

By: Senator(s) Kirby, Jackson (11th)

To: Public Health and Welfare; Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2480

1 AN ACT TO REENACT SECTIONS 73-31-1 THROUGH 73-31-29,  
2 MISSISSIPPI CODE OF 1972, WHICH IS THE PRACTICE OF PSYCHOLOGY  
3 LICENSURE LAW; TO AMEND SECTION 73-31-5, MISSISSIPPI CODE OF 1972,  
4 TO CLARIFY QUALIFICATIONS AND APPOINTMENTS OF MEMBERS OF THE  
5 MISSISSIPPI BOARD OF PSYCHOLOGY; TO AMEND SECTION 73-31-7,  
6 MISSISSIPPI CODE OF 1972, TO CLARIFY THE REQUIRED QUORUM OF BOARD  
7 MEMBERS NECESSARY TO CONDUCT BUSINESS; TO AMEND SECTION 73-31-9,  
8 MISSISSIPPI CODE OF 1972, TO CLARIFY THE TIME PERIOD FOR LICENSE  
9 RENEWAL AND CONTINUING EDUCATION REQUIREMENTS; TO AMEND SECTION  
10 73-31-13, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN  
11 QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST; TO AMEND SECTION  
12 73-31-15, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR LICENSURE BY  
13 RECIPROCITY; TO AMEND SECTION 73-31-21, MISSISSIPPI CODE OF 1972,  
14 TO PRESCRIBE CERTAIN GROUNDS FOR LICENSE DISCIPLINARY ACTION; TO  
15 AMEND SECTION 73-31-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE  
16 AUTOMATIC REPEALER ON THE PRACTICE OF PSYCHOLOGY LICENSURE LAW;  
17 AND FOR RELATED PURPOSES.

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

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

21 73-31-1. It is declared to be the policy of the State of  
22 Mississippi that, in order to safeguard life, health, property and  
23 the public welfare of this state, and in order to protect the  
24 people of this state against unauthorized, unqualified and



25 improper application of psychology, it is necessary that a proper  
26 regulatory authority be established and adequately provided for.

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

29 73-31-3. When used in this chapter, the word or term:

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

31 (b) "Institution of higher education" means any  
32 regionally accredited institution of higher education in the  
33 United States, accredited by an accrediting body recognized by the  
34 U.S. Department of Education, including a professional school,  
35 that offers a full-time doctoral course of study in psychology  
36 that is acceptable to the board; for Canadian universities, this  
37 term means an institution of higher education that is provincially  
38 or territorially chartered to grant doctoral degrees.

39 (c) "Person" includes an individual, firm, partnership,  
40 association or corporation.

41 (d) (i) "Practice of psychology" means the  
42 observation, description, evaluation, interpretation, prediction  
43 and modification of human behavior through the application of  
44 psychological principles, methods and procedures, for the purposes  
45 of:

46 1. Preventing, eliminating, evaluating,  
47 assessing, or predicting symptomatic, maladaptive, or undesirable  
48 behavior;



49                   2. Evaluating, assessing and/or facilitating  
50 the enhancement of individual, group and/or organizational  
51 effectiveness including personal effectiveness, adaptive behavior,  
52 interpersonal relationships, work and life adjustment, health, and  
53 individual, group and/or organizational performance; or

54                   3. Assisting in legal decision-making.

55                   (ii) The practice of psychology includes, but is  
56 not limited to:

57                   1. Psychological testing and the evaluation  
58 or assessment of personal characteristics, such as intelligence;  
59 personality; cognitive, behavioral, physical and/or emotional  
60 abilities; skills; interests; aptitudes; and neuropsychological  
61 functioning;

62                   2. Counseling, psychoanalysis, psychotherapy,  
63 hypnosis, biofeedback, and behavior analysis and therapy;

64                   3. Diagnosis, treatment, and management of  
65 mental and emotional disorder or disability, alcoholism and  
66 substance abuse, disorders of habit or conduct, as well as of the  
67 psychological aspects of physical illness, accident, injury, or  
68 disability;

69                   4. Psychoeducational evaluation, therapy and  
70 remediation;

71                   5. Consultation with physicians, other health  
72 care professionals and patients regarding all available treatment



73 options, as well as consultation with attorneys, judges, business,  
74 and industry;

75                   6. Provision of direct services to  
76 individuals and/or groups for the purpose of enhancing individual  
77 and thereby organizational effectiveness, using principles,  
78 methods and/or procedures to assess and evaluate individuals on  
79 personal characteristics for individual development and/or  
80 behavior change or for making decisions about the individual, such  
81 as selection; and

82                   7. The supervision of any of the above.

