

By: Representative White

To: Public Health and Human
Services

HOUSE BILL NO. 989

1 AN ACT TO REENACT SECTIONS 73-31-1 THROUGH 73-31-29,
2 MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE MISSISSIPPI BOARD OF
3 PSYCHOLOGY AND PROVIDE THE LICENSING PROCEDURES FOR THE PRACTICE
4 OF PSYCHOLOGY; TO AMEND REENACTED SECTION 73-31-5, MISSISSIPPI
5 CODE OF 1972, TO PROVIDE THAT IF AN APPOINTMENT TO THE BOARD DOES
6 NOT OCCUR WITHIN THIRTY DAYS OF A BOARD MEMBER'S EXPIRED TERM, ANY
7 BOARD MEMBER WHOSE TERM HAS EXPIRED MAY CONTINUE TO SERVE UNTIL
8 THE NEW APPOINTMENT OCCURS OR FOR 180 DAYS, WHICHEVER COMES FIRST;
9 TO AMEND REENACTED SECTION 73-31-7, MISSISSIPPI CODE OF 1972, TO
10 CLARIFY THE WAY OFFICERS ARE ELECTED TO THE BOARD; TO REMOVE THE
11 REQUIREMENT THAT DECISIONS NOT GAINING UNANIMOUS SUPPORT MUST BE
12 DECIDED BY MAIL BALLOT WHEN ONLY FOUR MEMBERS OF THE BOARD ARE
13 PRESENT AT A MEETING; TO AMEND REENACTED SECTION 73-31-9,
14 MISSISSIPPI CODE OF 1972, TO CLARIFY THE TIME PERIOD FOR LICENSE
15 RENEWAL AND CONTINUING EDUCATION REQUIREMENTS; TO AMEND REENACTED
16 SECTION 73-31-13, MISSISSIPPI CODE OF 1972, TO REMOVE THE
17 REQUIREMENT THAT AN APPLICANT FOR A PSYCHOLOGIST LICENSE MUST BE A
18 CITIZEN OF THE UNITED STATES, A CANADIAN CITIZEN APPLYING FOR
19 LICENSURE UNDER THE TERMS OF A RECIPROCITY AGREEMENT OR HAS
20 DECLARED HIS OR HER INTENTION TO BECOME A CITIZEN; TO PROVIDE THAT
21 AN APPLICANT FOR A PSYCHOLOGY LICENSE MUST HOLD A DOCTORAL DEGREE
22 IN PSYCHOLOGY FROM AN INSTITUTION OF HIGHER EDUCATION THAT IS FROM
23 A PROGRAM THAT REQUIRES AT LEAST ONE YEAR OF CONTINUOUS, FULL-TIME
24 RESIDENCE AT THE EDUCATION INSTITUTION GRANTING THE DOCTORAL
25 DEGREE; TO REVISE THE NUMBER OF HOURS OF ACTUAL WORK AN APPLICANT
26 FOR A PSYCHOLOGY LICENSE IS REQUIRED TO MEET; TO REVISE THE
27 PROVISIONS RELATED TO THE PSYCHOLOGIST'S SPECIALTY AT THE TIME OF
28 HIS OR HER INITIAL LICENSING; TO AMEND REENACTED SECTION 73-31-15,
29 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A LICENSE IN PSYCHOLOGY
30 BY RECIPROCITY; TO AMEND REENACTED SECTION 73-31-17, MISSISSIPPI
31 CODE OF 1972, TO REVISE THE QUALIFICATIONS A PSYCHOLOGIST MUST
32 MEET TO APPLY FOR THE STATUS OF PSYCHOLOGIST EMERITUS; TO AMEND
33 REENACTED SECTION 73-31-21, MISSISSIPPI CODE OF 1972, TO PROVIDE
34 THAT THE BOARD MAY DISCIPLINE A LICENSED PSYCHOLOGIST UPON PROOF



35 THAT THE HE OR SHE HAS PERFORMED PSYCHOLOGICAL SERVICES OUTSIDE OF
36 THE AREA OF HIS OR HER TRAINING, EXPERIENCE OR COMPETENCE; TO
37 AMEND SECTION 73-31-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE
38 DATE OF THE REPEALER ON THE MISSISSIPPI BOARD OF PSYCHOLOGY TO
39 JULY 1, 2022; AND FOR RELATED PURPOSES.

