

By: Representative Yancey

To: Judiciary A

HOUSE BILL NO. 253

1 AN ACT TO AMEND SECTION 73-50-2, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT THE PRACTICES OF MARRIAGE AND FAMILY THERAPY AND PSYCHOLOGY
3 FROM THE UNIVERSAL RECOGNITION OF OCCUPATIONAL LICENSES ACT; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-50-2, Mississippi Code of 1972, is
7 amended as follows:

8 73-50-2. (1) This section shall be known as the "Universal
9 Recognition of Occupational Licenses Act."

10 (2) As used in this section, the term:

11 (a) "License" means any license (other than a privilege
12 license), certificate, registration, permit or other evidence of
13 qualification that an individual is required by the state to
14 obtain before he or she may engage in or represent himself or
15 herself to be a member of a particular profession or occupation.

16 (b) "Occupational licensing board" means any state
17 board, commission, department or other agency in Mississippi that
18 is established for the primary purpose of regulating the entry of
19 persons into, and/or the conduct of persons within, a particular



profession or occupation, and which is authorized to issue licenses. For the purposes of this section, the State Department of Education shall be considered an occupational licensing board when issuing teacher licenses under Section 37-3-2.

(3) Notwithstanding any other provision of law, an occupational licensing board shall issue a license or government certification in the discipline applied for and at the same practice level to a person who establishes residence in this state if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

(a) The applicant holds a current and valid license in good standing in another state in an occupation with a similar scope of practice, as determined by the occupational licensing board in Mississippi, and has held this license from the occupational licensing board in the other state for at least one (1) year; and

(b) There were minimum education requirements and, if applicable, work experience, examination and clinical supervision requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed in that state; and

(c) The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the



applicant does not have a disqualifying criminal record as determined by the occupational licensing board in Mississippi under Mississippi law; and

(d) The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

(e) The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the occupational licensing board in Mississippi shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the occupational licensing board in Mississippi; and

(f) The applicant pays all applicable fees in Mississippi.

(4) Notwithstanding any other law, the occupational licensing board shall issue a license to an applicant in the discipline applied for and at the same practice level, as determined by the occupational licensing board, to a person who establishes residence in this state based on work experience in another state, if all the following apply:



69 (a) The applicant worked in a state that does not use a
70 license to regulate a lawful occupation, but Mississippi uses a
71 license to regulate a lawful occupation with a similar scope of
72 practice, as determined by the occupational licensing board;

73 (b) The applicant worked for at least three (3) years
74 in the lawful occupation; and

75 (c) The applicant satisfies the provisions of
76 paragraphs (c) through (f) of subsection (3) of this section.

77 (5) An occupational licensing board may require an applicant
78 to pass a jurisprudential examination specific to relevant state
79 laws in Mississippi that regulate the occupation if the issuance
80 of a license in Mississippi requires an applicant to pass a
81 jurisprudential examination specific to relevant state statutes
82 and administrative rules in Mississippi that regulate the
83 occupation.

84 (6) For purposes of this section, residence may be
85 established by demonstrating proof of a state-issued
86 identification card or one (1) of the following:

87 (a) Current Mississippi residential utility bill with
88 the applicant's name and address;

89 (b) Documentation of the applicant's current ownership,
90 or current lease of a residence in Mississippi;

91 (c) Documentation of current in-state employment or
92 notarized letter of promise of employment of the applicant or his
93 or her spouse; or



(d) Any verifiable documentation demonstrating
Mississippi residency.

(7) A person who receives a license under this section is
subject to the laws regulating the person's practice in this state
and is subject to the occupational licensing board's jurisdiction.

(8) A license issued under this section is valid only in
this state and does not make the person eligible to be part of an
interstate compact.

(9) The occupational licensing board shall issue or deny the
license to the applicant within one hundred twenty (120) days
after receiving an application.

If the application requires longer than two (2) weeks to
process, the occupational licensing board shall issue a temporary
practice permit within thirty (30) days after receiving the
application if the applicant submits an affidavit, under penalties
of perjury, affirming that he or she satisfies the provisions of
subsection (3) or subsection (4) and pays all applicable fees as
required by subsection (3)(f) or subsection (4)(c).

The applicant may practice under the temporary permit until a
license is granted, or until a notice to deny the license is
issued, in accordance with rules adopted by the occupational
licensing board. A temporary license will expire in three hundred
sixty-five (365) days after its issuance if the applicant fails to
satisfy the requirement for licensure in subsections (3) through
(5), as applicable.



119 (10) (a) The applicant may appeal any of the following
120 decisions of an occupational licensing board to a court of general
121 jurisdiction:

- 122 (i) Denial of a license;
- 123 (ii) Determination of the occupation;
- 124 (iii) Determination of the similarity of the scope
125 of practice of the license issued; or
- 126 (iv) Other determinations under this section.

127 (b) The court shall determine all questions of law,
128 including the interpretation of a constitutional or statutory
129 provision or a rule adopted by an occupational licensing board,
130 without regard to any previous determination that may have been
131 made on the question in any action before the occupational
132 licensing board.

133 (11) An occupational licensing board shall prominently print
134 the following on all license applications, any communication
135 denying a license, and on the board's website: "Pursuant to the
136 provisions of the Universal Recognition of Occupational Licenses
137 Act, Mississippi shall recognize occupational licenses obtained
138 from other states." An occupational licensing board shall prepare
139 and place on the board's website an annual report detailing the
140 number of applications submitted to the licensing board under this
141 section during a calendar year and the actions taken by the board
142 on the applications.



(12) An occupational licensing board shall adopt rules necessary to implement this section by January 1, 2022. In addition, an occupational licensing board shall make all reasonable efforts to issue a license to an applicant for a license under this section.

(13) Nothing in this section shall be construed to prohibit an applicant for licensure from proceeding under the existing licensure requirements established by an occupational licensing board in Mississippi.

(14) Nothing in this chapter shall be construed to prevent Mississippi from entering into a licensing compact or reciprocity agreement with another state, foreign province or foreign country. A license issued under this section is valid only in Mississippi. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in Mississippi law.

(15) Nothing in this section shall be construed to apply to:

(a) The practice of law as regulated under Section 73-3-1 et seq.;

(b) Criteria for an applicant to obtain a license that is established under an interstate compact;

(c) The ability of an occupational licensing board to require an applicant to submit fingerprints in order to access state and federal criminal records information for noncriminal justice purposes;



(d) The practice of medicine by physicians as regulated under Section 73-25-1 et seq.;

(e) The provisions of the Military Family Freedom Act, Section 73-50-1; * * *

(f) An occupation regulated under Section 73-1-1 et seq. to the extent there is a conflict with a law granting licensure reciprocity under Section 73-1-1 et seq * * *;

(g) The practice of marriage and family therapy as regulated under Section 73-54-1 et seq.; or

(h) The practice of psychology as regulated under Section 73-31-1 et seq. and Section 73-31-51.

SECTION 2. This act shall take effect and be in force from and after July 1, 2025.