83                   (iii) Psychological services are provided to  
84 individuals, families, groups, systems, organizations, and the  
85 public. The practice of psychology shall be construed within the  
86 meaning of this definition without regard to whether payment is  
87 received for services rendered and without regard to the means of  
88 service provision (e.g., face-to-face, telephone, Internet, or  
89 telehealth).

90                   (e) A "psychologist" is any person licensed under this  
91 chapter, and includes a person who represents himself or herself  
92 to be a psychologist by using any title or description of services  
93 incorporating the words "psychological," "psychologist,"  
94 "psychology," or who represents that he or she possesses expert  
95 qualification in any area of psychology, or offers to the public,  
96 or renders to individuals or to groups of individuals services  
97 defined as the practice of psychology by this chapter.



98           **SECTION 3.** Section 73-31-5, Mississippi Code of 1972, is  
99 amended as follows:

100           73-31-5. (1) There is created a Mississippi Board of  
101 Psychology consisting of seven (7) members who are citizens of the  
102 United States and residing in the State of Mississippi. One (1)  
103 member of the board shall be a person who is not a psychologist or  
104 a mental health professional but who has expressed a continuing  
105 interest in the field of psychology. Each board member shall  
106 otherwise be licensed under this chapter. The composition of the  
107 board shall at all times include psychologists engaged in the  
108 professional practice of psychology and psychologists who are  
109 faculty at institutions of higher learning that grant doctoral  
110 degrees or staff or faculty of an American Psychological  
111 Association \* \* \* accredited doctoral level internship or  
112 postdoctoral fellowship.

113           (2) When the term of each psychologist member ends the  
114 Governor shall, within thirty (30) days, appoint as his or her  
115 successor, for a term of five (5) years, a psychologist who holds  
116 a doctoral degree from an institution of higher education and who  
117 has been licensed under this chapter. When the term of the member  
118 who is not a psychologist ends, the Governor shall, within thirty  
119 (30) days, appoint a qualified person as his or her successor for  
120 a term of five (5) years. Any board member whose term has expired  
121 may continue to holdover and serve with all rights and  
122 responsibilities until the new appointment occurs. No board



123 member shall serve for more than two (2) consecutive terms. Any  
124 vacancy occurring in the board membership other than by expiration  
125 of term shall be filled by the Governor by appointment for the  
126 unexpired term of the member. All appointments of psychologist  
127 members of the board shall be made from a list containing the  
128 names of at least three (3) eligible nominees for each vacancy  
129 submitted by the Mississippi Psychological Association. Each  
130 board member shall receive a certificate of appointment from the  
131 Governor before entering on the discharge of his or her duties,  
132 and within thirty (30) days from the effective date of his  
133 appointment shall subscribe an oath for the faithful performance  
134 of his or her official duty before any officer authorized to  
135 administer oaths in this state, and shall file the same with the  
136 Secretary of State.

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

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

144 **SECTION 4.** Section 73-31-7, Mississippi Code of 1972, is  
145 amended as follows:

146 73-31-7. (1) The board shall annually elect officers from  
147 its membership \* \* \*. The board shall meet at any other times as



148 it deems necessary or advisable, or as deemed necessary and  
149 advisable by the chairman or a majority of its members or the  
150 Governor. Reasonable notice of all meetings shall be given in the  
151 manner prescribed by the board. A majority of the board shall  
152 constitute a quorum at any meeting or hearing \* \* \*. Any meeting  
153 at which the chairman is not present shall be chaired by his  
154 designee.

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

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

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

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

165 (d) Examine, license, and renew the license of duly  
166 qualified applicants.

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

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

171 (g) Issue an educational letter to a licensee in order  
172 to assist that individual in his or her practice as a



173 psychologist. Such a letter will not be considered to be  
174 disciplinary action.

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

177 (i) Charge a fee of not more than Seven Hundred Dollars  
178 (\$700.00) to a qualified psychologist as determined by the board  
179 who is applying for certification by the board to conduct  
180 examinations in civil commitment proceedings.