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

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

43 73-31-1. It is declared to be the policy of the State of
44 Mississippi that, in order to safeguard life, health, property and
45 the public welfare of this state, and in order to protect the
46 people of this state against unauthorized, unqualified and
47 improper application of psychology, it is necessary that a proper
48 regulatory authority be established and adequately provided for.

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

51 73-31-3. When used in this chapter, the word or term:

52 (a) "Board" means the Mississippi Board of Psychology.

53 (b) "Institution of higher education" means any
54 regionally accredited institution of higher education in the
55 United States, accredited by an accrediting body recognized by the
56 U.S. Department of Education, including a professional school,
57 that offers a full-time doctoral course of study in psychology
58 that is acceptable to the board; for Canadian universities, this
59 term means an institution of higher education that is provincially
60 or territorially chartered to grant doctoral degrees.

61 (c) "Person" includes an individual, firm, partnership,
62 association or corporation.



63 (d) (i) "Practice of psychology" means the
64 observation, description, evaluation, interpretation, prediction
65 and modification of human behavior through the application of
66 psychological principles, methods and procedures, for the purposes
67 of:

68 1. Preventing, eliminating, evaluating,
69 assessing, or predicting symptomatic, maladaptive, or undesirable
70 behavior;

71 2. Evaluating, assessing and/or facilitating
72 the enhancement of individual, group and/or organizational
73 effectiveness including personal effectiveness, adaptive behavior,
74 interpersonal relationships, work and life adjustment, health, and
75 individual, group and/or organizational performance; or

76 3. Assisting in legal decision-making.

77 (ii) The practice of psychology includes, but is
78 not limited to:

79 1. Psychological testing and the evaluation
80 or assessment of personal characteristics, such as intelligence;
81 personality; cognitive, behavioral, physical and/or emotional
82 abilities; skills; interests; aptitudes; and neuropsychological
83 functioning;

84 2. Counseling, psychoanalysis, psychotherapy,
85 hypnosis, biofeedback, and behavior analysis and therapy;

86 3. Diagnosis, treatment, and management of
87 mental and emotional disorder or disability, alcoholism and



88 substance abuse, disorders of habit or conduct, as well as of the
89 psychological aspects of physical illness, accident, injury, or
90 disability;

91 4. Psychoeducational evaluation, therapy and
92 remediation;

93 5. Consultation with physicians, other health
94 care professionals and patients regarding all available treatment
95 options, as well as consultation with attorneys, judges, business,
96 and industry;

97 6. Provision of direct services to
98 individuals and/or groups for the purpose of enhancing individual
99 and thereby organizational effectiveness, using principles,
100 methods and/or procedures to assess and evaluate individuals on
101 personal characteristics for individual development and/or
102 behavior change or for making decisions about the individual, such
103 as selection; and

104 7. The supervision of any of the above.

105 (iii) Psychological services are provided to
106 individuals, families, groups, systems, organizations, and the
107 public. The practice of psychology shall be construed within the
108 meaning of this definition without regard to whether payment is
109 received for services rendered and without regard to the means of
110 service provision (e.g., face-to-face, telephone, Internet, or
111 telehealth).



112 (e) A "psychologist" is any person licensed under this
113 chapter, and includes a person who represents himself or herself
114 to be a psychologist by using any title or description of services
115 incorporating the words "psychological," "psychologist,"
116 "psychology," or who represents that he or she possesses expert
117 qualification in any area of psychology, or offers to the public,
118 or renders to individuals or to groups of individuals services
119 defined as the practice of psychology by this chapter.

120 **SECTION 3.** Section 73-31-5, Mississippi Code of 1972, is
121 reenacted and amended as follows:

122 73-31-5. (1) There is created a Mississippi Board of
123 Psychology consisting of seven (7) members who are citizens of the
124 United States and residing in the State of Mississippi. One (1)
125 member of the board shall be a person who is not a psychologist or
126 a mental health professional but who has expressed a continuing
127 interest in the field of psychology. Each board member shall
128 otherwise be licensed under this chapter. The composition of the
129 board shall at all times include psychologists engaged in the
130 professional practice of psychology and psychologists who are
131 faculty at institutions of higher learning that grant doctoral
132 degrees or staff or faculty of an American Psychological
133 Association * * * accredited doctoral level internship or
134 postdoctoral fellowship.

