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Chapter No. 320
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SENATE BILL NO. 2480

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2480

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Assisting in legal decision-making.

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

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

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

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

4. Psychoeducational evaluation, therapy and remediation;

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

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

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

7. The supervision of any of the above.

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

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

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

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

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

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

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

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

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

73-31-7. (1) The board shall annually elect <u>officers</u> from its membership *** * ***. The board shall meet at any other times as

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

(2) The board is authorized and empowered to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The name, age and residence of each applicant;

(b) The date of the application;

(c) The place of professional practice of the applicant;

(d) A summary of the educational and other qualifications of the applicant;

(e) Whether or not an examination was required;

(f) Whether or not a license was granted;

(g) The date of the action of the board;

(h) Any other information as may be deemed necessary or advisable by the board in aid of the above requirements.

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED BY THE SENATE
February 8, 2018

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
February 28, 2018

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

March 7, 2018
8:30 Am