oath that he or she
274 is a citizen, a Canadian citizen applying for licensure under the
275 terms of a reciprocity agreement, or that he or she intends to
276 apply for citizenship when he or she becomes eligible to make
277 that application, shall be sufficient proof of compliance with
278 this requirement; and

279 (c) Is of good moral character. The applicant must
280 have successfully been cleared for licensure through an
281 investigation that consists of a determination as to good moral
282 character and verification that the prospective licensee is not
283 guilty of or in violation of any statutory ground for denial of
284 licensure. For the purposes of this chapter, good moral character
285 includes an absence of felony convictions or misdemeanor
286 convictions involving moral turpitude as established by a criminal
287 background check. Applicants shall undergo a fingerprint-based
288 criminal history records check of the Mississippi central criminal
289 database and the Federal Bureau of Investigation criminal history
290 database. Each applicant shall submit a full set of the



291 applicant's fingerprints in a form and manner prescribed by the
292 board, which shall be forwarded to the Mississippi Department of
293 Public Safety (department) and the Federal Bureau of Investigation
294 Identification Division for this purpose; and

295 (d) Is not in violation of any of the provisions of
296 this chapter and the rules and regulations adopted under this
297 chapter, and is not currently under investigation by another
298 licensure board; and

299 (e) Holds a doctoral degree in psychology from an
300 institution of higher education that is: regionally accredited by
301 an accrediting body recognized by the United States Department of
302 Education, or authorized by Provincial statute or Royal Charter to
303 grant doctoral degrees: and from a program accredited by the
304 American Psychological Association, or the Canadian Psychological
305 Association. For graduates from newly established programs
306 seeking accreditation or in areas where no accreditation exists,
307 applicants for licensure shall have completed a doctoral program
308 in psychology that meets recognized acceptable professional
309 standards as determined by the board. For applicants graduating
310 from doctoral level psychology training programs outside of the
311 United States of America or Canada, applicants for licensure shall
312 have completed a doctoral program in psychology that meets
313 recognized acceptable professional standards as determined by the
314 board; and



315 (f) Has two (2) years of supervised experience in the
316 same area of emphasis as the academic degree, which includes an
317 internship and one (1) year of supervised post-doctoral
318 experience, that meet the standards of training as defined by the
319 board. Each year (or equivalent) shall be comprised of at least
320 two thousand (2,000) hours of actual work, to include direct
321 service, training and supervisory time. A pre-doctoral internship
322 may be counted as one (1) of the two (2) years of experience; and

323 (g) Demonstrates professional knowledge by passing a
324 written (as used in this paragraph, the term "written" means
325 either paper and pencil or computer administered or computerized
326 testing) and oral examination in psychology prescribed by the
327 board; except that upon examination of credentials, the board may,
328 by unanimous consent, consider these credentials adequate evidence
329 of professional knowledge.

330 Upon investigation of the application and other evidence
331 submitted, the board shall, not less than thirty (30) days before
332 the examination, notify each applicant that the application and
333 evidence submitted is satisfactory and accepted or unsatisfactory
334 and rejected; if rejected, the notice shall state the reasons for
335 the rejection.

336 The place of examination shall be designated in advance by
337 the board, and the examination shall be given at such time and
338 place and under such supervision as the board may determine. The
339 examination used by the board shall consist of written tests and



340 oral tests, and shall fairly test the applicant's knowledge and
341 application thereof in those areas deemed relevant by the
342 board. All examinations serve the purpose of verifying that a
343 candidate for licensure has acquired a basic core of knowledge in
344 the discipline of psychology and can apply that knowledge to the
345 problems confronted in the practice of psychology within the
346 applicant's area of practice.

347 The board shall evaluate the results from both the written
348 and oral examinations. The passing scores for the written and
349 oral examinations shall be established by the board in its rules
350 and regulations. If an applicant fails to receive a passing score
351 on the entire examination, he or she may reapply and shall be
352 allowed to take a later examination. An applicant who has failed
353 two (2) successive examinations by the board may not reapply until
354 after two (2) years from the date of the last examination failed.
355 The board shall keep the written examination scores, and an
356 accurate transcript of the questions and answers relating to the
357 oral examinations, and the grade assigned to each answer thereof,
358 as part of its records for at least two (2) years after the date
359 of examination.