135 (2) When the term of each psychologist member ends the
136 Governor shall, within thirty (30) days, appoint as his or her



137 successor, for a term of five (5) years, a psychologist who holds
138 a doctoral degree from an institution of higher education and who
139 has been licensed under this chapter. When the term of the member
140 who is not a psychologist ends, the Governor shall, within thirty
141 (30) days, appoint a qualified person as his or her successor for
142 a term of five (5) years. If an appointment does not occur within
143 thirty (30) days, any board member whose term has expired may
144 continue to serve with all rights and responsibilities until the
145 new appointment occurs or one hundred eighty (180) days following
146 the expired term, whichever comes first. No board member shall
147 serve for more than two (2) consecutive terms. Any vacancy
148 occurring in the board membership other than by expiration of term
149 shall be filled by the Governor by appointment for the unexpired
150 term of the member. All appointments of psychologist members of
151 the board shall be made from a list containing the names of at
152 least three (3) eligible nominees for each vacancy submitted by
153 the Mississippi Psychological Association. Each board member
154 shall receive a certificate of appointment from the Governor
155 before entering on the discharge of his or her duties, and within
156 thirty (30) days from the effective date of his or her appointment
157 shall subscribe an oath for the faithful performance of his or her
158 official duty before any officer authorized to administer oaths in
159 this state, and shall file the same with the Secretary of State.

160 (3) The Governor may remove any board member for misconduct,
161 incompetency, or neglect of duty after giving the board member a



162 written statement of the charges and an opportunity to be heard
163 thereon.

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

167 **SECTION 4.** Section 73-31-7, Mississippi Code of 1972, is
168 reenacted and amended as follows:

169 73-31-7. (1) The board shall annually elect officers from
170 its membership * * *. The board shall meet at any * * * time it
171 deems necessary or advisable, or as deemed necessary and advisable
172 by the * * * chair or a majority of its members or the Governor.
173 Reasonable notice of all meetings shall be given in the manner
174 prescribed by the board. A majority of the board shall constitute
175 a quorum at any meeting or hearing * * *. Any meeting at which
176 the * * * chair is not present shall be chaired by his or her
177 designee.

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

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

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



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

188 (d) Examine, license, and renew the license of duly
189 qualified applicants.

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

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

194 (g) Issue an educational letter to a licensee in order
195 to assist that individual in his or her practice as a
196 psychologist. Such a letter will not be considered to be
197 disciplinary action.

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

200 (i) Charge a fee of not more than Seven Hundred Dollars
201 (\$700.00) to a qualified psychologist as determined by the board
202 who is applying for certification by the board to conduct
203 examinations in civil commitment proceedings.

204 (j) Purchase general liability insurance coverage,
205 including errors and omissions insurance, to cover the official
206 actions of the board members and contract personnel and suits
207 against them in their individual capacity. That coverage shall be
208 in an amount determined by the board to be adequate, and the costs
209 of the insurance shall be paid out of any funds available to the
210 board.



211 (k) As additional responsibilities, effective July 1,
212 2018, the board shall administer and support the function of the
213 Mississippi Autism Board under Sections 73-75-1 through 73-75-25,
214 relating to the licensure of licensed behavior analysts and
215 licensed assistant behavior analysts.

216 (3) Within thirty (30) days after the close of each fiscal
217 year ending June 30, the board shall submit an official report,
218 reviewed and signed by all board members, to the Governor
219 concerning the work of the board during the preceding fiscal year.
220 The report shall include the names of all psychologists to whom
221 licenses have been granted; any cases heard and decisions rendered
222 in relation to the work of the board; the names, remuneration and
223 duties of any employees of the board; and an account of all monies
224 received and expended by the board.

225 **SECTION 5.** Section 73-31-9, Mississippi Code of 1972, is
226 reenacted and amended as follows:

227 73-31-9. (1) All fees from applicants seeking licensing
228 under this chapter and all license renewal fees received under
229 this chapter shall be nonrefundable. The board may charge a late
230 fee for nonrenewal by June 30 of each year.

231 (2) The board shall charge an application fee to be
232 determined by the board, but not to exceed Seven Hundred Dollars
233 (\$700.00), to applicants for licensing, and shall charge the
234 applicant for the expenses incurred by the board for examination
235 of the applicant. The board may increase the application fee as



236 necessary, but may not increase the fee by more than Fifty Dollars
237 (\$50.00) above the amount of the previous year's fee.

