RULES AND REGULATIONS OF THE MISSISSIPPI BOARD OF PSYCHOLOGY

Title 30: Professions and Occupations

Part 3201: Rules and Regulations of the Mississippi Board of Psychology

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Mississippi Board of Psychology

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GLOSSARY AND ACRONYMS USED IN THESE RULES AND REGULATIONS:

APA. American Psychological Association

ABPP. American Board of Specialties in Psychology

ASPPB. Association of State and Provincial Psychology Boards

Board. Mississippi Board of Psychology

CPA. Canadian Psychological Association

CPQ. Certificate of Professional Qualification in Psychology, issued by ASPPB

EPPP. Examination for Professional Practice in Psychology

IPC. International Practice Certificate, issued by ASPPB

MPA. Mississippi Psychological Association

Title 30: Professions and Occupations

Part 3201: Rules and Regulations of the Mississippi Board of Psychology

PART 3201 CHAPTER 1: MEMBERS OF THE BOARD

RULE 1 1: OFFICERS. The designated officers of the Board are: Chair, Executive Secretary, Treasurer, Recording Secretary, Credentialing Coordinator, and Continuing Education Coordinator.

Source: *Miss. Code Ann.* §73-31-5 and 73-31-7.

RULE 1.2: DUTIES OF MEMBERS. The Chair of the Board shall preside at all official meetings and functions of the Board and shall conduct meetings and all formal business of the Board according to Robert's Rules of Order. The Board Chair will supervise the operation of the Board office and shall be the conduit for all official correspondence with the Board with the exception of any correspondence related to the specific duties of board members as outlined below.

A. The Executive Secretary of the Board shall be responsible for addressing all complaints and overseeing or conducting investigatory proceedings as outlined in the Board's laws, rules and regulations.

B. The Treasurer of the Board will supervise the maintenance of all financial records of the Board. The Treasurer will make a statement regarding the financial status of the Board no less than quarterly. The Treasurer will maintain all the records in keeping with the requirements of the laws of the State of Mississippi.

C. The Credentialing Coordinator will coordinate professional evaluation functions of the Board.

D. The Recording Secretary will be responsible for the preparation of minutes of all actions taken by the Board.

E. The Continuing Education Coordinator will supervise all activities of the Board regarding continuing education activities of psychologists and providers and will report to the Board on such matters as needed.

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 2: MEETINGS OF THE BOARD

RULE 2.1: MEETINGS. The Board shall meet at least four times annually, once each quarter, at a time to be arranged for the convenience of the members. The Chair or the majority of the board may call a special meeting at any time in order to conduct business which may arise, and

which will not conveniently wait until the next regularly scheduled meeting of the Board. Notice of meeting will be posted on the Board website.

Source: *Miss. Code Ann.* §73-31-7

RULE 2.2: DELEGATION OF AUTHORITY. If it is necessary for the Chair to miss a meeting of the Board, the Executive Secretary shall preside. If both the Chair and Executive Secretary are absent, the Treasurer shall preside.

Source: *Miss. Code Ann.* §73-31-7

RULE 2.3: QUORUM. Four (4) members of the Board must be present in order for there to be a quorum.

Source: *Miss. Code Ann.*-§73-31-7

PART 3201 CHAPTER 3: PUBLIC ACCESS TO THE BOARD

RULE 3.1: PUBLIC ACCESS. All Board meetings are held in accordance with the Mississippi Open Meeting Act, and are open to the public.

Source**:** *Miss. Code Ann.*-§73-31-7 and 73-31-11.

RULE 3.2: RECORDS OF BOARD INVESTIGATIONS. Records of Board investigations are confidential, until action is taken on the case and the case is closed.

Source: *Miss. Code Ann.*-§73-31-7 (e).

RULE 3.3: ADVERSE ACTIONS. If the Board makes a finding that any psychologist or other person who may come under the Board's jurisdiction has committed a legal or ethical infraction, the Board may notify the Executive Council of the Mississippi Psychological Association (MPA), the Ethics Committee of the American Psychological Association (APA), and the Association of State and Provincial Psychology Boards (ASPPB). If circumstances warrant, the Board will notify the proper law enforcement agencies. If said person is a member of any other certifying bodies and/or licensed in another jurisdiction, the Board may also notify those bodies of the findings and the disposition of the case.

Source: *Miss***.** *Code Ann***.**-§73-31-7 (f).

RULE 3.4: RECORD. Requests for information may be made in accordance with the Mississippi Public Records Act, *Miss. Code Ann.*-§25-61-1 et. seq.

A. All requests must be in writing describing the specific information sought.

B. The Board shall respond to a request for access to records within seven (7) working days of the receipt of such a request.

C. If any record cannot be produced for any reason, the Board shall provide a written response with the specific reasons therefore.

D. Public records of the Board will be made available through the office of the Board during Business Hours (8:30 a.m. to 4:30 p.m., Monday through Friday) by appointment. No person will be allowed to remove records from the office of the Board or any agency with which the Board contracts to store such records.

E. Copies of records will be made available at a reasonable fee, which may include cost of locating, searching, duplicating, and/or reviewing. In no case shall such charge exceed actual cost. All fees will be charged in advance and must be paid to the Board prior to delivery of the requested records or copies.

Source: *Miss. Code Ann.* §73-31-7

RULE 3.5: MAILING LIST COPIES. Copies of the mailing list of psychologists licensed by the Board are available to the public upon request. Charges for the list in mailing label format or by electronic means shall be a reasonable fee determined by the Board and must be paid in advance to the Board Office.

Source: *Miss. Code Ann.* §73-31-7

RULE 3.6: LICENSEE'S CHANGE OF INFORMATION. Any licensee must notify the Board in writing of any address change. Any licensee whose name has changed must submit documentation of the change in the form of a copy of Social Security card, marriage certificate, or divorce decree. Appropriate forms are available on the Board's website.

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 4: LICENSURE APPLICATION PROCESS

RULE 4.1: FORM OF APPLICATION. All applications for licensure shall be made on a printed form provided by the Board. If space on the form does not permit an applicant to present his record of experience or practice, the applicant may provide supplementary sheets of white paper 8 1/2 x 11 inches in size. Such additional sheets shall be typed on one side only and shall be signed and dated. Applications must be clearly typewritten in black suitable for copy machines. All questions must be answered, except as otherwise specified.

A recognizable photograph shall be attached to the application. The photograph shall be not more than six (6) months old, 2 by 2 inches overall (passport size), with the face not less than 3/4 inches wide, with name of applicant and date the photograph was taken entered on the back of the photograph.

