

By: Senator(s) Fillingane

To:

SENATE BILL NO. 2157
(As Passed the Senate)

1 AN ACT TO ENACT THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT
2 AND PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH
3 OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND SECTIONS 73-31-7,
4 73-31-13, 73-31-14, 73-31-15, 73-31-21 AND 73-31-23, MISSISSIPPI
5 CODE OF 1972, TO CONFORM THE PROVISIONS OF THE ACT; TO BRING
6 FORWARD SECTIONS 73-31-9, 73-31-25 AND 73-31-27, MISSISSIPPI CODE
7 OF 1972, FOR POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The Psychology Interjurisdictional Compact is
10 enacted into law and entered into by this state with any and all
11 states legally joining in the Compact in accordance with its
12 terms, in the form substantially as follows:

13 **PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

14 **ARTICLE I.**

15 **PURPOSE.**

16 Whereas, states license psychologists, in order to protect
17 the public through verification of education, training and
18 experience and ensure accountability for professional practice;
19 and



20 Whereas, this Compact is intended to regulate the day-to-day
21 practice of telepsychology (i.e., the provision of psychological
22 services using telecommunication technologies) by psychologists
23 across state boundaries in the performance of their psychological
24 practice as assigned by an appropriate authority; and

25 Whereas, this Compact is intended to regulate the temporary
26 in-person, face-to-face practice of psychology by psychologists
27 across state boundaries for thirty (30) days within a calendar
28 year in the performance of their psychological practice as
29 assigned by an appropriate authority; and

30 Whereas, this Compact is intended to authorize state
31 psychology regulatory authorities to afford legal recognition, in
32 a manner consistent with the terms of the Compact, to
33 psychologists licensed in another state; and

34 Whereas, this Compact recognizes that states have a vested
35 interest in protecting the public's health and safety through
36 their licensing and regulation of psychologists and that such
37 state regulation will best protect public health and safety; and

38 Whereas, this Compact does not apply when a psychologist is
39 licensed in both the home and receiving states; and

40 Whereas, this Compact does not apply to permanent in-person,
41 face-to-face practice, but it does allow for authorization of
42 temporary psychological practice.

43 Consistent with these principles, this Compact is designed to
44 achieve the following purposes and objectives:



45 1. Increase public access to professional psychological
46 services by allowing for telepsychological practice across state
47 lines as well as temporary in-person, face-to-face services into a
48 state which the psychologist is not licensed to practice
49 psychology;

50 2. Enhance the states' ability to protect the public's
51 health and safety, especially client/patient safety;

52 3. Encourage the cooperation of Compact states in the
53 areas of psychology licensure and regulation;

54 4. Facilitate the exchange of information between
55 Compact states regarding psychologist licensure, adverse actions
56 and disciplinary history;

57 5. Promote compliance with the laws governing
58 psychological practice in each Compact state; and

59 6. Invest all Compact states with the authority to hold
60 licensed psychologists accountable through the mutual recognition
61 of Compact state licenses.

62 **ARTICLE II.**

63 **DEFINITIONS.**

64 As used in this Compact, the following terms have the
65 following meanings:

66 1. "Adverse action" means any action taken by a state
67 psychology regulatory authority which finds a violation of a
68 statute or regulation that is identified by the state psychology



69 regulatory authority as discipline and is a matter of public
70 record.

71 2. "Association of State and Provincial Psychology
72 Boards (ASPPB)" means the recognized membership organization
73 composed of state and provincial psychology regulatory authorities
74 responsible for the licensure and registration of psychologists
75 throughout the United States and Canada.

76 3. "Authority to practice interjurisdictional
77 telepsychology" means a licensed psychologist's authority to
78 practice telepsychology, within the limits authorized under this
79 Compact, in another Compact state.

80 4. "Bylaws" means those bylaws established by the
81 Psychology Interjurisdictional Compact Commission pursuant to
82 Article X of the Compact for its governance, or for directing and
83 controlling its actions and conduct.

84 5. "Client/patient" means the recipient of
85 psychological services, whether psychological services are
86 delivered in the context of health care, corporate, supervision,
87 and/or consulting services.

88 6. "Commissioner" means the voting representative
89 appointed by each state psychology regulatory authority pursuant
90 to Article X of the Compact.

91 7. "Compact state" means a state, the District of
92 Columbia, or United States territory that has enacted this Compact
93 legislation and which has not withdrawn pursuant to Article XIII,



94 Section C of the Compact or been terminated pursuant to Article
95 XII, Section B of the Compact.

96 8. "Coordinated licensure information system" also
97 referred to as "coordinated database" means an integrated process
98 for collecting, storing, and sharing information on psychologists'
99 licensure and enforcement activities related to psychology
100 licensure laws, which is administered by the recognized membership
101 organization composed of state and provincial psychology
102 regulatory authorities.

103 9. "Confidentiality" means the principle that data or
104 information is not made available or disclosed to unauthorized
105 persons and/or processes.

106 10. "Day" means any part of a day in which
107 psychological work is performed.

108 11. "Distant state" means the Compact state where a
109 psychologist is physically present (not through the use of
110 telecommunications technologies), to provide temporary in-person,
111 face-to-face psychological services.

112 12. "E-Passport" means a certificate issued by the
113 Association of State and Provincial Psychology Boards (ASPPB) that
114 promotes the standardization in the criteria of
115 interjurisdictional telepsychology practice and facilitates the
116 process for licensed psychologists to provide telepsychological
117 services across state lines.



118 13. "Executive board" means a group of directors
119 elected or appointed to act on behalf of, and within the powers
120 granted to them by, the commission.

121 14. "Home state" means a Compact state where a
122 psychologist is licensed to practice psychology. If the
123 psychologist is licensed in more than one (1) Compact state and is
124 practicing under the authorization to practice interjurisdictional
125 telepsychology, the home state is the Compact state where the
126 psychologist is physically present when the telepsychological
127 services are delivered. If the psychologist is licensed in more
128 than one (1) Compact state and is practicing under the temporary
129 authorization to practice, the home state is any Compact state
130 where the psychologist is licensed.

131 15. "Identity history summary" means a summary of
132 information retained by the FBI, or other designee with similar
133 authority, in connection with arrests and, in some instances,
134 federal employment, naturalization, or military service.

135 16. "In-person, face-to-face" means interactions in
136 which the psychologist and the client/patient are in the same
137 physical space and which does not include interactions that may
138 occur through the use of telecommunication technologies.

139 17. "Interjurisdictional Practice Certificate (IPC)"
140 means a certificate issued by the Association of State and
141 Provincial Psychology Boards (ASPPB) that grants temporary
142 authority to practice based on notification to the state



143 psychology regulatory authority of intention to practice
144 temporarily, and verification of one's qualifications for such
145 practice.

146 18. "License" means authorization by a state psychology
147 regulatory authority to engage in the independent practice of
148 psychology, which would be unlawful without the authorization.

149 19. "Non-Compact state" means any state that is not at
150 the time a Compact state.

151 20. "Psychologist" means an individual licensed for the
152 independent practice of psychology.

153 21. "Psychology Interjurisdictional Compact Commission"
154 also referred to as "commission" means the national administration
155 of which all Compact states are members.

156 22. "Receiving state" means a Compact state where the
157 client/patient is physically located when the telepsychological
158 services are delivered.

159 23. "Rule" means a written statement by the Psychology
160 Interjurisdictional Compact Commission promulgated pursuant to
161 Article XI of the Compact that is of general applicability,
162 implements, interprets, or prescribes a policy or provision of the
163 Compact, or an organizational, procedural, or practice requirement
164 of the commission and has the force and effect of statutory law in
165 a Compact state, and includes the amendment, repeal or suspension
166 of an existing rule.

167 24. "Significant investigatory information" means:



168 a. Investigative information that a state
169 psychology regulatory authority, after a preliminary inquiry that
170 includes notification and an opportunity to respond if required by
171 state law, has reason to believe, if proven true, would indicate
172 more than a violation of state statute or ethics code that would
173 be considered more substantial than minor infraction; or

174 b. Investigative information that indicates that
175 the psychologist represents an immediate threat to public health
176 and safety regardless of whether the psychologist has been
177 notified and/or had an opportunity to respond.

178 25. "State" means a state, commonwealth, territory, or
179 possession of the United States, the District of Columbia.

180 26. "State psychology regulatory authority" means the
181 board, office or other agency with the legislative mandate to
182 license and regulate the practice of psychology.

183 27. "Telepsychology" means the provision of
184 psychological services using telecommunication technologies.

185 28. "Temporary authorization to practice" means a
186 licensed psychologist's authority to conduct temporary in-person,
187 face-to-face practice, within the limits authorized under this
188 Compact, in another Compact state.

189 29. "Temporary in-person, face-to-face practice" means
190 where a psychologist is physically present (not through the use of
191 telecommunications technologies), in the distant state to provide



192 for the practice of psychology for thirty (30) days within a
193 calendar year and based on notification to the distant state.

194 **ARTICLE III.**

195 **HOME STATE LICENSURE.**

196 A. The home state shall be a Compact state where a
197 psychologist is licensed to practice psychology.

198 B. A psychologist may hold one or more Compact state
199 licenses at a time. If the psychologist is licensed in more than
200 one (1) Compact state, the home state is the Compact state where
201 the psychologist is physically present when the services are
202 delivered as authorized by the authority to practice
203 interjurisdictional telepsychology under the terms of this
204 Compact.