238 (3) Except as provided in Section 33-1-39, every licensed
239 psychologist in this state shall annually pay to the board a fee
240 determined by the board, but not to exceed Seven Hundred Dollars
241 (\$700.00); and the credentialing coordinator shall thereupon issue
242 a renewal of the license for a term of one (1) year. The board
243 may increase the license renewal fee as necessary, but may not
244 increase the fee by more than Fifty Dollars (\$50.00) above the
245 amount of the previous year's fee. The license of any
246 psychologist who fails to renew during the month of June in
247 each * * * year shall lapse; the failure to renew the license,
248 however, shall not deprive the psychologist of the right of
249 renewal thereafter. The lapsed license may be renewed within a
250 period of two (2) years after the lapse upon payment of all fees
251 in arrears. A psychologist wishing to renew a license that has
252 been lapsed for more than two (2) years shall be required to
253 reapply for licensure.

254 (4) * * * In every odd-numbered year * * *, no psychologist
255 license shall be renewed unless the psychologist shows evidence of
256 a minimum of twenty (20) clock hours of continuing education
257 activities approved by the board.

258 (5) All fees and any other monies received by the board
259 shall be deposited in a special fund that is created in the State
260 Treasury and shall be used for the implementation and



261 administration of this chapter when appropriated by the
262 Legislature for that purpose. The monies in the special fund
263 shall be subject to all provisions of the state budget laws that
264 are applicable to special fund agencies, and disbursements from
265 the special fund shall be made by the State Treasurer only upon
266 warrants issued by the State Fiscal Officer upon requisitions
267 signed by the * * * chair or executive secretary of the board.
268 Any interest earned on this special fund shall be credited by the
269 State Treasurer to the fund and shall not be paid into the State
270 General Fund. Any unexpended monies remaining in the special fund
271 at the end of a fiscal year shall not lapse into the State General
272 Fund. The State Auditor shall audit the financial affairs of the
273 board and the transactions involving the special fund at least
274 once a year in the same manner as for other special fund agencies.

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

277 73-31-11. The board shall keep a record of its proceedings
278 and a register of all applications for licenses, which shall show:

- 279 (a) The name, age and residence of each applicant;
280 (b) The date of the application;
281 (c) The place of professional practice of the
282 applicant;
283 (d) A summary of the educational and other
284 qualifications of the applicant;
285 (e) Whether or not an examination was required;



- 286 (f) Whether or not a license was granted;
287 (g) The date of the action of the board;
288 (h) Any other information as may be deemed necessary or
289 advisable by the board in aid of the above requirements.

290 The records of the board shall be public records and evidence
291 of the proceedings of the board set forth in the records; and a
292 transcript thereof, duly certified by the executive secretary of
293 the board, bearing the seal of the board, shall be admissible in
294 evidence with the same force and effect as if the original were
295 produced.

296 **SECTION 7.** Section 73-31-13, Mississippi Code of 1972, is
297 reenacted and amended as follows:

298 73-31-13. The board shall issue a license as a psychologist
299 to each applicant who files an application upon a form and in the
300 manner as the board prescribes, accompanied by the fee as is
301 required by this chapter; and who furnishes evidence satisfactory
302 to the board that he or she:

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

304 * * *

305 (* * * b) Is of good moral character. The applicant
306 must have successfully been cleared for licensure through an
307 investigation that consists of a determination as to good moral
308 character and verification that the prospective licensee is not
309 guilty of or in violation of any statutory ground for denial of
310 licensure. For the purposes of this chapter, good moral character



311 includes an absence of felony convictions or misdemeanor
312 convictions involving moral turpitude as established by a criminal
313 background check. Applicants shall undergo a fingerprint-based
314 criminal history records check of the Mississippi central criminal
315 database and the Federal Bureau of Investigation criminal history
316 database. Each applicant shall submit a full set of the
317 applicant's fingerprints in a form and manner prescribed by the
318 board, which shall be forwarded to the Mississippi Department of
319 Public Safety (department) and the Federal Bureau of Investigation
320 Identification Division for this purpose; and

321 (* * *c) Is not in violation of any of the provisions
322 of this chapter and the rules and regulations adopted under this
323 chapter, and is not currently under investigation by another
324 licensure board; and