181 (j) Purchase general liability insurance coverage,  
182 including errors and omissions insurance, to cover the official  
183 actions of the board members and contract personnel and suits  
184 against them in their individual capacity. That coverage shall be  
185 in an amount determined by the board to be adequate, and the costs  
186 of the insurance shall be paid out of any funds available to the  
187 board.

188 (k) As additional responsibilities, effective July 1,  
189 2018, the board shall administer and support the function of the  
190 Mississippi Autism Board under Sections 73-75-1 through 73-75-25,  
191 relating to the licensure of licensed behavior analysts and  
192 licensed assistant behavior analysts.

193 (3) Within thirty (30) days after the close of each fiscal  
194 year ending June 30, the board shall submit an official report,  
195 reviewed and signed by all board members, to the Governor  
196 concerning the work of the board during the preceding fiscal year.  
197 The report shall include the names of all psychologists to whom





198 licenses have been granted; any cases heard and decisions rendered  
199 in relation to the work of the board; the names, remuneration and  
200 duties of any employees of the board; and an account of all monies  
201 received and expended by the board.

202         **SECTION 5.** Section 73-31-9, Mississippi Code of 1972, is  
203 amended as follows:

204         73-31-9. (1) All fees from applicants seeking licensing  
205 under this chapter and all license renewal fees received under  
206 this chapter shall be nonrefundable. The board may charge a late  
207 fee for nonrenewal by June 30 of each year.

208         (2) The board shall charge an application fee to be  
209 determined by the board, but not to exceed Seven Hundred Dollars  
210 (\$700.00), to applicants for licensing, and shall charge the  
211 applicant for the expenses incurred by the board for examination  
212 of the applicant. The board may increase the application fee as  
213 necessary, but may not increase the fee by more than Fifty Dollars  
214 (\$50.00) above the amount of the previous year's fee.

215         (3) Except as provided in Section 33-1-39, every licensed  
216 psychologist in this state shall annually pay to the board a fee  
217 determined by the board, but not to exceed Seven Hundred Dollars  
218 (\$700.00); and the credentialing coordinator shall thereupon issue  
219 a renewal of the license for a term of one (1) year. The board  
220 may increase the license renewal fee as necessary, but may not  
221 increase the fee by more than Fifty Dollars (\$50.00) above the  
222 amount of the previous year's fee. The license of any



223 psychologist who fails to renew during the month of June in each  
224 and every year shall lapse; the failure to renew the license,  
225 however, shall not deprive the psychologist of the right of  
226 renewal thereafter. The lapsed license may be renewed within a  
227 period of two (2) years after the lapse upon payment of all fees  
228 in arrears. A psychologist wishing to renew a license that has  
229 been lapsed for more than two (2) years shall be required to  
230 reapply for licensure.

231 (4) \* \* \* Every odd-numbered year \* \* \*, no psychologist  
232 license shall be renewed unless the psychologist shows evidence of  
233 a minimum of twenty (20) clock hours of continuing education  
234 activities approved by the board.

235 (5) All fees and any other monies received by the board  
236 shall be deposited in a special fund that is created in the State  
237 Treasury and shall be used for the implementation and  
238 administration of this chapter when appropriated by the  
239 Legislature for that purpose. The monies in the special fund  
240 shall be subject to all provisions of the state budget laws that  
241 are applicable to special fund agencies, and disbursements from  
242 the special fund shall be made by the State Treasurer only upon  
243 warrants issued by the State Fiscal Officer upon requisitions  
244 signed by the chairman or executive secretary of the board. Any  
245 interest earned on this special fund shall be credited by the  
246 State Treasurer to the fund and shall not be paid into the State  
247 General Fund. Any unexpended monies remaining in the special fund



248 at the end of a fiscal year shall not lapse into the State General  
249 Fund. The State Auditor shall audit the financial affairs of the  
250 board and the transactions involving the special fund at least  
251 once a year in the same manner as for other special fund agencies.

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

254 73-31-11. The board shall keep a record of its proceedings  
255 and a register of all applications for licenses, which shall show:

- 256 (a) The name, age and residence of each applicant;
- 257 (b) The date of the application;
- 258 (c) The place of professional practice of the  
259 applicant;
- 260 (d) A summary of the educational and other  
261 qualifications of the applicant;
- 262 (e) Whether or not an examination was required;
- 263 (f) Whether or not a license was granted;
- 264 (g) The date of the action of the board;
- 265 (h) Any other information as may be deemed necessary or  
266 advisable by the board in aid of the above requirements.