360 If any psychologist duly licensed under this chapter, by
361 virtue of additional training and experience, becomes qualified to
362 practice in a specialty other than that for which he or she was
363 deemed competent at the time of initial licensing, and wishes to
364 offer that service under the provisions of this chapter, he or she



365 shall at the time of annual renewal of licenses submit additional
366 credentials and be given the opportunity to demonstrate his or her
367 knowledge and application thereof in areas deemed relevant to his
368 or her specialty. The board may charge a reasonable fee for
369 evaluating these credentials and the applicant's knowledge.

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

373 **SECTION 8.** Section 73-31-14, Mississippi Code of 1972, is
374 reenacted as follows:

375 73-31-14. (1) Psychologists who are duly licensed in other
376 jurisdictions and not currently under investigation by another
377 licensure board may, upon application for licensure, apply for a
378 temporary license, which shall be valid until the next
379 administration of the oral examination. The temporary license
380 shall be issued upon the applicant's passage of the Examination
381 for Professional Practice of Psychology (EPPP) at the level
382 established by the board in its rules and regulations and
383 equivalent to that required for permanent licensure. Each
384 applicant for a temporary license shall file an application upon a
385 form and in the manner as the board prescribes, accompanied by a
386 fee equal to the amount required for permanent licensure. A
387 temporary license will lapse for any person who has failed the
388 oral examination or has had his or her license suspended or
389 revoked by the board. Procedures for the issuance of temporary



390 licenses shall be established by the board in its rules and
391 regulations. The issuance of a temporary license to a
392 military-trained applicant or military spouse shall be subject to
393 the provisions of Section 73-50-1.

394 (2) Psychologists who are duly licensed in other
395 jurisdictions may apply for a temporary practice certificate that
396 allows them to practice psychology on a temporary basis in the
397 State of Mississippi. That practice must be limited in scope and
398 duration, not exceeding thirty (30) days during a consecutive
399 twelve-month period. Applicants for a temporary practice
400 certificate shall provide to the board the nature of the practice
401 before providing that service, and shall make available to the
402 board a current copy of his or her license or verification of a
403 valid license in good standing. Psychologists who receive
404 temporary practice certificates are subject to a jurisprudence
405 examination at the request of the board. This authority for a
406 temporary practice certificate does not apply to a psychologist
407 who has been denied licensure in Mississippi, is a legal resident
408 of Mississippi, or intends to practice full-time or a major
409 portion of their time in Mississippi. Each applicant for a
410 temporary practice certificate shall file an application upon a
411 form and in the manner as the board prescribes, accompanied by a
412 fee in an amount determined by the board, but not to exceed Three
413 Hundred Dollars (\$300.00).



414 (3) Applicants awaiting licensure in Mississippi are
415 prohibited from the practice of psychology without a temporary
416 license issued by the board. For the purposes of this subsection,
417 the practice of psychology shall be construed without regard to
418 the means of service provision (e.g., face-to-face, telephone,
419 Internet, telehealth).

420 **SECTION 9.** Section 73-31-15, Mississippi Code of 1972, is
421 reenacted as follows:

422 73-31-15. (1) Upon application accompanied by the proper
423 fee, the board may, without written or oral examination, issue a
424 license to any person who furnishes, upon a form and in the manner
425 as the board prescribes, evidence satisfactory to the board that
426 he or she (a) is licensed or certified as a psychologist by
427 another state, territorial possession of the United States,
428 District of Columbia, Commonwealth of Puerto Rico or Canadian
429 Province, if the requirements for that license or certification
430 are the substantial equivalent of this chapter; or (b) is a
431 diplomate in good standing of the American Board of Examiners in
432 Professional Psychology; or (c) possesses a valid Certificate of
433 Professional Qualification (CPQ) granted by the Association of
434 State and Provincial Psychology Boards.

435 (2) In addition, the board may issue a license, without
436 written examination, to an applicant who:

437 (a) Has at least twenty (20) years of licensure to
438 practice in another state, territorial possession of the United



439 States, District of Columbia, or Commonwealth of Puerto Rico or
440 Canadian Province when that license was based on a doctoral
441 degree; and

442 (b) Has had no disciplinary sanction during the entire
443 period of licensure; and

444 (c) Is not currently under investigation by another
445 licensure board; and

446 (d) Has demonstrated current qualification by
447 successfully passing the oral examination; and

448 (e) Has completed the appropriate application and paid
449 the fees as required by the board.