325 (* * *d) Holds a doctoral degree in psychology from an
326 institution of higher education that is: regionally accredited by
327 an accrediting body recognized by the United States Department of
328 Education, or authorized by Provincial statute or Royal Charter to
329 grant doctoral degrees * * *; and from a program accredited by the
330 American Psychological Association, or the Canadian Psychological
331 Association, and from a program that requires at least one (1)
332 year of continuous, full-time residence at the educational
333 institution granting the doctoral degree. For graduates from
334 newly established programs seeking accreditation or in areas where
335 no accreditation exists, applicants for licensure shall have



336 completed a doctoral program in psychology that meets recognized
337 acceptable professional standards as determined by the board. For
338 applicants graduating from doctoral level psychology training
339 programs outside of the United States of America or Canada,
340 applicants for licensure shall have completed a doctoral program
341 in psychology that meets recognized acceptable professional
342 standards as determined by the board; and

343 (* * *e) Has two (2) years of supervised experience in
344 the same area of emphasis as the academic degree, which includes
345 an internship and one (1) year of supervised post-doctoral
346 experience, that meet the standards of training as defined by the
347 board. Each year (or equivalent) shall be comprised of at
348 least * * * one thousand eight hundred (1,800) hours of actual
349 work, to include direct service, training and supervisory time. A
350 pre-doctoral internship may be counted as one (1) of the two (2)
351 years of experience; and

352 (* * *f) Demonstrates professional knowledge by
353 passing * * * written (as used in this paragraph, the term
354 "written" means either paper and pencil or computer administered
355 or computerized testing) and oral examinations in psychology
356 prescribed by the board; except that upon examination of
357 credentials, the board may, by unanimous consent, consider these
358 credentials adequate evidence of professional knowledge.

359 Upon investigation of the application and other evidence
360 submitted, the board shall, not less than thirty (30) days before



361 the examination, notify each applicant that the application and
362 evidence submitted is satisfactory and accepted or unsatisfactory
363 and rejected; if rejected, the notice shall state the reasons for
364 the rejection.

365 The place of examination shall be designated in advance by
366 the board, and the examination shall be given at such time and
367 place and under such supervision as the board may determine. The
368 examination used by the board shall consist of written tests and
369 oral tests, and shall fairly test the applicant's knowledge and
370 application thereof in those areas deemed relevant by the
371 board. All examinations serve the purpose of verifying that a
372 candidate for licensure has acquired a basic core of knowledge in
373 the discipline of psychology and can apply that knowledge to the
374 problems confronted in the practice of psychology within the
375 applicant's area of practice.

376 The board shall evaluate the results from both the written
377 and oral examinations. The passing scores for the written and
378 oral examinations shall be established by the board in its rules
379 and regulations. If an applicant fails to receive a passing score
380 on the entire examination, he or she may reapply and shall be
381 allowed to take a later examination. An applicant who has failed
382 two (2) successive examinations by the board may not reapply until
383 after two (2) years from the date of the last examination failed.
384 The board shall keep the written examination scores, and an
385 accurate transcript of the questions and answers relating to the



386 oral examinations, and the grade assigned to each answer thereof,
387 as part of its records for at least two (2) years after the date
388 of examination.

389 * * *

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

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

395 73-31-14. (1) Psychologists who are duly licensed in other
396 jurisdictions and not currently under investigation by another
397 licensure board may, upon application for licensure, apply for a
398 temporary license, which shall be valid until the next
399 administration of the oral examination. The temporary license
400 shall be issued upon the applicant's passage of the Examination
401 for Professional Practice of Psychology (EPPP) at the level
402 established by the board in its rules and regulations and
403 equivalent to that required for permanent licensure. Each
404 applicant for a temporary license shall file an application upon a
405 form and in the manner as the board prescribes, accompanied by a
406 fee equal to the amount required for permanent licensure. A
407 temporary license will lapse for any person who has failed the
408 oral examination or has had his or her license suspended or
409 revoked by the board. Procedures for the issuance of temporary
410 licenses shall be established by the board in its rules and



411 regulations. The issuance of a temporary license to a
412 military-trained applicant or military spouse shall be subject to
413 the provisions of Section 73-50-1.