267 The records of the board shall be public records and evidence  
268 of the proceedings of the board set forth in the records; and a  
269 transcript thereof, duly certified by the executive secretary of  
270 the board, bearing the seal of the board, shall be admissible in  
271 evidence with the same force and effect as if the original were  
272 produced.



273           **SECTION 7.** Section 73-31-13, Mississippi Code of 1972, is  
274 amended as follows:

275           73-31-13. The board shall issue a license as a psychologist  
276 to each applicant who files an application upon a form and in the  
277 manner as the board prescribes, accompanied by the fee as is  
278 required by this chapter; and who furnishes evidence satisfactory  
279 to the board that he or she:

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

281           \* \* \*

282                   ( \* \* \* b) Is of good moral character. The applicant  
283 must have successfully been cleared for licensure through an  
284 investigation that consists of a determination as to good moral  
285 character and verification that the prospective licensee is not  
286 guilty of or in violation of any statutory ground for denial of  
287 licensure. For the purposes of this chapter, good moral character  
288 includes an absence of felony convictions or misdemeanor  
289 convictions involving moral turpitude as established by a criminal  
290 background check. Applicants shall undergo a fingerprint-based  
291 criminal history records check of the Mississippi central criminal  
292 database and the Federal Bureau of Investigation criminal history  
293 database. Each applicant shall submit a full set of the  
294 applicant's fingerprints in a form and manner prescribed by the  
295 board, which shall be forwarded to the Mississippi Department of  
296 Public Safety (department) and the Federal Bureau of Investigation  
297 Identification Division for this purpose; and



298 ( \* \* \*c) Is not in violation of any of the provisions  
299 of this chapter and the rules and regulations adopted under this  
300 chapter, and is not currently under investigation by another  
301 licensure board; and

302 ( \* \* \*d) Holds a doctoral degree in psychology from an  
303 institution of higher education that is: regionally accredited by  
304 an accrediting body recognized by the United States Department of  
305 Education, or authorized by Provincial statute or Royal Charter to  
306 grant doctoral degrees \* \* \*. From a program accredited by the  
307 American Psychological Association, or the Canadian Psychological  
308 Association, and from a program that requires at least one (1)  
309 year of continuous, full-time residence at the educational  
310 institution granting the doctoral degree. For graduates from  
311 newly established programs seeking accreditation or in areas where  
312 no accreditation exists, applicants for licensure shall have  
313 completed a doctoral program in psychology that meets recognized  
314 acceptable professional standards as determined by the board. For  
315 applicants graduating from doctoral level psychology training  
316 programs outside of the United States of America or Canada,  
317 applicants for licensure shall have completed a doctoral program  
318 in psychology that meets recognized acceptable professional  
319 standards as determined by the board; and

320 ( \* \* \*e) Has two (2) years of supervised experience in  
321 the same area of emphasis as the academic degree, which includes  
322 an internship and one (1) year of supervised post-doctoral



323 experience, that meet the standards of training as defined by the  
324 board. Each year (or equivalent) shall be comprised of at  
325 least \* \* \* one thousand eight hundred (1,800) hours of actual  
326 work, to include direct service, training and supervisory time. A  
327 pre-doctoral internship may be counted as one (1) of the two (2)  
328 years of experience; and

329 ( \* \* \* f) Demonstrates professional knowledge by  
330 passing \* \* \* written (as used in this paragraph, the term  
331 "written" means either paper and pencil or computer administered  
332 or computerized testing) and oral examinations in psychology  
333 prescribed by the board; except that upon examination of  
334 credentials, the board may, by unanimous consent, consider these  
335 credentials adequate evidence of professional knowledge.

336 Upon investigation of the application and other evidence  
337 submitted, the board shall, not less than thirty (30) days before  
338 the examination, notify each applicant that the application and  
339 evidence submitted is satisfactory and accepted or unsatisfactory  
340 and rejected; if rejected, the notice shall state the reasons for  
341 the rejection.

342 The place of examination shall be designated in advance by  
343 the board, and the examination shall be given at such time and  
344 place and under such supervision as the board may determine. The  
345 examination used by the board shall consist of written tests and  
346 oral tests, and shall fairly test the applicant's knowledge and  
347 application thereof in those areas deemed relevant by the



348 board. All examinations serve the purpose of verifying that a  
349 candidate for licensure has acquired a basic core of knowledge in  
350 the discipline of psychology and can apply that knowledge to the  
351 problems confronted in the practice of psychology within the  
352 applicant's area of practice.