All applicants shall undergo criminal history background check and shall provide his/her fingerprints for this purpose.

Applications shall be subscribed and sworn to before a Notary Public or other persons qualified to administer oath.

At the time the Board begins to utilize electronic or online application, the process will be in a form and manner prescribed by the Board.

Source: *Miss. Code Ann.* §73-31-7

RULE: 4.2: ACCEPTANCE OF APPLICATIONS. An application not properly completed, not containing all of the required information, or not accompanied by the required fee will be returned with a statement of the reason for return.

Withholding of information, misrepresentations, or untrue statements will be cause for denial of an application. Persons who have been previously disciplined by the Board shall appear before the Board and show cause why they should be accepted as an applicant for licensure or enrollment. No person shall be eligible for licensure or enrollment that is not of good character and reputation.

Source: *Miss. Code Ann.* §73-31-7

RULE 4.3: REFERENCES. Before an application may be deemed complete by the Board, in addition to an absence of felony conviction(s) or misdemeanor conviction(s) involving moral turpitude, in order to establish good moral character, the Board must be in receipt of references from three (3) licensed psychologists that have known or worked with the applicant within the five (5) year period immediately preceding the date of the application.

Source: *Miss. Code Ann.* §73-31-7

RULE 4.4: TRANSCRIPT. Before an application may be deemed complete by the Board, the Board must be in receipt of a transcript from an institution of higher education that is: regionally accredited by an accrediting body recognized by the U. S. Department of Education, or authorized by Provincial statute or Royal Charger to grant doctoral degrees; and from a program accredited by the American Psychological Association, or the Canadian Psychological Association showing the conferral of a doctoral degree in psychology.

When the applicant is a graduate of a newly established program which is seeking accreditation or where no accreditation exists at the time of the application, the applicant must provide a transcript evidencing that the applicant has received a doctoral degree from a program of psychology that meets recognized acceptable professional standards as determined by the Board.

Transcripts shall bear the official seal or mark of the registrar of the educational institution. It is the responsibility of the applicant to see that such record is sent directly from the educational

institution to the Board office. No action will be taken on any application until such transcript is received.

Source: *Miss. Code Ann.* §73-31-7

RULE 4.5: TRANSCRIPT FROM APPLICANTS WITH DEGREES FROM FOREIGN SCHOOLS. When the applicant is a graduate of doctoral level training program outside of the United States or Canada the applicant must provide a transcript evidencing that the applicant has received a doctoral degree from a program of psychology that meets recognized acceptable professional standards as determined by the Board.

Such transcript shall bear the official seal or mark of the registrar of the educational institution. It is the responsibility of the applicant to see that such record is sent directly from the institution to the Board office. No action will be taken on any application until such transcript is received.

Source: *Miss. Code Ann.* §73-31-7

RULE 4.6: EXPERIENCE RECORD. An applicant must demonstrate that he or she has two (2) years of supervised experience in the same area of emphasis as the academic degree reflected on his or her transcript. This experience must include an internship and one (1) year of supervised post-doctoral experience that meet the standards of training as defined by the Board in Chapter V. Each year (or equivalent) shall be comprised of at least two thousand (2,000) hours of actual work, which may include direct service, training and supervisory time. A pre-doctoral internship may be counted as one (1) of the two (2) years of experience. When relating experience, an applicant must account for the entire period of time which has elapsed since the beginning of the experience record.

Source: *Miss. Code Ann.* §73- 31-7 and 73-31-13.

RULE 4.7: APPLICANTS.

A. **Temporary License:** Applicants who are duly licensed in other jurisdictions and who have passed the Examination for Professional Practice of Psychology (EPPP), but who have not yet taken an oral examination, may apply for a temporary license.

    1. No applicant who is under investigation by a licensure board in another jurisdiction, who has failed the board's oral examination, or who has had a license previously suspended or revoked by the board, shall be eligible for the issuance of a temporary license.

    2. A temporary license issued pursuant to this rule shall lapse at the next administration of the oral examination following the issuance of the temporary license unless~~,~~ an extension of the temporary license is granted by the board for good cause shown.

    3. A temporary license issued pursuant to this rule shall lapse if the applicant fails the oral examination.

4. A temporary license may be suspended or revoked by the board in the same time and manner as any other license issued by the board.

B. **Temporary Practice Certificate**: Applicants who are duly licensed in other jurisdictions and who are not residents of the State of Mississippi and who do not maintain an office within the State may apply for a Temporary Practice Certificate that allows them to practice psychology on a temporary basis in the State.

1. No applicant whose license to practice psychology in his or her jurisdiction was issued based on a level of education below a doctoral degree shall be eligible for a Temporary Practice Certificate.

2. The practice of psychology under a Temporary Practice Certificate shall be limited in duration and shall not exceed thirty (30) days during a consecutive twelve-month period.

3. The practice of psychology under a Temporary Practice Certificate shall be limited in scope and shall not be used to circumvent or avoid obtaining a license to practice psychology. No applicant who intends to practice full-time or a major portion of their time in the State of Mississippi shall be eligible for a Temporary Practice Certificate. Specific limitations on scope of practice include, but are not limited to, extended part-time employment or extended contractual employment or engagement, even if said employment or engagement is performed for fewer than thirty (30) calendar days during a consecutive twelve-month period.

4. Before any Temporary Practice Certificate may be issued, the applicant must provide to the board:

    a. Verification of licensure in good standing with another board in a state whose licensure requirement requires obtaining a doctoral degree may be provided by an Interjurisdictional Practice Certificate (IPC) issued by ASPPB; and

    b. A statement of the nature and scope of the practice to be provided.

    c. An applicant for a Temporary Practice Certificate may be required to take a jurisprudence examination covering the licensure law and Rules and Regulations of the Board.

    d. No applicant who has been denied licensure by the Board shall be eligible for a Temporary Practice Certificate.

Source: *Miss. Code Ann.* §73-31-7

RULE 4.8: RECONSIDERATION OF APPLICATION. An applicant may request reconsideration of a denial of application if the request is based on additional information or evidence which could affect the Board's decision.

A request for reconsideration must be made within 30 days after notice of denial has been mailed.

An applicant may file a written request to appear before the Board to support the presentation of the additional information or evidence. Such additional information or evidence must be filed at the Board office at least 30 days before the scheduled date of appearance.

Source: *Miss. Code Ann.* §73-31-7

RULE 4.9: DISPOSITION OF APPLICATIONS. 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.