450 (3) The issuance of a license by reciprocity to a
451 military-trained applicant or military spouse shall be subject to
452 the provisions of Section 73-50-1.

453 **SECTION 10.** Section 73-31-17, Mississippi Code of 1972, is
454 reenacted as follows:

455 73-31-17. The status of psychologist emeritus is created.
456 To qualify for status as psychologist emeritus, a psychologist
457 must apply for psychologist emeritus status with the board upon a
458 form and in the manner as the board prescribes, accompanied by a
459 fee equal to one-half (1/2) of the amount of the permanent
460 licensure renewal fee as determined by the board. The applicant
461 shall be required to make a satisfactory showing to the board, in
462 a manner to be determined by the board, that the applicant (a) is
463 sixty-five (65) years old or older, (b) has held continuous



464 licensure as a psychologist in the State of Mississippi for at
465 least twenty (20) years, and (c) at the time of application is
466 retired from the full-time practice of psychology and is not
467 practicing more than eighty (80) hours per month in any capacity
468 in the State of Mississippi. For the purposes of this section,
469 the practice of psychology shall be construed without regard to
470 the means of service provision (e.g., face-to-face, telephone,
471 Internet, telehealth). The applicant must renew his or her
472 psychologist emeritus status annually on the same renewal schedule
473 as permanent licensure. Renewal shall include confirmation of the
474 psychologist's eligibility and attestation, at the time of
475 renewal, of his or her continued "retired" status.

476 **SECTION 11.** Section 73-31-19, Mississippi Code of 1972, is
477 reenacted as follows:

478 73-31-19. The board shall issue a license signed by the
479 chairman and executive secretary of the board whenever an
480 applicant has been successfully qualified as provided in this
481 chapter. A copy of the license, so certified by the executive
482 secretary as a true copy, shall be filed by the licensee in the
483 office of the clerk of the circuit court in the county in which
484 the licensee resides.

485 **SECTION 12.** Section 73-31-21, Mississippi Code of 1972, is
486 reenacted as follows:

487 73-31-21. (1) The board, by an affirmative vote of at least
488 four (4) of its seven (7) members, shall withhold, deny, revoke or



489 suspend any license issued or applied for in accordance with the
490 provisions of this chapter, or otherwise discipline a licensed
491 psychologist, upon proof that the applicant or licensed
492 psychologist:

493 (a) Has violated the current code of ethics of the
494 American Psychological Association or other codes of ethical
495 standards adopted by the board; or

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

499 (c) Is using any substance or any alcoholic beverage to
500 an extent or in a manner dangerous to any other person or the
501 public, or to an extent that the use impairs his or her ability to
502 perform the work of a professional psychologist with safety to the
503 public; or

504 (d) Has impersonated another person holding a
505 psychologist license or allowed another person to use his or her
506 license; or

507 (e) Has used fraud or deception in applying for a
508 license or in taking an examination provided for in this chapter;
509 or

510 (f) Has accepted commissions or rebates or other forms
511 of remuneration for referring clients to other professional
512 persons; or



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

517 (h) Is legally adjudicated mentally incompetent, the
518 record of that adjudication being conclusive evidence thereof; or

519 (i) Has willfully or negligently violated any of the
520 provisions of this chapter. The board may recover from any person
521 disciplined under this chapter, the costs of investigation,
522 prosecution, and adjudication of the disciplinary action.

523 (2) Notice shall be effected by registered mail or personal
524 service setting forth the particular reasons for the proposed
525 action and fixing a date not less than thirty (30) days nor more
526 than sixty (60) days from the date of the mailing or that service,
527 at which time the applicant or licensee shall be given an
528 opportunity for a prompt and fair hearing. For the purpose of the
529 hearing the board, acting by and through its executive secretary,
530 may subpoena persons and papers on its own behalf and on behalf of
531 the applicant or licensee, may administer oaths and may take
532 testimony. That testimony, when properly transcribed, together
533 with the papers and exhibits, shall be admissible in evidence for
534 or against the applicant or licensee. At the hearing, the
535 applicant or licensee may appear by counsel and personally in his
536 or her own behalf. Any person sworn and examined by a witness in
537 the hearing shall not be held to answer criminally, nor shall any