205 C. Any Compact state may require a psychologist not
206 previously licensed in a Compact state to obtain and retain a
207 license to be authorized to practice in the Compact state under
208 circumstances not authorized by the authority to practice
209 interjurisdictional telepsychology under the terms of this
210 Compact.

211 D. Any Compact state may require a psychologist to obtain
212 and retain a license to be authorized to practice in a Compact
213 state under circumstances not authorized by temporary
214 authorization to practice under the terms of this Compact.



215 E. A home state's license authorizes a psychologist to
216 practice in a receiving state under the authority to practice
217 interjurisdictional telepsychology only if the Compact state:

218 1. Currently requires the psychologist to hold an
219 active E-Passport;

220 2. Has a mechanism in place for receiving and
221 investigating complaints about licensed individuals;

222 3. Notifies the commission, in compliance with the
223 terms herein, of any adverse action or significant investigatory
224 information regarding a licensed individual;

225 4. Requires an identity history summary of all
226 applicants at initial licensure, including the use of the results
227 of fingerprints or other biometric data checks compliant with the
228 requirements of the Federal Bureau of Investigation, or other
229 designee with similar authority, no later than ten (10) years
230 after activation of the Compact; and

231 5. Complies with the bylaws and rules of the
232 commission.

233 F. A home state's license grants temporary authorization to
234 practice to a psychologist in a distant state only if the Compact
235 state:

236 1. Currently requires the psychologist to hold an
237 active IPC;

238 2. Has a mechanism in place for receiving and
239 investigating complaints about licensed individuals;



240 3. Notifies the commission, in compliance with the
241 terms herein, of any adverse action or significant investigatory
242 information regarding a licensed individual;

243 4. Requires an identity history summary of all
244 applicants at initial licensure, including the use of the results
245 of fingerprints or other biometric data checks compliant with the
246 requirements of the Federal Bureau of Investigation, or other
247 designee with similar authority, no later than ten (10) years
248 after activation of the Compact; and

249 5. Complies with the bylaws and rules of the
250 commission.

251 **ARTICLE IV.**

252 **COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY.**

253 A. Compact states shall recognize the right of a
254 psychologist, licensed in a Compact state in conformance with
255 Article III of the Compact, to practice telepsychology in other
256 Compact states (receiving states) in which the psychologist is not
257 licensed, under the authority to practice interjurisdictional
258 telepsychology as provided in the Compact.

259 B. To exercise the authority to practice interjurisdictional
260 telepsychology under the terms and provisions of this Compact, a
261 psychologist licensed to practice in a Compact state must:

262 1. Hold a graduate degree in psychology from an
263 institute of higher education that was, at the time the degree was
264 awarded:



265 a. Regionally accredited by an accrediting body
266 recognized by the United States Department of Education to grant
267 graduate degrees, or authorized by provincial statute or royal
268 charter to grant doctoral degrees; or

269 b. A foreign college or university deemed to be
270 equivalent to paragraph a. of this subsection 1 by a foreign
271 credential evaluation service that is a member of the National
272 Association of Credential Evaluation Services (NACES) or by a
273 recognized foreign credential evaluation service;

274 2. Hold a graduate degree in psychology that meets the
275 following criteria:

276 a. The program, wherever it may be
277 administratively housed, must be clearly identified and labeled as
278 a psychology program. Such a program must specify in pertinent
279 institutional catalogues and brochures its intent to educate and
280 train professional psychologists;

281 b. The psychology program must stand as a
282 recognizable, coherent, organizational entity within the
283 institution;

284 c. There must be a clear authority and primary
285 responsibility for the core and specialty areas whether or not the
286 program cuts across administrative lines;

287 d. The program must consist of an integrated,
288 organized sequence of study;



- 289 e. There must be an identifiable psychology
290 faculty sufficient in size and breadth to carry out its
291 responsibilities;
- 292 f. The designated director of the program must be
293 a psychologist and a member of the core faculty;
- 294 g. The program must have an identifiable body of
295 students who are matriculated in that program for a degree;
- 296 h. The program must include supervised practicum,
297 internship, or field training appropriate to the practice of
298 psychology;
- 299 i. The curriculum shall encompass a minimum of
300 three (3) academic years of full-time graduate study for a
301 doctoral degree and a minimum of one (1) academic year of
302 full-time graduate study for a master's degree;
- 303 j. The program includes an acceptable residency as
304 defined by the rules of the commission;
- 305 3. Possess a current, full and unrestricted license to
306 practice psychology in a home state which is a Compact state;
- 307 4. Have no history of adverse action that violate the
308 rules of the commission;
- 309 5. Have no criminal record history reported on an
310 identity history summary that violates the rules of the
311 commission;
- 312 6. Possess a current, active E-Passport;



313 7. Provide attestations in regard to areas of intended
314 practice, conformity with standards of practice, competence in
315 telepsychology technology; criminal background; and knowledge and
316 adherence to legal requirements in the home and receiving states,
317 and provide a release of information to allow for primary source
318 verification in a manner specified by the commission; and

319 8. Meet other criteria as defined by the rules of the
320 commission.

321 C. The home state maintains authority over the license of
322 any psychologist practicing into a receiving state under the
323 authority to practice interjurisdictional telepsychology.

324 D. A psychologist practicing into a receiving state under
325 the authority to practice interjurisdictional telepsychology will
326 be subject to the receiving state's scope of practice. A
327 receiving state may, in accordance with that state's due process
328 law, limit or revoke a psychologist's authority to practice
329 interjurisdictional telepsychology in the receiving state and may
330 take any other necessary actions under the receiving state's
331 applicable law to protect the health and safety of the receiving
332 state's citizens. If a receiving state takes action, the state
333 shall promptly notify the home state and the commission.

334 E. If a psychologist's license in any home state, another
335 Compact state, or any authority to practice interjurisdictional
336 telepsychology in any receiving state, is restricted, suspended or
337 otherwise limited, the E-Passport shall be revoked and therefore,



338 the psychologist shall not be eligible to practice telepsychology
339 in a Compact state under the authority to practice
340 interjurisdictional telepsychology.

341 **ARTICLE V.**

342 **COMPACT TEMPORARY AUTHORIZATION TO PRACTICE.**

343 A. Compact states shall also recognize the right of a
344 psychologist, licensed in a Compact state in conformance with
345 Article III of the Compact, to practice temporarily in other
346 Compact states (distant states) in which the psychologist is not
347 licensed, as provided in the Compact.

348 B. To exercise the temporary authorization to practice under
349 the terms and provisions of this Compact, a psychologist licensed
350 to practice in a Compact state must:

351 1. Hold a graduate degree in psychology from an
352 institute of higher education that was, at the time the degree was
353 awarded:

354 a. Regionally accredited by an accrediting body
355 recognized by the United States Department of Education to grant
356 graduate degrees, or authorized by provincial statute or royal
357 charter to grant doctoral degrees; or

358 b. A foreign college or university deemed to be
359 equivalent to paragraph a. of this subsection 1 by a foreign
360 credential evaluation service that is a member of the National
361 Association of Credential Evaluation Services (NACES) or by a
362 recognized foreign credential evaluation service;



363 2. Hold a graduate degree in psychology that meets the
364 following criteria:

365 a. The program, wherever it may be
366 administratively housed, must be clearly identified and labeled as
367 a psychology program. Such a program must specify in pertinent
368 institutional catalogues and brochures its intent to educate and
369 train professional psychologists;

370 b. The psychology program must stand as a
371 recognizable, coherent, organizational entity within the
372 institution;

373 c. There must be a clear authority and primary
374 responsibility for the core and specialty areas whether or not the
375 program cuts across administrative lines;

376 d. The program must consist of an integrated,
377 organized sequence of study;

378 e. There must be an identifiable psychology
379 faculty sufficient in size and breadth to carry out its
380 responsibilities;

381 f. The designated director of the program must be
382 a psychologist and a member of the core faculty;

383 g. The program must have an identifiable body of
384 students who are matriculated in that program for a degree;

385 h. The program must include supervised practicum,
386 internship, or field training appropriate to the practice of
387 psychology;



388 i. The curriculum shall encompass a minimum of
389 three (3) academic years of full-time graduate study for doctoral
390 degrees and a minimum of one (1) academic year of full-time
391 graduate study for master's degree;

392 j. The program includes an acceptable residency as
393 defined by the rules of the commission;

394 3. Possess a current, full and unrestricted license to
395 practice psychology in a home state which is a Compact state;

396 4. No history of adverse action that violate the rules
397 of the commission;

398 5. No criminal record history that violates the rules
399 of the commission;

400 6. Possess a current, active IPC;

401 7. Provide attestations in regard to areas of intended
402 practice and work experience and provide a release of information
403 to allow for primary source verification in a manner specified by
404 the commission; and

405 8. Meet other criteria as defined by the rules of the
406 commission.

407 C. A psychologist practicing into a distant state under the
408 temporary authorization to practice shall practice within the
409 scope of practice authorized by the distant state.

410 D. A psychologist practicing in a distant state under the
411 temporary authorization to practice will be subject to the distant
412 state's authority and law. A distant state may, in accordance



413 with that state's due process law, limit or revoke a
414 psychologist's temporary authorization to practice in the distant
415 state and may take any other necessary actions under the distant
416 state's applicable law to protect the health and safety of the
417 distant state's citizens. If a distant state takes action, the
418 state shall promptly notify the home state and the commission.