When an applicant has been approved by the Board to sit for an examination, the applicant shall be notified by the Credentialing Coordinator. The action of the Board shall be reported in the minutes.

When an applicant has met all criteria for licensure, the applicant shall be notified of licensure and the action of the Board shall be reported in the minutes.

Source: *Miss. Code Ann.* §73- 31-7 and 73-31-13.

PART 3201 CHAPTER 5: EXAMINATION

RULE 5.1: WRITTEN EXAMINATION. The Board will use the Examination for Professional Practice of Psychology (EPPP) published by the Association of State and Provincial Psychology Boards (ASPPB). A Mississippi applicant may take the EPPP in another jurisdiction and request that ASPPB forward scores to the Board. The applicant will bear the cost of the examination and any other charges for administering the examination.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.2: SCORES ON THE EPPP. The EPPP will be scored by the Professional Examination Service (PES) and the scores for Mississippi applicants reported to the Board. Applicants will be required to attain the ASPPB-recommended passing score (National Scaled Score) of 500.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.3: NOTIFICATION OF TEST SCORES. The Credentialing Coordinator will be responsible for notifying the applicant of the results of the EPPP. Such notification will take

place within ten (10) working days of the Board's receipt of the scores from PES. Notification will be by ordinary first class mail.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.4: FAILING SCORES ON THE EPPP. Any applicant who fails the EPPP will be notified by the Credentialing Coordinator within ten (10) working days of the receipt of the test scores from PES. Such notification will be by ordinary first class mail. When an applicant fails on the first attempt, he or she is eligible to take the EPPP a second time, no sooner than two (2) months following the first EPPP.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.5: REPORTING EPPP SCORES. Applicants will be responsible for having ASPPB report any past EPPP scores to the Board. Any applicant who fails to report all prior EPPP scores to the Board when making application may be subject to disciplinary action including, but not limited to, the denial of his or her application.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.6: REPEATED FAILURES ON THE EPPP. Any applicant who has failed the EPPP is encouraged to pursue an intensive preparation program prior to re-taking the examination. After two (2) successive failures, an individual may not reapply for licensure until two (2) years after the date of the last failed examination. Applicants who have failed two (2) successive examinations of the EPPP will have their application files closed. Each successive failure will require an additional two (2) year waiting period before reapplication may occur. Applications must be submitted in accordance with the Mississippi Statute and Board Rules and Regulations in effect at that time.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.7: ORAL EXAMINATION. When an oral examination is required for licensure, examination panels will consist of three psychologists, at least one of whom shall be a Board member. A Board member will chair the examination panel and will be responsible for the proper conduct of the questioning and completion of the examination forms. Examinations will be recorded by the Board.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.8: CONDUCT OF ORAL EXAMINATION. Oral examinations will be conducted no less than twice a year. After passing the written exam and completing the postdoctoral supervision requirement, applicants will be approved to take the oral examination on the date set by the Board. The applicant will be responsible for being on time for the examination. Late appearance may have the effect of canceling the examination for the applicant for that day. An applicant should expect the oral examination to last approximately 45 minutes to 1 hour. At the

time of the oral examination the applicant will submit his or her completed jurisprudence examination for review.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.9: NOTIFICATION OF THE RESULT OF THE ORAL EXAMINATION. After the Board ratifies the oral examination result, the Credentialing Coordinator shall notify the Applicant by ordinary first class mail within ten (10) working days. If the Applicant has failed the oral examination, the Credentialing Coordinator shall advise the applicant of the approximate date of the next applicable oral examination, as indicated in Rule below.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.10: REPEATED FAILURES ON THE ORAL EXAMINATION. Applicants who have failed the oral examination according to the requirements are encouraged to pursue an intensive preparation prior to re-taking the oral examination.

Applicants who have failed two (2) successive oral examinations will have their application files retired, after two (2) or more successive failures of the oral examination; an individual may not reapply until two (2) years after the date of the last failed oral examination. A new application and payment of fee must be filed according to-the Mississippi Statute and the Rules and Regulations of the Boards' in effect at the time of the new application.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.11: LENGTH OF TIME A LICENSE APPLICATION WILL BE CARRIED.
If an applicant who is approved to take the EPPP or the oral examination waits more than one year from the date of notice before scheduling the exam the board will retire their file.

If the applicant wishes to reapply, an entirely new application will be required, including payment of application fees. The new application will be based on the Board's law, rules and regulations in effect at the time of the new application.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.12: OTHER REASONS FOR TERMINATING APPLICATION.
An applicant who engages in any act that could result in discipline or revocation of an active licensure will have their application terminated from further consideration for a license. The applicant will be notified by certified mail of the Board's action in such a case, and will be given the opportunity for a hearing before the Board should the applicant wish to request reconsideration by the Board.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.13: LICENSURE. After all the licensing procedures have been completed and the applicant has been found to possess the qualifications necessary to be licensed as a psychologist

under the Laws of Mississippi, the Board shall issue a license under the sign and seal of the Board within ten (10) working days.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.14: SPECIALTY RECOGNITION. The Board issues a generic license; it does not recognize specialty areas of practice through licensure. The Board expects the psychologist to practice only in areas in which he or she is deemed competent by virtue of his or her education and training. The Board also expects the psychologist to use in any public statement only those titles to which the psychologist is entitled.

Source: *Miss. Code Ann.* §73-31-7

RULE 5.15: PROVISION FOR LICENSURE OF SENIOR PSYCHOLOGIST. The Board may vote to license an applicant who:

A. 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

B. Has had no disciplinary sanction during the entire period of licensure; and

C. Has demonstrated current qualifications by successfully passing the oral examination; and

D. Has completed the appropriate application and tendered fees as required by this Board.

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 6: EDUCATIONAL REQUIREMENTS FOR LICENSURE

RULE 6.1: EDUCATIONAL REQUIREMENTS.

A. For the purposes of evaluation of educational programs, the Board will utilize the following criteria to determine if a program is a psychology program:

    1. The program is accredited by the American Psychological Association (APA) or the Canadian Psychological Association (CPA), or

    2. The program constitutes a specialty area where neither APA nor CPA accreditation exists, but is designated as a psychology program by the Designation Committee of the National Register of Health Service Providers and the Association of State and Provincial Psychology Boards.

B. Graduates of newly established programs seeking accreditation must provide documentation that the program had an active application for APA or CPA accreditation at the time the degree was granted or within 2 years of the degree being granted. The names of programs

that have submitted applications for accreditation, and the status of the applications, are available from the APA and the CPA.