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

366 \* \* \*

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

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



372           73-31-14. (1) Psychologists who are duly licensed in other  
373 jurisdictions and not currently under investigation by another  
374 licensure board may, upon application for licensure, apply for a  
375 temporary license, which shall be valid until the next  
376 administration of the oral examination. The temporary license  
377 shall be issued upon the applicant's passage of the Examination  
378 for Professional Practice of Psychology (EPPP) at the level  
379 established by the board in its rules and regulations and  
380 equivalent to that required for permanent licensure. Each  
381 applicant for a temporary license shall file an application upon a  
382 form and in the manner as the board prescribes, accompanied by a  
383 fee equal to the amount required for permanent licensure. A  
384 temporary license will lapse for any person who has failed the  
385 oral examination or has had his or her license suspended or  
386 revoked by the board. Procedures for the issuance of temporary  
387 licenses shall be established by the board in its rules and  
388 regulations. The issuance of a temporary license to a  
389 military-trained applicant or military spouse shall be subject to  
390 the provisions of Section 73-50-1.

391           (2) Psychologists who are duly licensed in other  
392 jurisdictions may apply for a temporary practice certificate that  
393 allows them to practice psychology on a temporary basis in the  
394 State of Mississippi. That practice must be limited in scope and  
395 duration, not exceeding thirty (30) days during a consecutive  
396 twelve-month period. Applicants for a temporary practice





397 certificate shall provide to the board the nature of the practice  
398 before providing that service, and shall make available to the  
399 board a current copy of his or her license or verification of a  
400 valid license in good standing. Psychologists who receive  
401 temporary practice certificates are subject to a jurisprudence  
402 examination at the request of the board. This authority for a  
403 temporary practice certificate does not apply to a psychologist  
404 who has been denied licensure in Mississippi, is a legal resident  
405 of Mississippi, or intends to practice full-time or a major  
406 portion of their time in Mississippi. Each applicant for a  
407 temporary practice certificate shall file an application upon a  
408 form and in the manner as the board prescribes, accompanied by a  
409 fee in an amount determined by the board, but not to exceed Three  
410 Hundred Dollars (\$300.00).

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

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

419 73-31-15. (1) Upon application accompanied by the proper  
420 fee, the board may \* \* \* issue a license to any \* \* \* psychologist  
421 who furnishes, upon a form and in the manner as the board



422 prescribes, evidence satisfactory to the board that he or  
423 she \* \* \* is a diplomate in good standing of the American Board of  
424 Examiners in Professional Psychology; or \* \* \* possesses a valid  
425 Certificate of Professional Qualification (CPQ) granted by the  
426 Association of State and Provincial Psychology Boards \* \* \*; or  
427 has at least twenty (20) years of licensure to practice in another  
428 state, territorial possession of the United States, District of  
429 Columbia, or Commonwealth of Puerto Rico or Canadian Province when  
430 that license was based on a doctoral degree; and

431 ( \* \* \*a) Has had no disciplinary sanction during the  
432 entire period of licensure; and

433 ( \* \* \*b) Is not currently under investigation by  
434 another licensure board; and

435 ( \* \* \*c) Has demonstrated current qualification by  
436 successfully passing the oral examination \* \* \* and jurisprudence  
437 examination.

438 \* \* \*

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

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

444 73-31-17. The status of psychologist emeritus is created.  
445 To qualify for status as psychologist emeritus, a psychologist  
446 must apply for psychologist emeritus status with the board upon a



447 form and in the manner as the board prescribes, accompanied by a  
448 fee equal to one-half (1/2) of the amount of the permanent  
449 licensure renewal fee as determined by the board. The applicant  
450 shall be required to make a satisfactory showing to the board, in  
451 a manner to be determined by the board, that the applicant (a) is  
452 sixty-five (65) years old or older, (b) has held continuous  
453 licensure as a psychologist in the State of Mississippi for at  
454 least twenty (20) years, and (c) at the time of application is  
455 retired from the full-time practice of psychology and is not  
456 practicing more than eighty (80) hours per month in any capacity  
457 in the State of Mississippi. For the purposes of this section,  
458 the practice of psychology shall be construed without regard to  
459 the means of service provision (e.g., face-to-face, telephone,  
460 Internet, telehealth). The applicant must renew his or her  
461 psychologist emeritus status annually on the same renewal schedule  
462 as permanent licensure. Renewal shall include confirmation of the  
463 psychologist's eligibility and attestation, at the time of  
464 renewal, of his or her continued "retired" status.