419 E. If a psychologist's license in any home state, another
420 Compact state, or any temporary authorization to practice in any
421 distant state, is restricted, suspended or otherwise limited, the
422 IPC shall be revoked and therefore, the psychologist shall not be
423 eligible to practice in a Compact state under the temporary
424 authorization to practice.

425 **ARTICLE VI.**

426 **CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE.**

427 A psychologist may practice in a receiving state under the
428 authority to practice interjurisdictional telepsychology only in
429 the performance of the scope of practice for psychology as
430 assigned by an appropriate state psychology regulatory authority,
431 as defined in the rules of the commission, and under the following
432 circumstances:

433 1. The psychologist initiates a client/patient contact
434 in a home state via telecommunications technologies with a
435 client/patient in a receiving state;

436 2. Other conditions regarding telepsychology as
437 determined by rules promulgated by the commission.



438 **ARTICLE VII.**

439 **ADVERSE ACTIONS.**

440 A. A home state shall have the power to impose adverse
441 action against a psychologist's license issued by the home state.
442 A distant state shall have the power to take adverse action on a
443 psychologist's temporary authorization to practice within that
444 distant state.

445 B. A receiving state may take adverse action on a
446 psychologist's authority to practice interjurisdictional
447 telepsychology within that receiving state. A home state may take
448 adverse action against a psychologist based on an adverse action
449 taken by a distant state regarding temporary in-person,
450 face-to-face practice.

451 C. If a home state takes adverse action against a
452 psychologist's license, that psychologist's authority to practice
453 interjurisdictional telepsychology is terminated and the
454 E-Passport is revoked. Furthermore, that psychologist's temporary
455 authorization to practice is terminated and the IPC is revoked.

456 1. All home state disciplinary orders which impose
457 adverse action shall be reported to the commission in accordance
458 with the rules promulgated by the commission. A Compact state
459 shall report adverse actions in accordance with the rules of the
460 commission.

461 2. If discipline is reported on a psychologist, the
462 psychologist will not be eligible for telepsychology or temporary



463 in-person, face-to-face practice in accordance with the rules of
464 the commission.

465 3. Other actions may be imposed as determined by the
466 rules promulgated by the commission.

467 D. A home state's psychology regulatory authority shall
468 investigate and take appropriate action with respect to reported
469 inappropriate conduct engaged in by a licensee which occurred in a
470 receiving state as it would if such conduct had occurred by a
471 licensee within the home state. In such cases, the home state's
472 law shall control in determining any adverse action against a
473 psychologist's license.

474 E. A distant state's psychology regulatory authority shall
475 investigate and take appropriate action with respect to reported
476 inappropriate conduct engaged in by a psychologist practicing
477 under temporary authorization practice which occurred in that
478 distant state as it would if such conduct had occurred by a
479 licensee within the home state. In such cases, distant state's
480 law shall control in determining any adverse action against a
481 psychologist's temporary authorization to practice.

482 F. Nothing in this Compact shall override a Compact state's
483 decision that a psychologist's participation in an alternative
484 program may be used in lieu of adverse action and that such
485 participation shall remain nonpublic if required by the Compact
486 state's law. Compact states must require psychologists who enter
487 any alternative programs to not provide telepsychology services



488 under the authority to practice interjurisdictional telepsychology
489 or provide temporary psychological services under the temporary
490 authorization to practice in any other Compact state during the
491 term of the alternative program.

492 G. No other judicial or administrative remedies shall be
493 available to a psychologist if a Compact state imposes an adverse
494 action pursuant to Section C of this Article.

495 **ARTICLE VIII.**

496 **ADDITIONAL AUTHORITIES INVESTED IN A COMPACT**

497 **STATE'S PSYCHOLOGY REGULATORY AUTHORITY.**

498 A. In addition to any other powers granted under state law,
499 a Compact state's psychology regulatory authority shall have the
500 authority under this Compact to:

501 1. Issue subpoenas, for both hearings and
502 investigations, which require the attendance and testimony of
503 witnesses and the production of evidence. Subpoenas issued by a
504 Compact state's psychology regulatory authority for the attendance
505 and testimony of witnesses, and/or the production of evidence from
506 another Compact state, shall be enforced in the latter state by
507 any court of competent jurisdiction, according to that court's
508 practice and procedure in considering subpoenas issued in its own
509 proceedings. The issuing state psychology regulatory authority
510 shall pay any witness fees, travel expenses, mileage and other
511 fees required by the service statutes of the state where the
512 witnesses and/or evidence are located; and



513 2. Issue cease and desist and/or injunctive relief
514 orders to revoke a psychologist's authority to practice
515 interjurisdictional telepsychology and/or temporary authorization
516 to practice.

517 B. During the course of any investigation, a psychologist
518 may not change his/her home state licensure. A home state
519 psychology regulatory authority is authorized to complete any
520 pending investigations of a psychologist and to take any actions
521 appropriate under its law. The home state psychology regulatory
522 authority shall promptly report the conclusions of such
523 investigations to the commission. Once an investigation has been
524 completed, and pending the outcome of the investigation, the
525 psychologist may change his/her home state licensure. The
526 commission shall promptly notify the new home state of any such
527 decisions as provided in the rules of the commission. All
528 information provided to the commission or distributed by Compact
529 states pursuant to the psychologist shall be confidential, filed
530 under seal and used for investigatory or disciplinary matters.
531 The commission may create additional rules for mandated or
532 discretionary sharing of information by Compact states.

533 **ARTICLE IX.**

534 **COORDINATED LICENSURE INFORMATION SYSTEM.**

535 A. The commission shall provide for the development and
536 maintenance of a coordinated licensure information system
537 (coordinated database) and reporting system containing licensure



538 and disciplinary action information on all psychologist
539 individuals to whom this Compact is applicable in all Compact
540 states as defined by the rules of the commission.

541 B. Notwithstanding any other provision of state law to the
542 contrary, a Compact state shall submit a uniform data set to the
543 coordinated database on all licensees as required by the rules of
544 the commission, including:

- 545 1. Identifying information;
- 546 2. Licensure data;
- 547 3. Significant investigatory information;
- 548 4. Adverse actions against a psychologist's license;
- 549 5. An indicator that a psychologist's authority to
550 practice interjurisdictional telepsychology and/or temporary
551 authorization to practice is revoked;
- 552 6. Nonconfidential information related to alternative
553 program participation information;
- 554 7. Any denial of application for licensure, and the
555 reasons for such denial; and
- 556 8. Other information which may facilitate the
557 administration of this Compact, as determined by the rules of the
558 commission.

559 C. The coordinated database administrator shall promptly
560 notify all Compact states of any adverse action taken against, or
561 significant investigative information on, any licensee in a
562 Compact state.



563 D. Compact states reporting information to the coordinated
564 database may designate information that may not be shared with the
565 public without the express permission of the Compact state
566 reporting the information.

567 E. Any information submitted to the coordinated database
568 that is subsequently required to be expunged by the law of the
569 Compact state reporting the information shall be removed from the
570 coordinated database.

571 **ARTICLE X.**

572 **ESTABLISHMENT OF THE PSYCHOLOGY**

573 **INTERJURISDICTIONAL COMPACT COMMISSION.**

574 A. The Compact states hereby create and establish a joint
575 public agency known as the Psychology Interjurisdictional Compact
576 Commission.

577 1. The commission is a body politic and an
578 instrumentality of the Compact states.

579 2. Venue is proper and judicial proceedings by or
580 against the commission shall be brought solely and exclusively in
581 a court of competent jurisdiction where the principal office of
582 the commission is located. The commission may waive venue and
583 jurisdictional defenses to the extent it adopts or consents to
584 participate in alternative dispute resolution proceedings.

585 3. Nothing in this Compact shall be construed to be a
586 waiver of sovereign immunity.

587 B. Membership, voting, and meetings.



588 1. The commission shall consist of one (1) voting
589 representative appointed by each Compact state who shall serve as
590 that state's commissioner. The state psychology regulatory
591 authority shall appoint its delegate. This delegate shall be
592 empowered to act on behalf of the Compact state. This delegate
593 shall be limited to:

594 a. Executive director, executive secretary or
595 similar executive;

596 b. Current member of the state psychology
597 regulatory authority of a Compact state; or

598 c. Designee empowered with the appropriate
599 delegate authority to act on behalf of the Compact state.

600 2. Any commissioner may be removed or suspended from
601 office as provided by the law of the state from which the
602 commissioner is appointed. Any vacancy occurring in the
603 commission shall be filled in accordance with the laws of the
604 Compact state in which the vacancy exists.

605 3. Each commissioner shall be entitled to one (1) vote
606 with regard to the promulgation of rules and creation of bylaws
607 and shall otherwise have an opportunity to participate in the
608 business and affairs of the commission. A commissioner shall vote
609 in person or by such other means as provided in the bylaws. The
610 bylaws may provide for commissioners' participation in meetings by
611 telephone or other means of communication.



612 4. The commission shall meet at least once during each
613 calendar year. Additional meetings shall be held as set forth in
614 the bylaws.

615 5. All meetings shall be open to the public, and public
616 notice of meetings shall be given in the same manner as required
617 under the rulemaking provisions in Article XI of the Compact.