Source: *Miss. Code Ann.* §73-31-7

RULE 6.2: INTERNSHIP. A minimum of one year of full-time, or two years of half-time predoctoral experience is required.

Source: *Miss. Code Ann.* §73-31-7

RULE 6.3: STANDARDS FOR DEFINING THE INTERNSHIP EXPERIENCE.
The internship must be accredited by the APA or the CPA except as noted below. The internship shall be appropriate to the applicant's graduate training specialization.

Programs working toward accreditation must have an active application with APA or CPA at the time the intern completed the program or within two years of the applicant's completion of the program. The names of programs that have submitted application for accreditation, and the status of the applications, are available from the APA and the CPA.

The internship consists of a minimum of 2000 hours of supervised experience and must be completed within a two year period. Full time interns shall receive a minimum of four hours of supervision per week, at least two hours of which will include individual supervision. Other individual or group supervision will be provided when necessary as determined by the Training Director or primary supervisor.

The internship shall be in a setting or settings that, in the aggregate, provide both a broad spectrum of psychological services, and serve a varied clientele. Such a setting should provide experiences that include a variety of diagnostic categories and intervention orientations, supervision by licensed psychologists, and opportunity for consultation and program development.

The ratio of supervision time to direct service time should be sufficient to ensure adequate learning; namely, at least two hours per week of formal, face-to-face individual supervision.

Supervision consists of direct, formal contact with a senior professional who is responsible for the educational development and guidance of the trainee or supervisee. Class work, practicum experience or other course related experience may not be counted as part of the required supervision.

Supervision must be for the direct provision of psychological services by the applicant to individuals or groups of clients/patients. An applicant's own personal growth experience, personal therapy or encounter groups, may not be counted as part of the required supervision experience. The supervision of others may not be counted as part of the required supervision experience.

Supervisors must meet the following criteria:

A. The supervisor must be employed for no less than twelve (12) hours per week at the facility where the internship experience is obtained; or, if this is not possible due to practical considerations, the applicant must provide evidence of the supervisor's contractual relationship with the facility. In either event, the supervisor must be available for supervision and consultation at any time during the supervisee's work week.

B. Supervisors must be licensed for practice of psychology in the jurisdiction where the supervision is provided.

C. The professional qualifications of each direct supervisor must be appropriate to the services rendered.

D. The supervisor, at the time of supervision, must not be in a dual relationship with the supervisee;

E. The supervisor must have sufficient knowledge of all clients for whom supervision is provided, including face-to-face contact with the client when necessary, to effectively develop and monitor service delivery procedures and the supervisee's treatment plan.

If the internship is not APA or CPA accredited, it must;

1. Meet all other criteria as defined in Section 6.3 above, and

2. Be specifically submitted to and approved by the Board on a case-by-case basis.

Source: *Miss. Code Ann.* §73-31-7

RULE 6.4: STANDARDS FOR DEFINING THE YEAR OF POST-DOCTORAL EXPERIENCE. The post-doctoral year (second year of supervised experience) is appropriate to the applicant's graduate training specialization. If a post-doctoral year has not been completed, a plan of supervision for the post-doctoral year must be submitted, along with the completed application and accompanying fee for approval by the Board which must address the issues below.

The post-doctoral year consists of a minimum of 2000 hours of supervised experience and must be completed within a two-year period.

The ratio of supervision time to direct service time should be sufficient to ensure adequate learning; namely, at least two hours per week of formal, face-to-face individual supervision.

Supervision consists of direct, formal contact with a senior professional who is responsible for the educational development and guidance of the trainee or supervisee. Class work, practicum experience or other course related experience may not be counted as part of the required supervision.

Supervision must be for the direct provision of psychological services by the applicant to individuals or groups of clients/patients.

An applicant's own personal growth experience, personal therapy or encounter groups, may not be counted as part of the required supervision experience. The supervision of others may not be counted as part of the required supervision experience.

Supervisors must meet the following criteria:

A. The supervisor must be employed for no less than twelve (12) hours per week at the facility where the post doctoral experience is obtained; or, if this is not possible due to practical considerations, the applicant must provide evidence of the supervisor's contractual relationship with the facility. In either event, the supervisor must be available for supervision and consultation at any time during the supervisee's work week.

B. Supervisors must be licensed for practice of psychology in the jurisdiction where the supervision is provided.

C. The professional qualifications of each direct supervisor must be appropriate to the services rendered.

D. The supervisor, at the time of supervision, must not be in a dual relationship with the supervisee.

E. The supervisor must have sufficient knowledge of all clients for whom supervision is provided, including face-to-face contact with the client when necessary, to effectively develop and monitor service delivery procedures and the supervisee's treatment plan.

Source: *Miss. Code Ann.* §73-31-7

RULE 6.5: ACCOUNTABILITY IN SUPERVISION. It is the supervisor who retains final professional responsibility and accountability for the functions performed by interns and supervisees. For supervised practicum, internship, and post-doctoral supervised experience, the supervisor is responsible for reviewing test protocols, and for reviewing and discussing intervention plans, strategies, and outcomes.

Source: *Miss. Code Ann.* §73-31-7

RULE 6.6: BURDEN OF PROOF OF TRAINING. It is the responsibility of the applicant to provide evidence as prescribed by the Board that education, training, experience described as requirements in Chapter 4 of these Rules and Regulations is equal to or exceeds these requirements.

Source: *Miss. Code Ann.* §73-31-7

RULE 6.7: DIPLOMATES. Possession of the diploma(s) of the American Board of Professional Psychology (ABPP) shall be considered prima facie evidence that the educational requirements have been met.

Source: *Miss. Code Ann.* §73-31-7

RULE 6.8: CHANGE OF SPECIALTY DESIGNATION. A licensed psychologist who desires to change a designated specialty must follow the following guidelines:

A. The psychologist must take a retraining program in a psychology training program under the auspices of an accredited university department or the professional school that offers the doctoral degree in that specialty designation.

B. The psychologist taking such retraining must meet all requirements of doctoral training including an internship, which complies with these rules, in the new psychological specialty. The acceptance of credit for relevant course work or requirements which may have been satisfied previously will be the responsibility of the university or professional school which the individual attends for retraining.

C. Merely taking an internship or acquiring experience in a practicum setting is not considered adequate preparation for any specialty area when prior academic training in the relevant area has not been sufficient to meet doctoral requirements.