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

467       73-31-19. The board shall issue a license signed by the  
468 chairman and executive secretary of the board whenever an  
469 applicant has been successfully qualified as provided in this  
470 chapter. A copy of the license, so certified by the executive  
471 secretary as a true copy, shall be filed by the licensee in the



472 office of the clerk of the circuit court in the county in which  
473 the licensee resides.

474 **SECTION 12.** Section 73-31-21, Mississippi Code of 1972, is  
475 amended as follows:

476 73-31-21. (1) The board, by an affirmative vote of at least  
477 four (4) of its seven (7) members, shall withhold, deny, revoke or  
478 suspend any license issued or applied for in accordance with the  
479 provisions of this chapter, or otherwise discipline a licensed  
480 psychologist, upon proof that the applicant or licensed  
481 psychologist:

482 (a) Has violated the current code of ethics of the  
483 American Psychological Association or other codes of ethical  
484 standards adopted by the board; or

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

488 (c) Is using any substance or any alcoholic beverage to  
489 an extent or in a manner dangerous to any other person or the  
490 public, or to an extent that the use impairs his or her ability to  
491 perform the work of a professional psychologist with safety to the  
492 public; or

493 (d) Has impersonated another person holding a  
494 psychologist license or allowed another person to use his or her  
495 license; or



496 (e) Has used fraud or deception in applying for a  
497 license or in taking an examination provided for in this chapter;  
498 or

499 (f) Has accepted commissions or rebates or other forms  
500 of remuneration for referring clients to other professional  
501 persons; or

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

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

508 ( \* \* \*i) Is legally adjudicated mentally incompetent,  
509 the record of that adjudication being conclusive evidence thereof;  
510 or

511 ( \* \* \*j) Has willfully or negligently violated any of  
512 the provisions of this chapter. The board may recover from any  
513 person disciplined under this chapter, the costs of investigation,  
514 prosecution, and adjudication of the disciplinary action.

515 (2) Notice shall be effected by registered mail or personal  
516 service setting forth the particular reasons for the proposed  
517 action and fixing a date not less than thirty (30) days nor more  
518 than sixty (60) days from the date of the mailing or that service,  
519 at which time the applicant or licensee shall be given an  
520 opportunity for a prompt and fair hearing. For the purpose of the



521 hearing, the board, acting by and through its executive secretary,  
522 may subpoena persons and papers on its own behalf and on behalf of  
523 the applicant or licensee, may administer oaths and may take  
524 testimony. That testimony, when properly transcribed, together  
525 with the papers and exhibits, shall be admissible in evidence for  
526 or against the applicant or licensee. At the hearing, the  
527 applicant or licensee may appear by counsel and personally in his  
528 or her own behalf. Any person sworn and examined by a witness in  
529 the hearing shall not be held to answer criminally, nor shall any  
530 papers or documents produced by the witness be competent evidence  
531 in any criminal proceedings against the witness other than for  
532 perjury in delivering his or her evidence. On the basis of any  
533 such hearing, or upon default of applicant or licensee, the board  
534 shall make a determination specifying its findings of fact and  
535 conclusions of law. A copy of that determination shall be sent  
536 by registered mail or served personally upon the applicant or  
537 licensee. The decision of the board denying, revoking or  
538 suspending the license shall become final thirty (30) days after  
539 so mailed or served, unless within that period the applicant or  
540 licensee appeals the decision to the chancery court, under the  
541 provisions hereof, and the proceedings in chancery shall be  
542 conducted as other matters coming before the court. All  
543 proceedings and evidence, together with exhibits, presented at the  
544 hearing before the board shall be admissible in evidence in court  
545 in the appeal.



546           (3) The board may subpoena persons and papers on its own  
547 behalf and on behalf of the respondent, may administer oaths and  
548 may compel the testimony of witnesses. It may issue commissions  
549 to take testimony, and testimony so taken and sworn to shall be  
550 admissible in evidence for and against the respondent. The board  
551 shall be entitled to the assistance of the chancery court or the  
552 chancellor in vacation, which, on petition by the board, shall  
553 issue ancillary subpoenas and petitions and may punish as for  
554 contempt of court in the event of noncompliance therewith.

