

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2271

1 AN ACT TO AMEND SECTIONS 73-31-1 THROUGH 73-31-29,
 2 MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON
 3 THOSE STATUTES WHICH ESTABLISH AND EMPOWER THE MISSISSIPPI BOARD
 4 OF PSYCHOLOGY; TO AMEND SECTION 73-31-9, MISSISSIPPI CODE OF 1972,
 5 TO INCREASE THE FEE FOR RENEWAL OF A LICENSE; TO AMEND SECTIONS
 6 73-31-13, 73-31-14 AND 73-31-15, MISSISSIPPI CODE OF 1972, TO
 7 CLARIFY QUALIFICATIONS FOR APPLICANTS AND TO AUTHORIZE A FEE FOR
 8 EVALUATING CREDENTIALS; TO AMEND SECTION 73-31-27, MISSISSIPPI
 9 CODE OF 1972, TO DELETE CERTAIN PROHIBITIONS RELATING TO THE
 10 PRACTICE OF PSYCHOLOGY; AND FOR RELATED PURPOSES.

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

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

14 73-31-3. When used in this chapter, the word or term:

15 (a) "Board" means the Mississippi * * * Board of
 16 Psychology.

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

25 (c) "Person" includes an individual, firm, partnership,
 26 association or corporation.

27 (d) "Practice of psychology" means the description,
 28 interpretation and modification of human behavior through the
 29 application of psychological principles and procedures. The
 30 practice of psychology includes, but is not limited to, the

31 assessment of personal characteristics such as intelligence,
32 personality, ability, and other cognitive, behavioral and
33 neuropsychological functioning, and efforts to change or improve
34 symptomatic, maladaptive behavior or mental health through
35 psychotherapy procedures including psychoanalysis, behavior
36 therapy, biofeedback and hypnosis. Psychologists diagnose and
37 treat mental and emotional disorders, disorders of habit and
38 conduct, and disorders associated with physical illness or injury.
39 Psychological services are provided to individuals, families,
40 groups and the public. The practice of psychology shall be
41 construed within the meaning of this definition without regard to
42 whether payment is received for services rendered.

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

51 This section shall stand repealed from and after July 1,
52 2011.

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

55 73-31-5. (1) There is hereby created a Mississippi * * *
56 Board of Psychology consisting of seven (7) members who are
57 citizens of the United States and residing in the State of
58 Mississippi. One (1) member of the board shall be a person who is
59 not a psychologist or a mental health professional but who has
60 expressed a continuing interest in the field of psychology. Each
61 board member shall otherwise be licensed under this chapter. At
62 all times the board shall be composed of three (3) members who are
63 faculty at institutions of higher learning that grant doctoral

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

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

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

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

96 (c) One of the two (2) academic members appointed in
97 2002 will serve a four-year term.

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

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

105 This section shall stand repealed from and after July 1,
106 2011.

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

109 73-31-7. (1) The board shall annually elect from its
110 membership a chairman and executive secretary at a meeting held
111 during the last two (2) quarters of the fiscal year. The board
112 shall meet at such other times as it deems necessary or advisable,
113 or as deemed necessary and advisable by the chairman or a majority
114 of its members or the Governor. Reasonable notice of all meetings
115 shall be given in the manner prescribed by the board. A majority
116 of the board shall constitute a quorum at any meeting or hearing;
117 except that when only four (4) members are present, decisions not
118 gaining unanimous support shall be decided by mail ballot to all
119 board members within fifteen (15) days succeeding the board
120 meeting. Any meeting at which the chairman is not present shall
121 be chaired by his designee.

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

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

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

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

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

132 (d) Examine, license, and renew the license of duly
133 qualified applicants.

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

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

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

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

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

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

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

161 This section shall stand repealed from and after July 1,
162 2011.

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

165 73-31-9. (1) All fees from applicants seeking licensing
166 under this chapter and all license renewal fees received under
167 this chapter shall be nonrefundable.

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

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

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

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

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

206 This section shall stand repealed from and after July 1,
207 2011.

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

210 73-31-13. The board shall issue a license as a psychologist
211 to each applicant who shall file an application upon a form and in
212 such manner as the board prescribes, accompanied by such fee as is
213 required by this chapter; and who furnishes evidence satisfactory
214 to the board that he:

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

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

224 (c) Is of good moral character; and

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

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

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

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

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

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

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

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

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

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

299 This section shall stand repealed from and after July 1,
300 2011.

301 Each application or filing made under this section shall
302 include the social security number(s) of the applicant in
303 accordance with Section 93-11-64, Mississippi Code of 1972.

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

306 73-31-14. Applicants who have met all the educational and
307 internship requirements for licensure as stated in Section
308 73-31-13, Mississippi Code of 1972, and in the board's rules and
309 regulations, may, during their post-doctoral year of supervision,
310 apply for a provisional license. Each applicant for provisional
311 licensure shall file an application upon a form and in such a
312 manner as the board prescribes accompanied by a fee equal to that
313 required for permanent licensure. The provisional license will be
314 issued upon passage of the EPPP examination at the level
315 established by the board in its rules and regulations and
316 equivalent to that required for permanent licensure.

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

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

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

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

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

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

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

359 73-31-15. Upon application accompanied by fee the board may,
360 without written * * * examination, issue a license to any person
361 who furnishes, upon a form and in such manner as the board
362 prescribes, evidence satisfactory to the board that he (1) is
363 licensed or certified as a psychologist by another state,
364 territorial possession of the United States, District of Columbia,
365 Commonwealth of Puerto Rico or Canadian Province if the
366 requirements for such license or certification are the substantial
367 equivalent of this chapter, or (2) * * * is a diplomate in good
368 standing of the American Board of Examiners in Professional
369 Psychology; or (3) is licensed in a jurisdiction that is a party
370 to an agreement for reciprocity with the State of Mississippi, and
371 meets the terms and conditions for reciprocity as specified in the
372 agreement; or (4) possesses a valid Certificate of Professional
373 Qualification (CPQ) granted by the Association of State and
374 Provincial Psychology Boards; or (5) surrendered a valid
375 Mississippi license which had been held in good standing for not
376 less than twenty (20) years.

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

379 73-31-19. The board shall issue a license signed by the
380 chairman and executive secretary of the board whenever an
381 applicant has been successfully qualified as provided in this
382 chapter. A copy of such license, so certified by the executive
383 secretary as a true copy, shall be filed in the office of the
384 clerk of the circuit court in the county in which the licentiate
385 resides.

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

388 73-31-21. (1) The board, by an affirmative vote of at least
389 four (4) of its seven (7) members, shall withhold, deny, revoke or
390 suspend any license issued or applied for in accordance with the
391 provisions of this chapter, or otherwise discipline a licensed

392 psychologist, upon proof that the applicant or licensed
393 psychologist:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

505 (8) This section shall stand repealed from and after July 1,
506 2011.

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

509 73-31-23. (1) It shall be a misdemeanor:

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

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

517 (c) For any person to otherwise violate the provisions
518 of this chapter.

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

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

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

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

540 This section shall stand repealed from and after July 1,
541 2011.

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

544 73-31-27. (1) Nothing in this chapter shall be construed to
545 limit:

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

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

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

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

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

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

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

578 * * *

579 This section shall stand repealed from and after July 1,
580 2011.

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