D. The Board recognizes that a psychologist may wish to cross-train or acquire additional skills. Such cross training shall not be a basis for a change of specialty designation without the express approval and recommendation of a qualified retraining program which meets the criteria of Chapter 4 of these Rules and Regulations.

E. Upon fulfillment of all formal requirements of such training, the Board must be provided with a letter or other documentation from an authorized official of the retraining university or professional school and internship program indicating the successful completion of retraining in the particular specialty area.

F. Completion of specialty examination by the American Board of Professional Psychology (ABPP) shall satisfy requirements for listing oneself as changing a specialty designation.

Source: *Miss. Code Ann.* §73- 31-7 and 73-31-13

PART 3201 CHAPTER 7: DISCIPLINARY ACTIONS

Rule 7.1: Charges -For the purposes of this rule, "charge" refers to any allegation brought to the Board against a licensee or other person relating to a violation of the Law or the Rules and Regulations. Charges may be preferred by anyone who believes that a violation may have occurred.

Except as noted in Rule 7.3 below, all charges referred must be made in writing by the person or persons making them and shall be filed with the Board.

All charges shall be made on forms prescribed by the Board, which are available from the Board. The information required includes the name and addresses of the complainant and the respondent, a concise statement of the complaint with facts supporting the allegation that a violation has occurred and a statement of the relief sought. The complainant shall sign the form.

In instances in which the Board is presented with prima facie evidence of a violation of the Law or the Rules and Regulations, a written statement of charges by the complainant will not be required. The Board on its own initiative, may investigate or cause to be investigated, any allegation or evidence which appears to show that a licensed psychologist or an unlicensed person is, or may be, in violation of the law or rules and regulations governing the practice of psychology in the State of Mississippi.

No investigative action will be taken regarding submissions that are neither prima facie evidence nor accompanied by the written statement of charges.

Following the receipt of such charges or prima facie evidence, the Board will proceed to investigate, and unless dismissed as frivolous, unfounded, or filed in bad faith, will proceed in accordance with the provisions of the statute involved.

Source: *Miss. Code Ann.* §73-31-7

RULE 7.2: Investigative Procedures Upon the filing of charges or information in accordance with Rule 6.1, the executive director shall refer them to the Secretary of the Board, or other investigative board member for investigation. If the charges or information are first made by or through a Board member if a determination is made that the Board member's objectivity is not impaired, the Board member may serve as the investigative Board member. The Secretary of the Board or designated Board member may institute an investigation of the charges and, after consultation with the investigative committee, determine whether to proceed with a letter of admonition, a consent order, an informal conference, or a formal disciplinary hearing.

Neither the investigating Board member nor any Board member otherwise disqualified shall sit as a member of the Board in any disciplinary hearing resulting from that investigation.

Source: *Miss. Code Ann.* §73-31-7

RULE 7.3: Disciplinary Proceedings

A. **Complaints, Summons, and Notice of Hearing** -For the purposes of this rule, "complaint" refers to the formal documents issued by the Board to initiate a disciplinary hearing. The complaint is based on prior investigation of charges or information and shall set forth a statement of the charges against the accused.

   For the purposes of this rule, "summons and notice of hearing" refers to the document accompanying the complaint which compels the respondent to appear and sets forth the time and place of the hearing.

The summons and complaint together with a copy of the applicable Law and Rules and Regulations shall be:

1. Mailed by licensed or certified mail, return receipt requested, to either the respondent's last known business or residence address or the most recent address of the accused on file with the Board, or

2. Personally served on the respondent, and

3. Provided not less than thirty days prior to the scheduled date of the disciplinary hearing.

B. **Consent Orders.** If after receipt of a complaint and prior to the disciplinary hearing an accused desires to admit to a violation, a consent order may be entered into with the accused without the necessity of a disciplinary hearing. This opportunity for settlement shall be within the sole discretion of the investigative committee. Any consent order shall be subject to the approval of the Board and shall not be subject to appeal. The Board may reject a proposed consent order and vote to hold a formal disciplinary hearing.

C. **Informal Conferences.** The respondent may request an informal conference at the Board office with the investigative committee for the purpose of showing that the allegations contained in the complaint are not true. The respondent may have an attorney present only in an advisory capacity. If the respondent desires a conference and the complaint cannot thereafter be dismissed on the evidence, an effort will then be made to reach an informal settlement and consent order.

The informal conference and/or settlement negotiation shall be completed prior to a date ten (10) days before the scheduled date of the disciplinary hearing; provided, however, the Board's investigative committee, at its sole discretion, may continue the disciplinary hearing at the request of the respondent for the purpose of completing said proceedings.

Source: *Miss. Code Ann*. §73-13-7 and 73-31-21

RULE 7.4 Conflict and Bias. A Board member shall not be entitled to participate in any disciplinary action if the Board determines that such a Board member is personally biased against the accused.

Source: *Miss. Code Ann.* §73-31-7

RULE 7.5 Disciplinary Hearings

A. Continuances: It must be recognized that the Board consists of seven (7) practicing psychologists representing various regions of the State. Unlike the judiciary, the Board members are not in the business of conducting hearings; therefore hearings will be held only during regularly scheduled meetings or other dates established by the Board. Attorneys representing psychologists should take this fact into consideration. A scheduled

hearing may be continued if the respondent shows substantial legitimate grounds for continuing the hearing. A grant of continuance shall be based on a balance of the right of respondent to a reasonable opportunity to prepare and present a defense and the Board's responsibility to protect the public health, safety and welfare.

B. Where the counsel for respondent has a scheduling conflict on the initial hearing date continuances shall be liberally granted.

C. Conduct of Hearing:

1. Hearing Examiner. The Board may, at its discretion, appoint some person to act as hearing officer at disciplinary hearings. In the event a hearing officer is appointed, such officer shall preside at the hearing and shall rule on all questions of evidence and procedure in accordance with the provisions of these rules.

2. Plea. The accused shall either admit or deny the charges set forth in the complaint.

3. Opening Statement. Each side shall be permitted to make a short opening statement.

4. Form of Hearing. The Board shall present its evidence, followed by the accused, followed by such rebuttal as may be necessary and proper. Each witness called may be examined in the following manner:

    a. Direct examination
    b. Cross examination
    c. Re-direct examination
    d. Re-cross examination

5. Closing Statement. Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant Law to the evidence presented.

6. Evidence. The Mississippi Rules of Evidence shall be used as a general guide for the presentation of evidence, however any evidence which reasonably appears to be relevant to the issues of the case may be allowed notwithstanding its inadmissibility under said Rules, unless the evidence offered is clearly of a privileged nature.