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

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



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

577           (7) In addition to the reasons specified in subsection (1)  
578 of this section, the board shall be authorized to suspend the  
579 license of any licensee for being out of compliance with an order  
580 for support, as defined in Section 93-11-153. The procedure for  
581 suspension of a license for being out of compliance with an order  
582 for support, and the procedure for the reissuance or reinstatement  
583 of a license suspended for that purpose, and the payment of any  
584 fees for the reissuance or reinstatement of a license suspended  
585 for that purpose, shall be governed by Section 93-11-157. Actions  
586 taken by the board in suspending a license when required by  
587 Section 93-11-157 or 93-11-163 are not actions from which an  
588 appeal may be taken under this section. Any appeal of a license  
589 suspension that is required by Section 93-11-157 or 93-11-163  
590 shall be taken in accordance with the appeal procedure specified  
591 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
592 the procedure specified in this section. If there is any conflict  
593 between any provision of Section 93-11-157 or 93-11-163 and any





594 provision of this chapter, the provisions of Section 93-11-157 or  
595 93-11-163, as the case may be, shall control.

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

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

607 73-31-23. (1) It shall be a misdemeanor:

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

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

615 (c) For any person to otherwise violate the provisions  
616 of this chapter.

617 That misdemeanor shall be punishable, upon conviction, by  
618 imprisonment for not more than sixty (60) days or by a fine of not



619 more than Three Hundred Dollars (\$300.00), or by both that fine  
620 and imprisonment. Each violation shall be deemed a separate  
621 offense. The misdemeanor shall be prosecuted by the district  
622 attorney of the judicial district in which the offense was  
623 committed in the name of the people of the State of Mississippi.

624 (2) Any entity, organization or person, including the board,  
625 any member of the board, and its agents or employees, acting in  
626 good faith and without malice, who makes any report or information  
627 available to the board regarding violation of any of the  
628 provisions of this chapter, or who assists in the organization,  
629 investigation or preparation of any such report or information or  
630 assists the board in carrying out any of its duties or functions  
631 provided by law, shall be immune from civil or criminal liability  
632 for those acts.

633 The immunity granted under the provisions of this subsection  
634 shall not apply to and shall not be available to any psychologist  
635 who is the subject of any report or information relating to a  
636 violation by the psychologist of the provisions of this  
637 chapter.

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

640 73-31-25. The board may, in the name of the people of the  
641 State of Mississippi, through the Attorney General, except as  
642 otherwise authorized in Section 7-5-39, apply for an injunction in



643 any court of competent jurisdiction to enjoin any person from  
644 committing any act declared to be a misdemeanor by this chapter.

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

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

656 73-31-27. (1) Nothing in this chapter shall be construed to  
657 limit:

658 (a) The activities and services of a student, intern or  
659 trainee in psychology pursuing a course of study in psychology at  
660 an institution of higher education, if these activities and  
661 services constitute a part of his or her supervised course of  
662 study; or

663 (b) The services and activities of members of other  
664 professional groups licensed or certified by the State of  
665 Mississippi who perform work of a psychological nature consistent  
666 with their training, work experience history, and with any code of  
667 ethics of their respective professions, provided they do not hold



668 themselves out to be psychologists. Portions of the practice of  
669 psychology as defined by this chapter overlap with the activities  
670 of other professional groups and it is not the intent of this  
671 chapter to regulate the activities of those professional groups.

672 (2) Individuals certified by the Mississippi State  
673 Department of Education may use appropriate titles such as "school  
674 psychologist," "certified school psychologist," "educational  
675 psychologist" or "psychometrist" only when they are employed by or  
676 under contract with a school district and practicing in school or  
677 educational settings.

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

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

684 73-31-29. A psychologist shall not be examined without the  
685 consent of his or her client as to any communication made by the  
686 client to the psychologist or the psychologist's advice given  
687 thereon in the course of professional employment; nor shall a  
688 psychologist's secretary, stenographer or clerk be examined  
689 without the consent of his or her employer concerning any fact,  
690 the knowledge of which he or she has acquired in that capacity.

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



693           73-31-31. Sections 73-31-1 through 73-31-29 shall stand  
694 repealed on July 1, \* \* \* 2022.

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