618 6. The commission may convene in a closed, nonpublic
619 meeting if the commission must discuss:

620 a. Noncompliance of a Compact state with its
621 obligations under the Compact;

622 b. The employment, compensation, discipline or
623 other personnel matters, practices or procedures related to
624 specific employees or other matters related to the commission's
625 internal personnel practices and procedures;

626 c. Current, threatened, or reasonably anticipated
627 litigation against the commission;

628 d. Negotiation of contracts for the purchase or
629 sale of goods, services or real estate;

630 e. Accusation against any person of a crime or
631 formally censuring any person;

632 f. Disclosure of trade secrets or commercial or
633 financial information which is privileged or confidential;

634 g. Disclosure of information of a personal nature
635 where disclosure would constitute a clearly unwarranted invasion
636 of personal privacy;



637 h. Disclosure of investigatory records compiled
638 for law enforcement purposes;

639 i. Disclosure of information related to any
640 investigatory reports prepared by or on behalf of or for use of
641 the commission or other committee charged with responsibility for
642 investigation or determination of compliance issues pursuant to
643 the Compact; or

644 j. Matters specifically exempted from disclosure
645 by federal and state statute.

646 7. If a meeting, or portion of a meeting, is closed
647 pursuant to this provision, the commission's legal counsel or
648 designee shall certify that the meeting may be closed and shall
649 reference each relevant exempting provision. The commission shall
650 keep minutes which fully and clearly describe all matters
651 discussed in a meeting and shall provide a full and accurate
652 summary of actions taken, of any person participating in the
653 meeting, and the reasons therefore, including a description of the
654 views expressed. All documents considered in connection with an
655 action shall be identified in such minutes. All minutes and
656 documents of a closed meeting shall remain under seal, subject to
657 release only by a majority vote of the commission or order of a
658 court of competent jurisdiction.

659 C. The commission shall, by a majority vote of the
660 commissioners, prescribe bylaws and/or rules to govern its conduct



661 as may be necessary or appropriate to carry out the purposes and
662 exercise the powers of the Compact, including, but not limited to:

- 663 1. Establishing the fiscal year of the commission;
- 664 2. Providing reasonable standards and procedures:
 - 665 a. For the establishment and meetings of other
666 committees; and
 - 667 b. Governing any general or specific delegation of
668 any authority or function of the commission;
- 669 3. Providing reasonable procedures for calling and
670 conducting meetings of the commission, ensuring reasonable advance
671 notice of all meetings and providing an opportunity for attendance
672 of such meetings by interested parties, with enumerated exceptions
673 designed to protect the public's interest, the privacy of
674 individuals of such proceedings, and proprietary information,
675 including trade secrets. The commission may meet in closed
676 session only after a majority of the commissioners vote to close a
677 meeting to the public, in whole or in part. As soon as
678 practicable, the commission must make public a copy of the vote to
679 close the meeting revealing the vote of each commissioner with no
680 proxy votes allowed;
- 681 4. Establishing the titles, duties and authority and
682 reasonable procedures for the election of the officers of the
683 commission;
- 684 5. Providing reasonable standards and procedures for
685 the establishment of the personnel policies and programs of the



686 commission. Notwithstanding any civil service or other similar
687 law of any Compact state, the bylaws shall exclusively govern the
688 personnel policies and programs of the commission;

689 6. Promulgating a Code of Ethics to address permissible
690 and prohibited activities of commission members and employees;

691 7. Providing a mechanism for concluding the operations
692 of the commission and the equitable disposition of any surplus
693 funds that may exist after the termination of the Compact after
694 the payment and/or reserving of all of its debts and obligations;

695 8. The commission shall publish its bylaws in a
696 convenient form and file a copy thereof and a copy of any
697 amendment thereto, with the appropriate agency or officer in each
698 of the Compact states;

699 9. The commission shall maintain its financial records
700 in accordance with the bylaws; and

701 10. The commission shall meet and take such actions as
702 are consistent with the provisions of this Compact and the bylaws.

703 D. The commission shall have the following powers:

704 1. The authority to promulgate uniform rules to
705 facilitate and coordinate implementation and administration of
706 this Compact. The rule shall have the force and effect of law and
707 shall be binding in all Compact states;

708 2. To bring and prosecute legal proceedings or actions
709 in the name of the commission, provided that the standing of any
710 state psychology regulatory authority or other regulatory body



711 responsible for psychology licensure to sue or be sued under
712 applicable law shall not be affected;

713 3. To purchase and maintain insurance and bonds;

714 4. To borrow, accept or contract for services of
715 personnel, including, but not limited to, employees of a Compact
716 state;

717 5. To hire employees, elect or appoint officers, fix
718 compensation, define duties, grant such individuals appropriate
719 authority to carry out the purposes of the Compact, and to
720 establish the commission's personnel policies and programs
721 relating to conflicts of interest, qualifications of personnel,
722 and other related personnel matters;

723 6. To accept any and all appropriate donations and
724 grants of money, equipment, supplies, materials and services, and
725 to receive, utilize and dispose of the same; provided that at all
726 times the commission shall strive to avoid any appearance of
727 impropriety and/or conflict of interest;

728 7. To lease, purchase, accept appropriate gifts or
729 donations of, or otherwise to own, hold, improve or use, any
730 property, real, personal or mixed; provided that at all times the
731 commission shall strive to avoid any appearance of impropriety;

732 8. To sell, convey, mortgage, pledge, lease, exchange,
733 abandon or otherwise dispose of any property real, personal or
734 mixed;

735 9. To establish a budget and make expenditures;



736 10. To borrow money;

737 11. To appoint committees, including advisory
738 committees comprised of members, state regulators, state
739 legislators or their representatives, and consumer
740 representatives, and such other interested persons as may be
741 designated in this Compact and the bylaws;

742 12. To provide and receive information from, and to
743 cooperate with, law enforcement agencies;

744 13. To adopt and use an official seal; and

745 14. To perform such other functions as may be necessary
746 or appropriate to achieve the purposes of this Compact consistent
747 with the state regulation of psychology licensure, temporary
748 in-person, face-to-face practice and telepsychology practice.

749 E. The executive board.

750 The elected officers shall serve as the executive board,
751 which shall have the power to act on behalf of the commission
752 according to the terms of this Compact.

753 1. The executive board shall be comprised of six (6)
754 members:

755 a. Five (5) voting members who are elected from
756 the current membership of the commission by the commission;

757 b. One (1) ex officio, nonvoting member from the
758 recognized membership organization composed of state and
759 provincial psychology regulatory authorities.



760 2. The ex officio member must have served as staff or
761 member on a state psychology regulatory authority and will be
762 selected by its respective organization.

763 3. The commission may remove any member of the
764 executive board as provided in the bylaws.

765 4. The executive board shall meet at least annually.

766 5. The executive board shall have the following duties
767 and responsibilities:

768 a. Recommend to the entire commission changes to
769 the rules or bylaws, changes to this Compact legislation, fees
770 paid by Compact states such as annual dues, and any other
771 applicable fees;

772 b. Ensure Compact administration services are
773 appropriately provided, contractual or otherwise;

774 c. Prepare and recommend the budget;

775 d. Maintain financial records on behalf of the
776 commission;

777 e. Monitor Compact compliance of member states and
778 provide compliance reports to the commission;

779 f. Establish additional committees as necessary;

780 and

781 g. Other duties as provided in rules or bylaws.

782 F. Financing of the commission.



783 1. The commission shall pay, or provide for the payment
784 of the reasonable expenses of its establishment, organization and
785 ongoing activities.

786 2. The commission may accept any and all appropriate
787 revenue sources, donations and grants of money, equipment,
788 supplies, materials and services.

789 3. The commission may levy on and collect an annual
790 assessment from each Compact state or impose fees on other parties
791 to cover the cost of the operations and activities of the
792 commission and its staff which must be in a total amount
793 sufficient to cover its annual budget as approved each year for
794 which revenue is not provided by other sources. The aggregate
795 annual assessment amount shall be allocated based upon a formula
796 to be determined by the commission which shall promulgate a rule
797 binding upon all Compact states.

798 4. The commission shall not incur obligations of any
799 kind before securing the funds adequate to meet the same; nor
800 shall the commission pledge the credit of any of the Compact
801 states, except by and with the authority of the Compact state.

802 5. The commission shall keep accurate accounts of all
803 receipts and disbursements. The receipts and disbursements of the
804 commission shall be subject to the audit and accounting procedures
805 established under its bylaws. However, all receipts and
806 disbursements of funds handled by the commission shall be audited
807 yearly by a certified or licensed public accountant, and the



808 report of the audit shall be included in and become part of the
809 annual report of the commission.

810 G. Qualified immunity, defense and indemnification.

811 1. The members, officers, executive director, employees
812 and representatives of the commission shall be immune from suit
813 and liability, either personally or in their official capacity,
814 for any claim for damage to or loss of property or personal injury
815 or other civil liability caused by or arising out of any actual or
816 alleged act, error or omission that occurred, or that the person
817 against whom the claim is made had a reasonable basis for
818 believing occurred within the scope of commission employment,
819 duties or responsibilities; provided that nothing in this
820 paragraph shall be construed to protect any such person from suit
821 and/or liability for any damage, loss, injury or liability caused
822 by the intentional or willful or wanton misconduct of that person.