7. Procedure. The Mississippi Rules of Civil Procedure shall be used as a general guide for the conduct of the proceedings, however formal adherence to said Rules shall not be mandated except as may be reasonably required to promote the ends of justice.

Source: *Miss. Code Ann.* §73-31-7

RULE 7.6. Any person aggrieved by the action of the Board as a result of disciplinary proceedings conducted hereunder may appeal there from as provided for in Section 73-31-21 of the Mississippi Code annotated (1972)

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 8: CIVIL COMMITMENT CERTIFICATION

RULE 8.1: CIVIL COMMITMENT CERTIFICATION. The Board is empowered to recognize and certify those psychologists who are qualified to perform civil commitment evaluations for the chancery court and youth courts

Source: *Miss. Code Ann.* §73-31-7

RULE 8.2: CRITERIA OF ELIGIBILITY. In order to be certified, the applicant must satisfy the following criteria:

A. Holds a permanent license to practice psychology in Mississippi and has met educational program and internship requirements in a clinical practice area appropriate to certification to perform civil commitment examinations,

B. Possess appropriate skill in making a proper diagnosis of the presence or absence of mental illness.

C. Possesses competence in understanding the civil commitment law, including the legal and ethical implications of involuntary civil commitment.

The last two requirements will be accomplished by means of a written examination, including a written performance sample.

Source: *Miss. Code Ann.* §73-31-7

RULE 8.3: CIVIL COMMITMENT CERTIFICATION EXAMINATION. Upon receipt of a request by a licensed psychologist who has received approval by the Board, and payment of the fee set by the Board, the Credentialing Coordinator will schedule the applicant for the next administration of the certification examination. Such examination shall be scheduled annually or more frequently if the number of applicants warrants.

Source: *Miss. Code Ann.* §73-31-7

RULE 8.4: INELIGIBILITY. If the applicant is found ineligible for certification, the applicant will be so notified by the Credentialing Coordinator. Such notification will take place within thirty (30) days of the day the Board made the decision, and will be by certified mail. An applicant so notified shall have a period of thirty (30) days following notification in order to file with the Board a written request for reconsideration. Such written request shall include the specific reasons for which reconsideration is requested.

Source: *Miss. Code Ann.* §73-31-7

RULE 8.5: EVALUATION OF EXAMINATIONS. The Credentialing Coordinator or other psychologist designated by the Board will score the written examination. In order to pass, the applicant must attain a correct score of at least 75%. The examiner will also score the performance sample examination on a pass or fail basis. A second reviewer may be appointed by the Credentialing Coordinator (or other designated psychologist from the Board) and will also score the written performance sample. To pass the examination, the applicant must receive a passing score from both reviewers. Should the two (2) reviewers not agree, the Credentialing Coordinator will appoint a third reviewer. The majority opinion of three (3) reviewers will determine the outcome of the examination.

The Credentialing Coordinator will report the outcome of the examination to the Board at the next scheduled meeting at which time the results will be ratified by the Board.

Source: *Miss. Code Ann.* §73-31-7

RULE 8.6: NOTIFICATION TO APPLICANT. Within fourteen (14) days following the Board's ratification of the examination results, the Board shall notify the applicant~~s~~ of the outcome of their examination. The Executive Secretary shall issue a certificate to applicants passing both sections of the examination. An applicant who fails one or both sections of the examination will be notified of the failure and that they may retake the failed section(s) at the next administration of the certification examination.

Source: *Miss. Code Ann.* §73-31-7

RULE 8.7: REPEATED FAILURES. If the applicant fails the civil commitment examination twice, re-examination will be deferred for two years. If the failed applicant wishes to take the exam a third time, the applicant must first obtain supervision and training specific to civil commitment and provide the Board with documentation of such training.

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 9: APPLICANT PREVIOUSLY LICENSED IN ANOTHER JURISDICTION

RULE 9.1: APPLICANTS LICENSED IN OTHER JURISDICTIONS. The Board may, without a written or oral examination, issue a license to a psychologist licensed in another jurisdiction.

The applicant may be exempt from the EPPP requirements described in Chapter 5, Rule 5.1 and 5.2, the educational requirements described in Chapter 4 Rule 4.4, and the professional practice and ethics section of the oral exam as described in Chapter 5 Rules 5.7 and 5.8, if the psychologist meets the following criteria:

A. Is licensed or certified as a psychologist by another state, territorial possession of the United States, District of Columbia, Commonwealth of Puerto Rico or Canadian Province and provides evidence that the requirements for the license or certification are the substantially equivalent of this chapter; or

B. Is a diplomat in good standing of the American Board of Examiners in Professional Psychology (ABPP); or

C. Holds a valid Certificate of Professional Qualification (CPQ) by the Association of State and Provincial Psychology Boards; and

D. Has completed the appropriate application and paid fees as required by the Board. However, such applicants must still pass the Mississippi jurisprudence exam as described in the Chapter 5 Rule 5.8 and meet with the exam committee of the Board to review and verify the applicant's character, current fitness, and plans to practice consistent with their education, training and experience. As a condition of licensure under this paragraph, applicants must agree to terms and condition set forth in the CPQ licensure application.

Source: *Miss. Code Ann.* §73-31-7

RULE 9.2: LICENSURE OF DIPLOMATS. The Board may, without a written or oral examination, issue a license to a psychologist licensed in another jurisdiction according to the provisions of ***Miss Code Ann* §73-31-15**

The applicant may be exempt from the EPPP requirements described in Chapter 5, Rules 5.1 and 5.2 and the educational requirements described in Chapter 4, Rule 4.4, if the psychologist meets the following criteria:

A. Is licensed or certified as a psychologist by another state, territorial possession of the United States, District of Columbia, Commonwealth of Puerto Rico or Canadian Province and provides evidence that the requirements for the license or certification is based on a doctoral degree in psychology and

B. Has at least twenty (20) years of licensure to practice as a psychologist in that state or territorial possession of the United States, District of Columbia, Common wealthy of Puerto Rico or Canadian Province; and

C. Has had no disciplinary sanction during the entire period of licensure, and has completed the appropriate application and paid fees as required by this Board.