414 (2) Psychologists who are duly licensed in other
415 jurisdictions may apply for a temporary practice certificate that
416 allows them to practice psychology on a temporary basis in the
417 State of Mississippi. That practice must be limited in scope and
418 duration, not exceeding thirty (30) days during a consecutive
419 twelve-month period. Applicants for a temporary practice
420 certificate shall provide to the board the nature of the practice
421 before providing that service, and shall make available to the
422 board a current copy of his or her license or verification of a
423 valid license in good standing. Psychologists who receive
424 temporary practice certificates are subject to a jurisprudence
425 examination at the request of the board. This authority for a
426 temporary practice certificate does not apply to a psychologist
427 who has been denied licensure in Mississippi, is a legal resident
428 of Mississippi, or intends to practice full-time or a major
429 portion of their time in Mississippi. Each applicant for a
430 temporary practice certificate shall file an application upon a
431 form and in the manner as the board prescribes, accompanied by a
432 fee in an amount determined by the board, but not to exceed Three
433 Hundred Dollars (\$300.00).

434 (3) Applicants awaiting licensure in Mississippi are
435 prohibited from the practice of psychology without a temporary



436 license issued by the board. For the purposes of this subsection,
437 the practice of psychology shall be construed without regard to
438 the means of service provision (e.g., face-to-face, telephone,
439 Internet, telehealth).

440 **SECTION 9.** Section 73-31-15, Mississippi Code of 1972, is
441 amended as follows:

442 73-31-15. (1) Upon application accompanied by the proper
443 fee, the board may * * * issue a license to any * * * psychologist
444 who furnishes, upon a form and in the manner as the board
445 prescribes, evidence satisfactory to the board that he or
446 she * * * is a diplomate in good standing of the American Board of
447 Examiners in Professional Psychology; or * * * possesses a valid
448 Certificate of Professional Qualification (CPQ) granted by the
449 Association of State and Provincial Psychology Boards * * * ; or
450 has at least twenty (20) years of licensure to practice in another
451 state, territorial possession of the United States, District of
452 Columbia, or Commonwealth of Puerto Rico or Canadian Province when
453 that license was based on a doctoral degree; and

454 (* * * a) Has had no disciplinary sanction during the
455 entire period of licensure; and

456 (* * * b) Is not currently under investigation by
457 another licensure board; and

458 (* * * c) Has demonstrated current qualification by
459 successfully passing the oral examination * * * and jurisprudence
460 examination.



461 * * *

462 (* * *2) The issuance of a license by reciprocity to a
463 military-trained applicant or military spouse shall be subject to
464 the provisions of Section 73-50-1.

465 **SECTION 10.** Section 73-31-17, Mississippi Code of 1972, is
466 reenacted and amended as follows:

467 73-31-17. The status of psychologist emeritus is created.
468 To qualify for status as psychologist emeritus, a psychologist
469 must apply for psychologist emeritus status with the board upon a
470 form and in the manner as the board prescribes, accompanied by a
471 fee equal to one-half (1/2) of the amount of the permanent
472 licensure renewal fee as determined by the board. The applicant
473 shall be required to make a satisfactory showing to the board, in
474 a manner to be determined by the board, that the applicant (a) is
475 sixty-five (65) years old or older, (b) has held continuous
476 licensure as a psychologist in the State of Mississippi for at
477 least twenty (20) years, and (c) * * * is retired from the * * *
478 practice of psychology * * * in the State of Mississippi. * * *
479 The applicant must renew his or her psychologist emeritus status
480 annually on the same renewal schedule as permanent licensure.
481 Renewal shall include confirmation of the psychologist's
482 eligibility and attestation, at the time of renewal, of his or her
483 continued "retired" status.

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



486 73-31-19. The board shall issue a license signed by the
487 chairman and executive secretary of the board whenever an
488 applicant has been successfully qualified as provided in this
489 chapter. A copy of the license, so certified by the executive
490 secretary as a true copy, shall be filed by the licensee in the
491 office of the clerk of the circuit court in the county in which
492 the licensee resides.

493 **SECTION 12.** Section 73-31-21, Mississippi Code of 1972, is
494 reenacted and amended as follows:

495 73-31-21. (1) The board, by an affirmative vote of at least
496 four (4) of its seven (7) members, shall withhold, deny, revoke or
497 suspend any license issued or applied for in accordance with the
498 provisions of this chapter, or otherwise discipline a licensed
499 psychologist, upon proof that the applicant or licensed
500 psychologist:

501 (a) Has violated the current code of ethics of the
502 American Psychological Association or other codes of ethical
503 standards adopted by the board; or

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

507 (c) Is using any substance or any alcoholic beverage to
508 an extent or in a manner dangerous to any other person or the
509 public, or to an extent that the use impairs his or her ability to