823 2. The commission shall defend any member, officer,
824 executive director, employee or representative of the commission
825 in any civil action seeking to impose liability arising out of any
826 actual or alleged act, error or omission that occurred within the
827 scope of commission employment, duties or responsibilities, or
828 that the person against whom the claim is made had a reasonable
829 basis for believing the act occurred within the scope of
830 commission employment, duties or responsibilities; provided that
831 nothing herein shall be construed to prohibit that person from
832 retaining his or her own counsel; and provided further, that the



833 actual or alleged act, error or omission did not result from that
834 person's intentional or willful or wanton misconduct.

835 3. The commission shall indemnify and hold harmless any
836 member, officer, executive director, employee or representative of
837 the commission for the amount of any settlement or judgment
838 obtained against that person arising out of any actual or alleged
839 act, error or omission that occurred within the scope of
840 commission employment, duties or responsibilities, or that such
841 person had a reasonable basis for believing occurred within the
842 scope of commission employment, duties or responsibilities,
843 provided that the actual or alleged act, error or omission did not
844 result from the intentional or willful or wanton misconduct of
845 that person.

846 **ARTICLE XI.**

847 **RULEMAKING.**

848 A. The commission shall exercise its rulemaking powers
849 pursuant to the criteria set forth in this article and the rules
850 adopted under this Compact. Rules and amendments shall become
851 binding as of the date specified in each rule or amendment.

852 B. If a majority of the legislatures of the Compact states
853 rejects a rule, by enactment of a statute or resolution in the
854 same manner used to adopt the Compact, then such rule shall have
855 no further force and effect in any Compact state.

856 C. Rules or amendments to the rules shall be adopted at a
857 regular or special meeting of the commission.



858 D. Before promulgation and adoption of a final rule or rules
859 by the commission, and at least sixty (60) days in advance of the
860 meeting at which the rule will be considered and voted upon, the
861 commission shall file a Notice of Proposed Rulemaking:

862 1. On the website of the commission; and

863 2. On the website of each Compact states' psychology
864 regulatory authority or the publication in which each state would
865 otherwise publish proposed rules.

866 E. The Notice of Proposed Rulemaking shall include:

867 1. The proposed time, date, and location of the meeting
868 in which the rule will be considered and voted upon;

869 2. The text of the proposed rule or amendment and the
870 reason for the proposed rule;

871 3. A request for comments on the proposed rule from any
872 interested person; and

873 4. The manner in which interested persons may submit
874 notice to the commission of their intention to attend the public
875 hearing and any written comments.

876 F. Before adoption of a proposed rule, the commission shall
877 allow persons to submit written data, facts, opinions and
878 arguments, which shall be made available to the public.

879 G. The commission shall grant an opportunity for a public
880 hearing before it adopts a rule or amendment if a hearing is
881 requested by:



- 882 1. At least twenty-five (25) persons who submit
883 comments independently of each other;
- 884 2. A governmental subdivision or agency; or
- 885 3. A duly appointed person in an association that has
886 at least twenty-five (25) members.

887 H. If a hearing is held on the proposed rule or amendment,
888 the commission shall publish the place, time, and date of the
889 scheduled public hearing.

890 1. All persons wishing to be heard at the hearing shall
891 notify the executive director of the commission or other
892 designated member in writing of their desire to appear and testify
893 at the hearing not less than five (5) business days before the
894 scheduled date of the hearing.

895 2. Hearings shall be conducted in a manner providing
896 each person who wishes to comment a fair and reasonable
897 opportunity to comment orally or in writing.

898 3. No transcript of the hearing is required, unless a
899 written request for a transcript is made, in which case the person
900 requesting the transcript shall bear the cost of producing the
901 transcript. A recording may be made in lieu of a transcript under
902 the same terms and conditions as a transcript. This subsection
903 shall not preclude the commission from making a transcript or
904 recording of the hearing if it so chooses.

905 4. Nothing in this article shall be construed as
906 requiring a separate hearing on each rule. Rules may be grouped



907 for the convenience of the commission at hearings required by this
908 article.

909 I. Following the scheduled hearing date, or by the close of
910 business on the scheduled hearing date if the hearing was not
911 held, the commission shall consider all written and oral comments
912 received.

913 J. The commission shall, by majority vote of all members,
914 take final action on the proposed rule and shall determine the
915 effective date of the rule, if any, based on the rulemaking record
916 and the full text of the rule.

917 K. If no written notice of intent to attend the public
918 hearing by interested parties is received, the commission may
919 proceed with promulgation of the proposed rule without a public
920 hearing.

921 L. Upon determination that an emergency exists, the
922 commission may consider and adopt an emergency rule without prior
923 notice, opportunity for comment, or hearing, provided that the
924 usual rulemaking procedures provided in the Compact and in this
925 article shall be retroactively applied to the rule as soon as
926 reasonably possible, in no event later than ninety (90) days after
927 the effective date of the rule. For the purposes of this
928 provision, an emergency rule is one that must be adopted
929 immediately in order to:

930 1. Meet an imminent threat to public health, safety, or
931 welfare;



957 the rules promulgated under this Compact shall have standing as
958 statutory law.

959 2. All courts shall take judicial notice of the Compact
960 and the rules in any judicial or administrative proceeding in a
961 Compact state pertaining to the subject matter of this Compact
962 which may affect the powers, responsibilities or actions of the
963 commission.

964 3. The commission shall be entitled to receive service
965 of process in any such proceeding, and shall have standing to
966 intervene in such a proceeding for all purposes. Failure to
967 provide service of process to the commission shall render a
968 judgment or order void as to the commission, this Compact or
969 promulgated rules.

970 B. Default, technical assistance and termination.

971 1. If the commission determines that a Compact state
972 has defaulted in the performance of its obligations or
973 responsibilities under this Compact or the promulgated rules, the
974 commission shall:

975 a. Provide written notice to the defaulting state
976 and other Compact states of the nature of the default, the
977 proposed means of remedying the default and/or any other action to
978 be taken by the commission; and

979 b. Provide remedial training and specific
980 technical assistance regarding the default.



981 2. If a state in default fails to remedy the default,
982 the defaulting state may be terminated from the Compact upon an
983 affirmative vote of a majority of the Compact states, and all
984 rights, privileges and benefits conferred by this Compact shall be
985 terminated on the effective date of termination. A remedy of the
986 default does not relieve the offending state of obligations or
987 liabilities incurred during the period of default.

988 3. Termination of membership in the Compact shall be
989 imposed only after all other means of securing compliance have
990 been exhausted. Notice of intent to suspend or terminate shall be
991 submitted by the commission to the Governor, the majority and
992 minority leaders of the defaulting state's legislature, and each
993 of the Compact states.

994 4. A Compact state which has been terminated is
995 responsible for all assessments, obligations and liabilities
996 incurred through the effective date of termination, including
997 obligations which extend beyond the effective date of termination.

998 5. The commission shall not bear any costs incurred by
999 the state which is found to be in default or which has been
1000 terminated from the Compact, unless agreed upon in writing between
1001 the commission and the defaulting state.

1002 6. The defaulting state may appeal the action of the
1003 commission by petitioning the United States District Court for the
1004 State of Georgia or the federal district where the Compact has its



1005 principal offices. The prevailing member shall be awarded all
1006 costs of such litigation, including reasonable attorney's fees.

1007 C. Dispute resolution.

1008 1. Upon request by a Compact state, the commission
1009 shall attempt to resolve disputes related to the Compact which
1010 arise among Compact states and between Compact and non-Compact
1011 states.

1012 2. The commission shall promulgate a rule providing for
1013 both mediation and binding dispute resolution for disputes that
1014 arise before the commission.

1015 D. Enforcement.

1016 1. The commission, in the reasonable exercise of its
1017 discretion, shall enforce the provisions and rules of this
1018 Compact.

1019 2. By majority vote, the commission may initiate legal
1020 action in the United States District Court for the State of
1021 Georgia or the federal district where the Compact has its
1022 principal offices against a Compact state in default to enforce
1023 compliance with the provisions of the Compact and its promulgated
1024 rules and bylaws. The relief sought may include both injunctive
1025 relief and damages. If judicial enforcement is necessary, the
1026 prevailing member shall be awarded all costs of such litigation,
1027 including reasonable attorney's fees.



1028 3. The remedies in this article shall not be the
1029 exclusive remedies of the commission. The commission may pursue
1030 any other remedies available under federal or state law.

1031 **ARTICLE XIII.**

1032 **DATE OF IMPLEMENTATION OF THE PSYCHOLOGY**
1033 **INTERJURISDICTIONAL COMPACT COMMISSION AND**
1034 **ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS.**

1035 A. The Compact shall come into effect on the date on which
1036 the Compact is enacted into law in the seventh Compact state. The
1037 provisions which become effective at that time shall be limited to
1038 the powers granted to the commission relating to assembly and the
1039 promulgation of rules. Thereafter, the commission shall meet and
1040 exercise rulemaking powers necessary to the implementation and
1041 administration of the Compact.

1042 B. Any state which joins the Compact after the commission's
1043 initial adoption of the rules shall be subject to the rules as
1044 they exist on the date on which the Compact becomes law in that
1045 state. Any rule which has been previously adopted by the
1046 commission shall have the full force and effect of law on the day
1047 the Compact becomes law in that state.