Source: *Miss. Code Ann.* §73-31-7

RULE 9.3: ORAL EXAMINATION OF APPLICANTS LICENSED IN OTHER JURISDICTIONS. The Board requires all applicants licensed in other jurisdiction to meet the EPPP requirements described in Chapter 5 Rules 5.1 and 5.2, the educational requirements

described in Chapter 4, Rule 4.4 and the oral exam as described in Chapter 5, Rules 5.7 and 5.8, except as exempted above, and according to ***Miss Code Ann* §73-31-15.**

Source: *Miss. Code Ann.* §73-31-7 and 73-31-15

RULE 9.4: PSYCHOLOGISTS EMERITUS: A psychologist who holds a valid license to practice in Mississippi may apply for psychologist emeritus if the psychologist meets following criteria, from ***Miss Code Ann* §73-31-17**:

A. The psychologist is 65 years old or older, and

B. Has held a Mississippi license for at least twenty (20) continuous years, and

C. Is retired from full-time practice, as defined by no more that eighty (80) hours per month of practice of any type, as defined by ***Miss Code Ann* §73-31-3 (d)**, and

D. Has submitted the appropriate application to the Board.

E. Upon approval by the Board, the psychologist emeritus must renew his or her license on the same annual schedule as permanent license at one half (1/2) the amount of the permanent license renewal fee.

F. Continuing Education requirements are unchanged.

G. If a psychologist wishes to give up emeritus status and reinstate a standard license he or she must file a written request with the Board.

Source: *Miss. Code Ann.* §§73-31-3(d), 73-31-7 and 73-31-17

PART 3201 CHAPTER 10: LICENSE RENEWAL

RULE 10.1: ANNUAL LICENSURE RENEWAL. The Executive Secretary shall cause the notices for renewal of licensure to be sent out to each licensed psychologist annually during the month of April. Each licensed psychologist shall return the properly competed renewal form and renewal fee. A license will lapse if the renewal fee is not paid by June 30. A licensee granted a license at any time during a fiscal year shall be required to renew his/her license for the succeeding year in accordance with this paragraph. ***Miss Code Ann* §73-31-9**

Source: *Miss. Code Ann.* §73-31-7

RULE 10.2: RENEWAL OF LAPSED LICENSES. Psychologists who allow their license to lapse by failing to complete the renewal form and/or pay the renewal fee or who voluntarily surrender their license while in good standing retain the privilege of renewal. In such cases, the license may be reinstated provided that:

A. A written request for reinstatement occurs within two years from the last renewal date, in which the individual was fully licensed, and

B. All fees for the period are paid in full, noting that after June 30 of the renewal year, the Board may assess a late fee of $50.00 plus $5.00 additional for each month after July, and

C. All continuing education requirements have been fulfilled, and

D. There is no evidence that the psychologist has engaged in actions that are in violation of legal statutes or the Ethical Principles of Psychologists during the period of lapsed license.

E. A psychologist wishing to renew a license that has lapsed for more than two (2) years shall be required to re-apply for licensure, under the statute, rules and regulations and other requirements in effect at the time of initiating the new application process.

Source: *Miss. Code Ann.* §73-31-7

RULE 10.3: FEES SET BY THE BOARD. At a meeting prior to the commencement of each fiscal year, the Board will set fees for applications, certifications, examinations, renewal of licenses, duplicate licenses, and license verifications within the limits set by the legislature. The list of fees will be available from the Board upon request.

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 11: EXEMPTED PROFESSIONS

RULE 11.1: QUALIFIED PROFESSIONAL GROUPS AND INDIVIDUALS EXEMPTED FROM JURISDICTION OF THIS BOARD. Section 73-31-27 of the Mississippi Code of 1972 as amended partially exempts qualified members of other professional groups who perform work of a psychological nature, as provided in ***Miss Code Ann* §73-31-27**.

Source: *Miss. Code Ann.* §73-31-7

RULE 11.2: PSYCHOLOGIST'S ASSISTANTS. Nothing in these rules shall be construed or interpreted in such a way as to limit a qualified assistant to a psychologist in performing duties assigned by said psychologist; except that, no supervised assistant shall perform duties under such supervision that the psychologist is not qualified to perform.

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 12: CONTINUING EDUCATION

RULE 12.1: CONTINUING EDUCATION. License renewal in odd numbered years requires the psychologist to show evidence of a minimum of twenty (20) clock hours of Board approved of continuing education (CE) activities during the two-year period of time ending on June 30 of

the-odd numbered year. The Board shall follow the guidelines below in administering this requirement.

Source: *Miss. Code Ann.* §73-31-7

RULE 12.2: MINIMUM CONTINUING EDUCATION REQUIREMENT. Psychologists shall document successful completion of twenty (20) clock-hours of acceptable continuing education during each biennial period. Continuing education activity is reportable only in clock-hours. A minimum of two (2) of these twenty (20) clock-hours of continuing education must involve topics in professional ethics or legal issues in the delivery of psychological services.

Source: *Miss. Code Ann.* §73-31-7

RULE 12.3: CRITERIA OF ACCEPTABILITY. Continuing Education encompasses a wide range of training designed to provide or update knowledge and skills. Acceptable continuing education activities are defined as:

A. Formally organized and planned instructional experiences offered by an American Psychological Association approved (APA-approved) or Board approved provider, with objectives compatible with the professional continuing education needs of practicing psychologists, or

B. For registered attendance at psychological or inter-professional conferences or conventions as described below.

    1. The Board establishes no limit on the number of clock-hours that may be applied toward satisfying the continuing education requirement during a biennium for activities offered by APA-approved sponsors or Board-approved providers. These APA credit hours may include home study activities.

    2. For registered attendance at psychological or inter-professional conferences or training programs not offered by APA-approved or Board-approved providers, but directly related to the practice of psychology and lasting one full day or longer, the Board will accept three (3) clock hours for each such conference or training program. During a biennium the Board will accept a maximum of twelve (12) clock hours from such conferences or training programs toward satisfying the continuing education requirement. Such credit requires no advance approval and shall not duplicate approved hours as defined above.

Source: *Miss. Code Ann.* §73-31-7

RULE 12.4: CRITERIA FOR BOARD APPROVED CE PROVIDERS. The Mississippi Psychological Association, APA-approved internship and fellowship training programs and graduate training departments of psychology with APA- accredited training programs are eligible to apply for Board-approved CE Provider status. The application process, status determination and review procedures can be obtained from the Board office and in some instances, on the Board website. All APA-approved CE sponsors are considered Board-approved CE providers.