538 papers or documents produced by the witness be competent evidence
539 in any criminal proceedings against the witness other than for
540 perjury in delivering his or her evidence. On the basis of any
541 such hearing, or upon default of applicant or licensee, the board
542 shall make a determination specifying its findings of fact and
543 conclusions of law. A copy of that determination shall be sent
544 by registered mail or served personally upon the applicant or
545 licensee. The decision of the board denying, revoking or
546 suspending the license shall become final thirty (30) days after
547 so mailed or served, unless within that period the applicant or
548 licensee appeals the decision to the chancery court, under the
549 provisions hereof, and the proceedings in chancery shall be
550 conducted as other matters coming before the court. All
551 proceedings and evidence, together with exhibits, presented at the
552 hearing before the board shall be admissible in evidence in court
553 in the appeal.

554 (3) The board may subpoena persons and papers on its own
555 behalf and on behalf of the respondent, may administer oaths and
556 may compel the testimony of witnesses. It may issue commissions
557 to take testimony, and testimony so taken and sworn to shall be
558 admissible in evidence for and against the respondent. The board
559 shall be entitled to the assistance of the chancery court or the
560 chancellor in vacation, which, on petition by the board, shall
561 issue ancillary subpoenas and petitions and may punish as for
562 contempt of court in the event of noncompliance therewith.



563 (4) Every order and judgment of the board shall take effect
564 immediately on its promulgation unless the board in the order or
565 judgment fixes a probationary period for the applicant or
566 licensee. The order and judgment shall continue in effect unless
567 upon appeal the court by proper order or decree terminates it
568 earlier. The board may make public its order and judgments in
569 any manner and form as it deems proper. It shall, in event of the
570 suspension or revocation of a license, direct the clerk of the
571 circuit court of the county in which that license was recorded to
572 cancel that record.

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

578 (6) Suspension by the board of the license of a psychologist
579 shall be for a period not exceeding one (1) year. At the end of
580 this period the board shall reevaluate the suspension, and shall
581 either reinstate or revoke the license. A person whose license
582 has been revoked under the provisions of this section may reapply
583 for a license after more than two (2) years have elapsed from the
584 date that the denial or revocation is legally effective.

585 (7) In addition to the reasons specified in subsection (1)
586 of this section, the board shall be authorized to suspend the
587 license of any licensee for being out of compliance with an order



588 for support, as defined in Section 93-11-153. The procedure for
589 suspension of a license for being out of compliance with an order
590 for support, and the procedure for the reissuance or reinstatement
591 of a license suspended for that purpose, and the payment of any
592 fees for the reissuance or reinstatement of a license suspended
593 for that purpose, shall be governed by Section 93-11-157. Actions
594 taken by the board in suspending a license when required by
595 Section 93-11-157 or 93-11-163 are not actions from which an
596 appeal may be taken under this section. Any appeal of a license
597 suspension that is required by Section 93-11-157 or 93-11-163
598 shall be taken in accordance with the appeal procedure specified
599 in Section 93-11-157 or 93-11-163, as the case may be, rather than
600 the procedure specified in this section. If there is any conflict
601 between any provision of Section 93-11-157 or 93-11-163 and any
602 provision of this chapter, the provisions of Section 93-11-157 or
603 93-11-163, as the case may be, shall control.

604 (8) The board may issue a nondisciplinary, educational
605 letter to licensees as provided in Section 73-31-7(2)(g). The
606 board may also direct a psychologist to obtain a formal assessment
607 of ability to practice safely if there is reason to believe there
608 may be impairment due to substance abuse or mental incapacity.
609 Licensees who may be impaired, but who are able to practice
610 safely, may be required by the board to seek appropriate treatment
611 and/or supervision. That action by the board in itself will not
612 be considered disciplinary.



613 **SECTION 13.** Section 73-31-23, Mississippi Code of 1972, is
614 reenacted as follows:

615 73-31-23. (1) It shall be a misdemeanor:

616 (a) For any person not licensed under this chapter to
617 represent himself or herself as a psychologist or practice
618 psychology in the manner described in Section 73-31-3; or

619 (b) For any person to represent himself or herself as a
620 psychologist or practice psychology in the manner described in
621 Section 73-31-3 during the time that his or her license as a
622 psychologist is suspended or revoked or lapsed; or

623 (c) For any person to otherwise violate the provisions
624 of this chapter.