1048 C. Any Compact state may withdraw from this Compact by
1049 enacting a statute repealing the same.

1050 1. A Compact state's withdrawal shall not take effect
1051 until six (6) months after enactment of the repealing statute.



1052 2. Withdrawal shall not affect the continuing
1053 requirement of the withdrawing state's psychology regulatory
1054 authority to comply with the investigative and adverse action
1055 reporting requirements of this act before the effective date of
1056 withdrawal.

1057 D. Nothing contained in this Compact shall be construed to
1058 invalidate or prevent any psychology licensure agreement or other
1059 cooperative arrangement between a Compact state and a non-Compact
1060 state which does not conflict with the provisions of this Compact.

1061 E. This Compact may be amended by the Compact states. No
1062 amendment to this Compact shall become effective and binding upon
1063 any Compact state until it is enacted into the law of all Compact
1064 states.

1065 **ARTICLE XIV.**

1066 **CONSTRUCTION AND SEVERABILITY.**

1067 This Compact shall be liberally construed so as to effectuate
1068 the purposes thereof. If this Compact shall be held contrary to
1069 the constitution of any state member thereto, the Compact shall
1070 remain in full force and effect as to the remaining Compact
1071 states.

1072 **SECTION 2.** Section 73-31-7, Mississippi Code of 1972, is
1073 amended as follows:

1074 73-31-7. (1) The board shall annually elect officers from
1075 its membership. The board shall meet at any other times as it
1076 deems necessary or advisable, or as deemed necessary and advisable



1077 by the chairman or a majority of its members or the Governor.
1078 Reasonable notice of all meetings shall be given in the manner
1079 prescribed by the board. A majority of the board shall constitute
1080 a quorum at any meeting or hearing. Any meeting at which the
1081 chairman is not present shall be chaired by his designee.

1082 (2) The board is authorized and empowered to:

1083 (a) Adopt and, from time to time, revise any rules and
1084 regulations not inconsistent with, and as may be necessary to
1085 carry into effect the provisions of this chapter.

1086 (b) Within the funds available, employ and/or contract
1087 with a stenographer and other personnel, and contract for
1088 services, as are necessary for the proper performance of its work
1089 under this chapter.

1090 (c) Adopt a seal, and the executive secretary or board
1091 administrator shall have the care and custody thereof.

1092 (d) Examine, license, and renew the license of duly
1093 qualified applicants.

1094 (e) Conduct hearings upon complaints concerning the
1095 disciplining or licensing of applicants and psychologists.

1096 (f) Deny, approve, withhold, revoke, suspend and/or
1097 otherwise discipline applicants and licensed psychologists.

1098 (g) Issue an educational letter to a licensee in order
1099 to assist that individual in his or her practice as a
1100 psychologist. Such a letter will not be considered to be
1101 disciplinary action.



1102 (h) Cause the prosecution and enjoinder of all persons
1103 violating this chapter, and incur necessary expenses therefor.

1104 (i) Charge a fee of not more than Seven Hundred Dollars
1105 (\$700.00) to a qualified psychologist as determined by the board
1106 who is applying for certification by the board to conduct
1107 examinations in civil commitment proceedings.

1108 (j) Purchase general liability insurance coverage,
1109 including errors and omissions insurance, to cover the official
1110 actions of the board members and contract personnel and suits
1111 against them in their individual capacity. That coverage shall be
1112 in an amount determined by the board to be adequate, and the costs
1113 of the insurance shall be paid out of any funds available to the
1114 board.

1115 (k) As additional responsibilities, effective July 1,
1116 2018, the board shall administer and support the function of the
1117 Mississippi Autism Board under Sections 73-75-1 through 73-75-25,
1118 relating to the licensure of licensed behavior analysts and
1119 licensed assistant behavior analysts.

1120 (l) Grant to persons who are licensed in another state
1121 or jurisdiction the authority to practice interjurisdictional
1122 telepsychology or the temporary authorization to practice, and
1123 regulate the practice of those persons in Mississippi, in
1124 accordance with the Psychology Interjurisdictional Compact
1125 provided for in Section 1 of this act and this chapter.



1126 (3) Within thirty (30) days after the close of each fiscal
1127 year ending June 30, the board shall submit an official report,
1128 reviewed and signed by all board members, to the Governor
1129 concerning the work of the board during the preceding fiscal year.
1130 The report shall include the names of all psychologists to whom
1131 licenses have been granted; any cases heard and decisions rendered
1132 in relation to the work of the board; the names, remuneration and
1133 duties of any employees of the board; and an account of all monies
1134 received and expended by the board.

1135 **SECTION 3.** Section 73-31-9, Mississippi Code of 1972, is
1136 brought forward as follows:

1137 73-31-9. (1) All fees from applicants seeking licensing
1138 under this chapter and all license renewal fees received under
1139 this chapter shall be nonrefundable. The board may charge a late
1140 fee for nonrenewal by June 30 of each year.

1141 (2) The board shall charge an application fee to be
1142 determined by the board, but not to exceed Seven Hundred Dollars
1143 (\$700.00), to applicants for licensing, and shall charge the
1144 applicant for the expenses incurred by the board for examination
1145 of the applicant. The board may increase the application fee as
1146 necessary, but may not increase the fee by more than Fifty Dollars
1147 (\$50.00) above the amount of the previous year's fee.

1148 (3) Except as provided in Section 33-1-39, every licensed
1149 psychologist in this state shall annually pay to the board a fee
1150 determined by the board, but not to exceed Seven Hundred Dollars



1151 (\$700.00); and the credentialing coordinator shall thereupon issue
1152 a renewal of the license for a term of one (1) year. The board
1153 may increase the license renewal fee as necessary, but may not
1154 increase the fee by more than Fifty Dollars (\$50.00) above the
1155 amount of the previous year's fee. The license of any
1156 psychologist who fails to renew during the month of June in each
1157 and every year shall lapse; the failure to renew the license,
1158 however, shall not deprive the psychologist of the right of
1159 renewal thereafter. The lapsed license may be renewed within a
1160 period of two (2) years after the lapse upon payment of all fees
1161 in arrears. A psychologist wishing to renew a license that has
1162 been lapsed for more than two (2) years shall be required to
1163 reapply for licensure.

1164 (4) Every odd-numbered year, no psychologist license shall
1165 be renewed unless the psychologist shows evidence of a minimum of
1166 twenty (20) clock hours of continuing education activities
1167 approved by the board.

1168 (5) All fees and any other monies received by the board
1169 shall be deposited in a special fund that is created in the State
1170 Treasury and shall be used for the implementation and
1171 administration of this chapter when appropriated by the
1172 Legislature for that purpose. The monies in the special fund
1173 shall be subject to all provisions of the state budget laws that
1174 are applicable to special fund agencies, and disbursements from
1175 the special fund shall be made by the State Treasurer only upon



1176 warrants issued by the State Fiscal Officer upon requisitions
1177 signed by the chairman or executive secretary of the board. Any
1178 interest earned on this special fund shall be credited by the
1179 State Treasurer to the fund and shall not be paid into the State
1180 General Fund. Any unexpended monies remaining in the special fund
1181 at the end of a fiscal year shall not lapse into the State General
1182 Fund. The State Auditor shall audit the financial affairs of the
1183 board and the transactions involving the special fund at least
1184 once a year in the same manner as for other special fund agencies.

1185 **SECTION 4.** Section 73-31-13, Mississippi Code of 1972, is
1186 amended as follows:

1187 73-31-13. The board shall issue a license as a psychologist
1188 to each applicant who files an application upon a form and in the
1189 manner as the board prescribes, accompanied by the fee as is
1190 required by this chapter; and who furnishes evidence satisfactory
1191 to the board that he or she:

1192 (a) Is at least twenty-one (21) years of age; and

1193 (b) Is of good moral character. The applicant must
1194 have successfully been cleared for licensure through an
1195 investigation that consists of a determination as to good moral
1196 character and verification that the prospective licensee is not
1197 guilty of or in violation of any statutory ground for denial of
1198 licensure. For the purposes of this chapter, good moral character
1199 includes an absence of felony convictions or misdemeanor
1200 convictions involving moral turpitude as established by a criminal



1201 background check. Applicants shall undergo a fingerprint-based
1202 criminal history records check of the Mississippi central criminal
1203 database and the Federal Bureau of Investigation criminal history
1204 database. Each applicant shall submit a full set of the
1205 applicant's fingerprints in a form and manner prescribed by the
1206 board, which shall be forwarded to the Mississippi Department of
1207 Public Safety (department) and the Federal Bureau of Investigation
1208 Identification Division for this purpose; and

1209 (c) Is not in violation of any of the provisions of
1210 this chapter and the rules and regulations adopted under this
1211 chapter, and is not currently under investigation by another
1212 licensure board; and

1213 (d) Holds a doctoral degree in psychology from an
1214 institution of higher education that is: regionally accredited by
1215 an accrediting body recognized by the United States Department of
1216 Education, or authorized by Provincial statute or Royal Charter to
1217 grant doctoral degrees. From a program accredited by the American
1218 Psychological Association, or the Canadian Psychological
1219 Association, and from a program that requires at least one (1)
1220 year of continuous, full-time residence at the educational
1221 institution granting the doctoral degree. For graduates from
1222 newly established programs seeking accreditation or in areas where
1223 no accreditation exists, applicants for licensure shall have
1224 completed a doctoral program in psychology that meets recognized
1225 acceptable professional standards as determined by the board. For



1226 applicants graduating from doctoral level psychology training
1227 programs outside of the United States of America or Canada,
1228 applicants for licensure shall have completed a doctoral program
1229 in psychology that meets recognized acceptable professional
1230 standards as determined by the board; and

1231 (e) Has completed a supervised internship from a
1232 program accredited by the American Psychological Association or
1233 the Canadian Psychological Association that meet the standards of
1234 training as defined by the board. The internship shall be
1235 comprised of at least one thousand eight hundred (1,800) hours of
1236 actual work, to include direct service, training and supervisory
1237 time; and

1238 (f) Demonstrates professional knowledge by passing
1239 written (as used in this paragraph, the term "written" means
1240 either paper and pencil or computer-administered or computerized
1241 testing) and oral examinations in psychology prescribed by the
1242 board; except that upon examination of credentials, the board may,
1243 by unanimous consent, consider these credentials adequate evidence
1244 of professional knowledge.