510 perform the work of a professional psychologist with safety to the
511 public; or

512 (d) Has impersonated another person holding a
513 psychologist license or allowed another person to use his or her
514 license; or

515 (e) Has used fraud or deception in applying for a
516 license or in taking an examination provided for in this chapter;
517 or

518 (f) Has accepted commissions or rebates or other forms
519 of remuneration for referring clients to other professional
520 persons; or

521 (g) Has performed psychological services outside of the
522 area of his or her training, experience or competence; or

523 (* * *h) Has allowed his or her name or license issued
524 under this chapter to be used in connection with any person or
525 persons who perform psychological services outside of the area of
526 their training, experience or competence; or

527 (* * *i) Is legally adjudicated mentally incompetent,
528 the record of that adjudication being conclusive evidence thereof;
529 or

530 (* * *j) Has willfully or negligently violated any of
531 the provisions of this chapter. The board may recover from any
532 person disciplined under this chapter, the costs of investigation,
533 prosecution, and adjudication of the disciplinary action.



534 (2) Notice shall be effected by registered mail or personal
535 service setting forth the particular reasons for the proposed
536 action and fixing a date not less than thirty (30) days nor more
537 than sixty (60) days from the date of the mailing or that service,
538 at which time the applicant or licensee shall be given an
539 opportunity for a prompt and fair hearing. For the purpose of the
540 hearing, the board, acting by and through its executive secretary,
541 may subpoena persons and papers on its own behalf and on behalf of
542 the applicant or licensee, may administer oaths and may take
543 testimony. That testimony, when properly transcribed, together
544 with the papers and exhibits, shall be admissible in evidence for
545 or against the applicant or licensee. At the hearing, the
546 applicant or licensee may appear by counsel and personally in his
547 or her own behalf. Any person sworn and examined by a witness in
548 the hearing shall not be held to answer criminally, nor shall any
549 papers or documents produced by the witness be competent evidence
550 in any criminal proceedings against the witness other than for
551 perjury in delivering his or her evidence. On the basis of any
552 such hearing, or upon default of applicant or licensee, the board
553 shall make a determination specifying its findings of fact and
554 conclusions of law. A copy of that determination shall be sent by
555 registered mail or served personally upon the applicant or
556 licensee. The decision of the board denying, revoking or
557 suspending the license shall become final thirty (30) days after
558 so mailed or served, unless within that period the applicant or



559 licensee appeals the decision to the chancery court, under the
560 provisions hereof, and the proceedings in chancery shall be
561 conducted as other matters coming before the court. All
562 proceedings and evidence, together with exhibits, presented at the
563 hearing before the board shall be admissible in evidence in court
564 in the appeal.

565 (3) The board may subpoena persons and papers on its own
566 behalf and on behalf of the respondent, may administer oaths and
567 may compel the testimony of witnesses. It may issue commissions
568 to take testimony, and testimony so taken and sworn to shall be
569 admissible in evidence for and against the respondent. The board
570 shall be entitled to the assistance of the chancery court or the
571 chancellor in vacation, which, on petition by the board, shall
572 issue ancillary subpoenas and petitions and may punish as for
573 contempt of court in the event of noncompliance therewith.

574 (4) Every order and judgment of the board shall take effect
575 immediately on its promulgation unless the board in the order or
576 judgment fixes a probationary period for the applicant or
577 licensee. The order and judgment shall continue in effect unless
578 upon appeal the court by proper order or decree terminates it
579 earlier. The board may make public its order and judgments in
580 any manner and form as it deems proper. It shall, in event of the
581 suspension or revocation of a license, direct the clerk of the
582 circuit court of the county in which that license was recorded to
583 cancel that record.



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

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

596 (7) In addition to the reasons specified in subsection (1)
597 of this section, the board shall be authorized to suspend the
598 license of any licensee for being out of compliance with an order
599 for support, as defined in Section 93-11-153. The procedure for
600 suspension of a license for being out of compliance with an order
601 for support, and the procedure for the reissuance or reinstatement
602 of a license suspended for that purpose, and the payment of any
603 fees for the reissuance or reinstatement of a license suspended
604 for that purpose, shall be governed by Section 93-11-157. Actions
605 taken by the board in suspending a license when required by
606 Section 93-11-157 or 93-11-163 are not actions from which an
607 appeal may be taken under this section. Any appeal of a license
608 suspension that is required by Section 93-11-157 or 93-11-163



609 shall be taken in accordance with the appeal procedure specified
610 in Section 93-11-157 or 93-11-163, as the case may be, rather than
611 the procedure specified in this section. If there is any conflict
612 between any provision of Section 93-11-157 or 93-11-163 and any
613 provision of this chapter, the provisions of Section 93-11-157 or
614 93-11-163, as the case may be, shall control.