625 That misdemeanor shall be punishable, upon conviction, by
626 imprisonment for not more than sixty (60) days or by a fine of not
627 more than Three Hundred Dollars (\$300.00), or by both that fine
628 and imprisonment. Each violation shall be deemed a separate
629 offense. The misdemeanor shall be prosecuted by the district
630 attorney of the judicial district in which the offense was
631 committed in the name of the people of the State of Mississippi.

632 (2) Any entity, organization or person, including the board,
633 any member of the board, and its agents or employees, acting in
634 good faith and without malice, who makes any report or information
635 available to the board regarding violation of any of the
636 provisions of this chapter, or who assists in the organization,
637 investigation or preparation of any such report or information or



638 assists the board in carrying out any of its duties or functions
639 provided by law, shall be immune from civil or criminal liability
640 for those acts.

641 The immunity granted under the provisions of this subsection
642 shall not apply to and shall not be available to any psychologist
643 who is the subject of any report or information relating to a
644 violation by the psychologist of the provisions of this
645 chapter.

646 **SECTION 14.** Section 73-31-25, Mississippi Code of 1972, is
647 reenacted as follows:

648 73-31-25. The board may, in the name of the people of the
649 State of Mississippi, through the Attorney General, except as
650 otherwise authorized in Section 7-5-39, apply for an injunction in
651 any court of competent jurisdiction to enjoin any person from
652 committing any act declared to be a misdemeanor by this chapter.

653 If it is established that the defendant has been or is
654 committing an act declared to be a misdemeanor by this chapter,
655 the court, or any judge thereof, shall enter a decree perpetually
656 enjoining the defendant from further committing that act. In case
657 of violation of any injunction issued under the provisions of this
658 section, the court, or any judge thereof, may summarily try and
659 punish the offender for contempt of court. Those injunctive
660 proceedings shall be in addition to, and not in lieu of, all
661 penalties and other remedies provided for in this chapter.



662 **SECTION 15.** Section 73-31-27, Mississippi Code of 1972, is
663 reenacted as follows:

664 73-31-27. (1) Nothing in this chapter shall be construed to
665 limit:

666 (a) The activities and services of a student, intern or
667 trainee in psychology pursuing a course of study in psychology at
668 an institution of higher education, if these activities and
669 services constitute a part of his or her supervised course of
670 study; or

671 (b) The services and activities of members of other
672 professional groups licensed or certified by the State of
673 Mississippi who perform work of a psychological nature consistent
674 with their training, work experience history, and with any code of
675 ethics of their respective professions, provided they do not hold
676 themselves out to be psychologists. Portions of the practice of
677 psychology as defined by this chapter overlap with the activities
678 of other professional groups and it is not the intent of this
679 chapter to regulate the activities of those professional groups.

680 (2) Individuals certified by the Mississippi State
681 Department of Education may use appropriate titles such as "school
682 psychologist," "certified school psychologist," "educational
683 psychologist" or "psychometrist" only when they are employed by or
684 under contract with a school district and practicing in school or
685 educational settings.



686 (3) A lecturer employed by an institution of higher learning
687 may use an appropriate academic or research title, provided he or
688 she does not represent himself or herself as a psychologist or
689 practice psychology in the manner described in Section 73-31-3.

690 **SECTION 16.** Section 73-31-29, Mississippi Code of 1972, is
691 reenacted as follows:

692 73-31-29. A psychologist shall not be examined without the
693 consent of his or her client as to any communication made by the
694 client to the psychologist or the psychologist's advice given
695 thereon in the course of professional employment; nor shall a
696 psychologist's secretary, stenographer or clerk be examined
697 without the consent of his or her employer concerning any fact,
698 the knowledge of which he or she has acquired in that capacity.

699 **SECTION 17.** Section 73-31-31, Mississippi Code of 1972, is
700 amended as follows:

701 73-31-31. Sections 73-31-1 through 73-31-29 shall stand
702 repealed on July 1, * * * 2021.

703 **SECTION 18.** This act shall take effect and be in force from
704 and after July 1, 2018.