1245 Upon investigation of the application and other evidence
1246 submitted, the board shall, not less than thirty (30) days before
1247 the examination, notify each applicant that the application and
1248 evidence submitted is satisfactory and accepted or unsatisfactory
1249 and rejected; if rejected, the notice shall state the reasons for
1250 the rejection.



1251 The place of examination shall be designated in advance by
1252 the board, and the examination shall be given at such time and
1253 place and under such supervision as the board may determine. The
1254 examination used by the board shall consist of written tests and
1255 oral tests, and shall fairly test the applicant's knowledge and
1256 application thereof in those areas deemed relevant by the
1257 board. All examinations serve the purpose of verifying that a
1258 candidate for licensure has acquired a basic core of knowledge in
1259 the discipline of psychology and can apply that knowledge to the
1260 problems confronted in the practice of psychology within the
1261 applicant's area of practice.

1262 The board shall evaluate the results from both the written
1263 and oral examinations. The passing scores for the written and
1264 oral examinations shall be established by the board in its rules
1265 and regulations. If an applicant fails to receive a passing score
1266 on the entire examination, he or she may reapply and shall be
1267 allowed to take a later examination. An applicant who has failed
1268 two (2) successive examinations by the board may not reapply until
1269 after two (2) years from the date of the last examination failed.
1270 The board shall keep the written examination scores, and an
1271 accurate transcript of the questions and answers relating to the
1272 oral examinations, and the grade assigned to each answer thereof,
1273 as part of its records for at least two (2) years after the date
1274 of examination.



1275 Persons licensed in another state or jurisdiction applying
1276 for the authority to practice interjurisdictional telepsychology
1277 must meet the requirements set out in the Psychology
1278 Interjurisdictional Compact provided for in Section 1 of this act.

1279 Each application or filing made under this section shall
1280 include the social security number(s) of the applicant in
1281 accordance with Section 93-11-64.

1282 **SECTION 5.** Section 73-31-14, Mississippi Code of 1972, is
1283 amended as follows:

1284 73-31-14. (1) Psychologists who are duly licensed in other
1285 jurisdictions and not currently under investigation by another
1286 licensure board may, upon application for licensure, apply for a
1287 temporary license, which shall be valid until the next
1288 administration of the oral examination. The temporary license
1289 shall be issued upon the applicant's passage of the Examination
1290 for Professional Practice of Psychology (EPPP) at the level
1291 established by the board in its rules and regulations and
1292 equivalent to that required for permanent licensure. Each
1293 applicant for a temporary license shall file an application upon a
1294 form and in the manner as the board prescribes, accompanied by a
1295 fee equal to the amount required for permanent licensure. A
1296 temporary license will lapse for any person who has failed the
1297 oral examination or has had his or her license suspended or
1298 revoked by the board. Procedures for the issuance of temporary
1299 licenses shall be established by the board in its rules and



1300 regulations. The issuance of a temporary license to a
1301 military-trained applicant, military spouse or person who
1302 establishes residence in this state shall be subject to the
1303 provisions of Section 73-50-1 or 73-50-2, as applicable.

1304 (2) Psychologists who are duly licensed in other
1305 jurisdictions may apply for a temporary practice certificate that
1306 allows them to practice psychology on a temporary basis in the
1307 State of Mississippi. That practice must be limited in scope and
1308 duration, not exceeding thirty (30) days during a consecutive
1309 twelve-month period. Applicants for a temporary practice
1310 certificate shall provide to the board the nature of the practice
1311 before providing that service, and shall make available to the
1312 board a current copy of his or her license or verification of a
1313 valid license in good standing. Psychologists who receive
1314 temporary practice certificates are subject to a jurisprudence
1315 examination at the request of the board. This authority for a
1316 temporary practice certificate does not apply to a psychologist
1317 who has been denied licensure in Mississippi, is a legal resident
1318 of Mississippi, or intends to practice full-time or a major
1319 portion of their time in Mississippi. Each applicant for a
1320 temporary practice certificate shall file an application upon a
1321 form and in the manner as the board prescribes, accompanied by a
1322 fee in an amount determined by the board, but not to exceed Three
1323 Hundred Dollars (\$300.00).



1324 (3) Applicants awaiting licensure in Mississippi are
1325 prohibited from the practice of psychology without a temporary
1326 license issued by the board. For the purposes of this subsection,
1327 the practice of psychology shall be construed without regard to
1328 the means of service provision (e.g., face-to-face, telephone,
1329 internet, telehealth).

1330 (4) Persons licensed in another state or jurisdiction
1331 applying for the temporary authorization to practice must meet the
1332 requirements set out in the Psychology Interjurisdictional Compact
1333 provided for in Section 1 of this act.

1334 **SECTION 6.** Section 73-31-15, Mississippi Code of 1972, is
1335 amended as follows:

1336 73-31-15. (1) Upon application accompanied by the proper
1337 fee, the board may issue a license to any psychologist who
1338 furnishes, upon a form and in the manner as the board prescribes,
1339 evidence satisfactory to the board that he or she is a diplomate
1340 in good standing of the American Board of Examiners in
1341 Professional Psychology; or possesses a valid Certificate of
1342 Professional Qualification (CPQ) granted by the Association of
1343 State and Provincial Psychology Boards; or has at least twenty
1344 (20) years of licensure to practice in another state, territorial
1345 possession of the United States, District of Columbia, or
1346 Commonwealth of Puerto Rico or Canadian Province when that license
1347 was based on a doctoral degree; and



1348 (a) Has had no disciplinary sanction during the entire
1349 period of licensure; and

1350 (b) Is not currently under investigation by another
1351 licensure board; and

1352 (c) Has demonstrated current qualification by
1353 successfully passing the oral examination and jurisprudence
1354 examination.

1355 (2) The issuance of a license by reciprocity to a
1356 military-trained applicant, military spouse or person who
1357 establishes residence in this state shall be subject to the
1358 provisions of Section 73-50-1 or 73-50-2, as applicable.

1359 (3) The board may grant the authority to practice
1360 interjurisdictional telepsychology to persons who are licensed in
1361 another state or jurisdiction who meet the requirements set out in
1362 the Psychology Interjurisdictional Compact provided for in Section
1363 1 of this act.

1364 **SECTION 7.** Section 73-31-21, Mississippi Code of 1972, is
1365 amended as follows:

1366 73-31-21. (1) The board, by an affirmative vote of at least
1367 four (4) of its seven (7) members, shall withhold, deny, revoke or
1368 suspend any license issued or applied for in accordance with the
1369 provisions of this chapter, or otherwise discipline a licensed
1370 psychologist, upon proof that the applicant or licensed
1371 psychologist:



1372 (a) Has violated the current code of ethics of the
1373 American Psychological Association or other codes of ethical
1374 standards adopted by the board; or

1375 (b) Has been convicted of a felony or any offense
1376 involving moral turpitude, the record of conviction being
1377 conclusive evidence thereof; or

1378 (c) Is using any substance or any alcoholic beverage to
1379 an extent or in a manner dangerous to any other person or the
1380 public, or to an extent that the use impairs his or her ability to
1381 perform the work of a professional psychologist with safety to the
1382 public; or

1383 (d) Has impersonated another person holding a
1384 psychologist license or allowed another person to use his or her
1385 license; or

1386 (e) Has used fraud or deception in applying for a
1387 license or in taking an examination provided for in this chapter;
1388 or

1389 (f) Has accepted commissions or rebates or other forms
1390 of remuneration for referring clients to other professional
1391 persons; or

1392 (g) Has performed psychological services outside of the
1393 area of his or her training, experience or competence; or

1394 (h) Has allowed his or her name or license issued under
1395 this chapter to be used in connection with any person or persons



1396 who perform psychological services outside of the area of their
1397 training, experience or competence; or

1398 (i) Is legally adjudicated mentally incompetent, the
1399 record of that adjudication being conclusive evidence thereof; or

1400 (j) Has willfully or negligently violated any of the
1401 provisions of this chapter. The board may recover from any person
1402 disciplined under this chapter, the costs of investigation,
1403 prosecution, and adjudication of the disciplinary action.