615 (8) The board may issue a nondisciplinary, educational
616 letter to licensees as provided in Section 73-31-7(2)(g). The
617 board may also direct a psychologist to obtain a formal assessment
618 of ability to practice safely if there is reason to believe there
619 may be impairment due to substance abuse or mental incapacity.
620 Licensees who may be impaired, but who are able to practice
621 safely, may be required by the board to seek appropriate treatment
622 and/or supervision. That action by the board in itself will not
623 be considered disciplinary.

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

626 73-31-23. (1) It shall be a misdemeanor:

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

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



634 (c) For any person to otherwise violate the provisions
635 of this chapter.

636 That misdemeanor shall be punishable, upon conviction, by
637 imprisonment for not more than sixty (60) days or by a fine of not
638 more than Three Hundred Dollars (\$300.00), or by both that fine
639 and imprisonment. Each violation shall be deemed a separate
640 offense. The misdemeanor shall be prosecuted by the district
641 attorney of the judicial district in which the offense was
642 committed in the name of the people of the State of Mississippi.

643 (2) Any entity, organization or person, including the board,
644 any member of the board, and its agents or employees, acting in
645 good faith and without malice, who makes any report or information
646 available to the board regarding violation of any of the
647 provisions of this chapter, or who assists in the organization,
648 investigation or preparation of any such report or information or
649 assists the board in carrying out any of its duties or functions
650 provided by law, shall be immune from civil or criminal liability
651 for those acts.

652 The immunity granted under the provisions of this subsection
653 shall not apply to and shall not be available to any psychologist
654 who is the subject of any report or information relating to a
655 violation by the psychologist of the provisions of this
656 chapter.

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



659 73-31-25. The board may, in the name of the people of the
660 State of Mississippi, through the Attorney General, except as
661 otherwise authorized in Section 7-5-39, apply for an injunction in
662 any court of competent jurisdiction to enjoin any person from
663 committing any act declared to be a misdemeanor by this chapter.

664 If it is established that the defendant has been or is
665 committing an act declared to be a misdemeanor by this chapter,
666 the court, or any judge thereof, shall enter a decree perpetually
667 enjoining the defendant from further committing that act. In case
668 of violation of any injunction issued under the provisions of this
669 section, the court, or any judge thereof, may summarily try and
670 punish the offender for contempt of court. Those injunctive
671 proceedings shall be in addition to, and not in lieu of, all
672 penalties and other remedies provided for in this chapter.

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

675 73-31-27. (1) Nothing in this chapter shall be construed to
676 limit:

677 (a) The activities and services of a student, intern or
678 trainee in psychology pursuing a course of study in psychology at
679 an institution of higher education, if these activities and
680 services constitute a part of his or her supervised course of
681 study; or

682 (b) The services and activities of members of other
683 professional groups licensed or certified by the State of



684 Mississippi who perform work of a psychological nature consistent
685 with their training, work experience history, and with any code of
686 ethics of their respective professions, provided they do not hold
687 themselves out to be psychologists. Portions of the practice of
688 psychology as defined by this chapter overlap with the activities
689 of other professional groups and it is not the intent of this
690 chapter to regulate the activities of those professional groups.

691 (2) Individuals certified by the Mississippi State
692 Department of Education may use appropriate titles such as "school
693 psychologist," "certified school psychologist," "educational
694 psychologist" or "psychometrist" only when they are employed by or
695 under contract with a school district and practicing in school or
696 educational settings.

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

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

703 73-31-29. A psychologist shall not be examined without the
704 consent of his or her client as to any communication made by the
705 client to the psychologist or the psychologist's advice given
706 thereon in the course of professional employment; nor shall a
707 psychologist's secretary, stenographer or clerk be examined



708 without the consent of his or her employer concerning any fact,
709 the knowledge of which he or she has acquired in that capacity.

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

712 73-31-31. Sections 73-31-1 through 73-31-29 shall stand
713 repealed on July 1, * * * 2022.

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