1404 (2) Notice shall be effected by registered mail or personal
1405 service setting forth the particular reasons for the proposed
1406 action and fixing a date not less than thirty (30) days nor more
1407 than sixty (60) days from the date of the mailing or that service,
1408 at which time the applicant or licensee shall be given an
1409 opportunity for a prompt and fair hearing. For the purpose of the
1410 hearing, the board, acting by and through its executive secretary,
1411 may subpoena persons and papers on its own behalf and on behalf of
1412 the applicant or licensee, may administer oaths and may take
1413 testimony. That testimony, when properly transcribed, together
1414 with the papers and exhibits, shall be admissible in evidence for
1415 or against the applicant or licensee. At the hearing, the
1416 applicant or licensee may appear by counsel and personally in his
1417 or her own behalf. Any person sworn and examined by a witness in
1418 the hearing shall not be held to answer criminally, nor shall any
1419 papers or documents produced by the witness be competent evidence
1420 in any criminal proceedings against the witness other than for



1421 perjury in delivering his or her evidence. On the basis of any
1422 such hearing, or upon default of applicant or licensee, the board
1423 shall make a determination specifying its findings of fact and
1424 conclusions of law. A copy of that determination shall be sent by
1425 registered mail or served personally upon the applicant or
1426 licensee. The decision of the board denying, revoking or
1427 suspending the license shall become final thirty (30) days after
1428 so mailed or served, unless within that period the applicant or
1429 licensee appeals the decision to the chancery court, under the
1430 provisions hereof, and the proceedings in chancery shall be
1431 conducted as other matters coming before the court. All
1432 proceedings and evidence, together with exhibits, presented at the
1433 hearing before the board shall be admissible in evidence in court
1434 in the appeal.

1435 (3) The board may subpoena persons and papers on its own
1436 behalf and on behalf of the respondent, may administer oaths and
1437 may compel the testimony of witnesses. It may issue commissions
1438 to take testimony, and testimony so taken and sworn to shall be
1439 admissible in evidence for and against the respondent. The board
1440 shall be entitled to the assistance of the chancery court or the
1441 chancellor in vacation, which, on petition by the board, shall
1442 issue ancillary subpoenas and petitions and may punish as for
1443 contempt of court in the event of noncompliance therewith.

1444 (4) Every order and judgment of the board shall take effect
1445 immediately on its promulgation unless the board in the order or



1446 judgment fixes a probationary period for the applicant or
1447 licensee. The order and judgment shall continue in effect unless
1448 upon appeal the court by proper order or decree terminates it
1449 earlier. The board may make public its order and judgments in
1450 any manner and form as it deems proper. It shall, in event of the
1451 suspension or revocation of a license, direct the clerk of the
1452 circuit court of the county in which that license was recorded to
1453 cancel that record.

1454 (5) Nothing in this section shall be construed as limiting
1455 or revoking the authority of any court or of any licensing or
1456 registering officer or board, other than the Mississippi Board of
1457 Psychology, to suspend, revoke and reinstate licenses and to
1458 cancel registrations under the provisions of Section 41-29-311.

1459 (6) Suspension by the board of the license of a psychologist
1460 shall be for a period not exceeding one (1) year. At the end of
1461 this period the board shall reevaluate the suspension, and shall
1462 either reinstate or revoke the license. A person whose license
1463 has been revoked under the provisions of this section may reapply
1464 for a license after more than two (2) years have elapsed from the
1465 date that the denial or revocation is legally effective.

1466 (7) In addition to the reasons specified in subsection (1)
1467 of this section, the board shall be authorized to suspend the
1468 license of any licensee for being out of compliance with an order
1469 for support, as defined in Section 93-11-153. The procedure for
1470 suspension of a license for being out of compliance with an order



1471 for support, and the procedure for the reissuance or reinstatement
1472 of a license suspended for that purpose, and the payment of any
1473 fees for the reissuance or reinstatement of a license suspended
1474 for that purpose, shall be governed by Section 93-11-157. Actions
1475 taken by the board in suspending a license when required by
1476 Section 93-11-157 or 93-11-163 are not actions from which an
1477 appeal may be taken under this section. Any appeal of a license
1478 suspension that is required by Section 93-11-157 or 93-11-163
1479 shall be taken in accordance with the appeal procedure specified
1480 in Section 93-11-157 or 93-11-163, as the case may be, rather than
1481 the procedure specified in this section. If there is any conflict
1482 between any provision of Section 93-11-157 or 93-11-163 and any
1483 provision of this chapter, the provisions of Section 93-11-157 or
1484 93-11-163, as the case may be, shall control.

1485 (8) The board may issue a nondisciplinary, educational
1486 letter to licensees as provided in Section 73-31-7(2)(g). The
1487 board may also direct a psychologist to obtain a formal assessment
1488 of ability to practice safely if there is reason to believe there
1489 may be impairment due to substance abuse or mental incapacity.
1490 Licensees who may be impaired, but who are able to practice
1491 safely, may be required by the board to seek appropriate treatment
1492 and/or supervision. That action by the board in itself will not
1493 be considered disciplinary.

1494 (9) The board may discipline any person who has been granted
1495 the authority to practice interjurisdictional telepsychology or



1496 the temporary authorization to practice under the Psychology
1497 Interjurisdictional Compact provided for under Section 1 of this
1498 act, for any of the grounds specified in subsection (1) of this
1499 section in the same manner as the board disciplines a licensed
1500 psychologist under this section.

1501 **SECTION 8.** Section 73-31-23, Mississippi Code of 1972, is
1502 amended as follows:

1503 73-31-23. (1) It shall be a misdemeanor:

1504 (a) For any person not licensed under this chapter to
1505 represent himself or herself as a psychologist or practice
1506 psychology in the manner described in Section 73-31-3, except as
1507 otherwise authorized under the Psychology Interjurisdictional
1508 Compact provided for under Section 1 of this act; or

1509 (b) For any person to represent himself or herself as a
1510 psychologist or practice psychology in the manner described in
1511 Section 73-31-3 during the time that his or her license as a
1512 psychologist is suspended or revoked or lapsed; or

1513 (c) For any person to otherwise violate the provisions
1514 of this chapter.

1515 That misdemeanor shall be punishable, upon conviction, by
1516 imprisonment for not more than sixty (60) days or by a fine of not
1517 more than Three Hundred Dollars (\$300.00), or by both that fine
1518 and imprisonment. Each violation shall be deemed a separate
1519 offense. The misdemeanor shall be prosecuted by the district



1520 attorney of the judicial district in which the offense was
1521 committed in the name of the people of the State of Mississippi.

1522 (2) Any entity, organization or person, including the board,
1523 any member of the board, and its agents or employees, acting in
1524 good faith and without malice, who makes any report or information
1525 available to the board regarding violation of any of the
1526 provisions of this chapter, or who assists in the organization,
1527 investigation or preparation of any such report or information or
1528 assists the board in carrying out any of its duties or functions
1529 provided by law, shall be immune from civil or criminal liability
1530 for those acts.

1531 The immunity granted under the provisions of this subsection
1532 shall not apply to and shall not be available to any psychologist
1533 who is the subject of any report or information relating to a
1534 violation by the psychologist of the provisions of this
1535 chapter.

1536 **SECTION 9.** Section 73-31-25, Mississippi Code of 1972, is
1537 brought forward as follows:

1538 73-31-25. The board may, in the name of the people of the
1539 State of Mississippi, through the Attorney General, except as
1540 otherwise authorized in Section 7-5-39, apply for an injunction in
1541 any court of competent jurisdiction to enjoin any person from
1542 committing any act declared to be a misdemeanor by this chapter.

1543 If it is established that the defendant has been or is
1544 committing an act declared to be a misdemeanor by this chapter,



1545 the court, or any judge thereof, shall enter a decree perpetually
1546 enjoining the defendant from further committing that act. In case
1547 of violation of any injunction issued under the provisions of this
1548 section, the court, or any judge thereof, may summarily try and
1549 punish the offender for contempt of court. Those injunctive
1550 proceedings shall be in addition to, and not in lieu of, all
1551 penalties and other remedies provided for in this chapter.

1552 **SECTION 10.** Section 73-31-27, Mississippi Code of 1972, is
1553 brought forward as follows:

1554 73-31-27. (1) Nothing in this chapter shall be construed to
1555 limit:

1556 (a) The activities and services of a student, intern or
1557 trainee in psychology pursuing a course of study in psychology at
1558 an institution of higher education, if these activities and
1559 services constitute a part of his or her supervised course of
1560 study; or

1561 (b) The services and activities of members of other
1562 professional groups licensed or certified by the State of
1563 Mississippi who perform work of a psychological nature consistent
1564 with their training, work experience history, and with any code of
1565 ethics of their respective professions, provided they do not hold
1566 themselves out to be psychologists. Portions of the practice of
1567 psychology as defined by this chapter overlap with the activities
1568 of other professional groups and it is not the intent of this
1569 chapter to regulate the activities of those professional groups.



1570 (2) Individuals certified by the Mississippi State
1571 Department of Education may use appropriate titles such as "school
1572 psychologist," "certified school psychologist," "educational
1573 psychologist" or "psychometrist" only when they are employed by or
1574 under contract with a school district and practicing in school or
1575 educational settings.

1576 (3) A lecturer employed by an institution of higher learning
1577 may use an appropriate academic or research title, provided he or
1578 she does not represent himself or herself as a psychologist or
1579 practice psychology in the manner described in Section 73-31-3.

1580 **SECTION 11.** This act shall take effect and be in force from
1581 and after its passage.