Board-approved providers must submit to the Board a list of CE activities they have sponsored on an annual basis; the list of activities should be submitted to the Board office no later than June 30 and will encompass the period July 1-June 30. Board-approved CE providers must renew their provider status every two (2) years. Renewal forms should be submitted prior to July 1 of the year in which the provider status expires. A list of Board-approved providers may be obtained from the Board office and is available on the Board website.

Source: *Miss. Code Ann.* §73-31-7

RULE 12.5: REPORT REQUIREMENTS.

A. Biennial Reporting Period. Licensees must report their continuing education hours to the Board no later than June 30th of odd-numbered years.

B. Report Format. For odd-numbered years, a section of the license renewal form will include a *Continuing Professional Education (CE) Reporting Form* as a means for reporting CE hours. The report must be complete when submitted to the Board office as part of the renewal process. Failure to submit CE hours in the required format will result in an audit of CE hours and may delay the license renewal process.

C. Signature. By signing the biennial Continuing Professional Education (CE) Reporting Form, the licensee signifies that the required CE has been obtained.

D. Documentation. Licensees shall retain corroborating documentation of their continuing education participation. Corroborative documents include certificates of completion that include a statement of APA- or Board-approved provider, receipt of registered attendance or roster of attendance at professional conferences, or other unequivocally clear evidence of the number of hours of CE and provider status. Although corroborating documentation is not routinely required as part of the licensee's submission, the Board may, at its discretion, request such documentation. In addition, the Board will perform a random audit of no less than five (5) percent of the CE reports. Any misrepresentation of continuing education will be cause for disciplinary action by the Board.

Source: *Miss. Code Ann.* §73-31-7

RULE 12.6: EXEMPTIONS. Newly licensed psychologists are considered to have satisfied continuing education requirements for the remainder of the fiscal year in which their license is granted. Therefore, if the subsequent year (July 1-June 30) is a CE reporting year, the newly licensed psychologist shall be required to submit only one-half (1/2) the number of hours specified above, that is, ten (10) hours**.**

Continuing education activities that are not provided by APA- or Board-approved providers will be accepted only if a written request for approval is made prior to the scheduled program. The request must be received in sufficient time, preferably one month or more, for the Board to review the program for content and appropriateness, insuring that the program has objectives compatible with the professional continuing education needs of practicing psychologists.

CE activities that are not provided by APA or Board approved providers, regardless of their quality or appropriateness will not be accepted after the fact and will not count toward the required 20 hours in the reporting period.

In extenuating circumstance, the Board may consider granting an extension of the deadline for completion of the required continuing education if a plan for compliance is submitted in writing prior to the deadline.

Source: *Miss. Code Ann.* §73-31-7

RULE 12.7: NONCOMPLIANCE AND REINSTATEMENT.

A. Noncompliance shall include:

1. Failure to sign the attestation statement on the Continuing Professional Education (CE) Reporting Form;

2. Failure to file a report on time;

3. Failure to provide documentation requested for audit, or failure to report a sufficient number of acceptable continuing education clock-hours, as defined above.

B. Notice of Noncompliance. The Board shall serve written notice of noncompliance to a psychologist determined to be in noncompliance. A plan of compliance or documentation to show compliance must be received by the Board in order for reinstatement to be considered. At its discretion, the Board may impose disciplinary action for a psychologist's failure to fulfill continuing education requirements, as specified in this section.

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 13: ORAL PROCEDINGS ON PROPOSED RULES

RULE 13.1: SCOPE. These Rules apply to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Board pursuant to the Mississippi Administrative Procedures Act (*Miss Code Ann §25-43-3-104*).

Source: *Miss Code Ann. §25-43-3-104 and 73-31-7*

RULE 13.2: WHEN ORAL PROCEEDINGS WILL BE SCHEDULED ON PROPOSED RULES. The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

Source: *Miss. Code Ann.* §73-31-7

RULE 13.3: REQUEST FORMAT. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board and signed by the requestor(s).

Source: *Miss. Code Ann.* §73-31-7

RULE 13.4: NOTIFICATION OF ORAL PROCEEDING. The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

Source: *Miss. Code Ann.* §73-31-7

RULE 13.5: PRESIDING OFFICER. The Chairperson or his or her designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

Source: *Miss. Code Ann.* §73-31-7

RULE 13.6: PUBLIC PRESENTATIONS AND PARTICIPATION. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments, or arguments concerning the proposed rule.

A. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.

B. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.

C. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

D. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.

E. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the participant's time where the orderly conduct of the proceeding so requires.

Source: *Miss. Code Ann.* §73-31-7

RULE 13.7: CONDUCT OF ORAL PROCEEDING. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall (I) call proceeding to order; (II) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule; (III) call on those individuals who have contacted the Board about speaking on or against the proposed rule; (IV) allow for rebuttal statements following all participant's comments; (V) adjourn the proceeding.

A. Questions. The presiding officer where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

B. Physical and Documentary Submissions. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Department's public records request procedure.

C. Recording. The Board may record oral proceedings by stenographic or electronic means.

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 14: DECLARATORY OPINIONS.

RULE 14.1: SCOPE. These Rules are intended to set forth the Board's rules governing the form and content of requests for declaratory opinions and the Board's procedures regarding the requests, as required by Mississippi Code 25-43-2.103.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.2: PERSONS WHO MAY REQUEST DECLARATORY OPINIONS. Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board by following the specified procedures. A substantial interest in the subject matter means: an individual, business, group or other entity that is directly affected by the Board's administration of the laws within its primary jurisdiction. A Primary jurisdiction of the agency means the agency has a constitutional or statutory grant of authority in the subject matter at issue.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.3: SUBJECTS THAT MAY BE ADDRESSED IN DECLARATORY OPINIONS. The Board will issue declaratory opinions regarding the applicability to specified

facts of: (1) a statute administered or enforceable by the Board or (2) a rule promulgated by the Board. The Board will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the Board.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.4: CIRCUMSTANCES IN WHICH DECLARATORY OPINIONS WILL NOT BE ISSUED. The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

A. Lack of clarity concerning the question presented;

B. There is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;

C. The statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;

D. The facts presented in the request are not sufficient to answer the question presented;

E. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;

F. The request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;

G. No controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;

H. The question presented by the request concerns the legal validity of a statute or rule;

I. The request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;

J. No clear answer is determinable;

K. The question presented by the request involves the application of a criminal statute or a sets of facts which may constitute a crime;

L. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;

M. The question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;

N. A similar request is pending before this agency or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law.

O. Where issuance of a declaratory opinion may adversely affect the interests of the State, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;

P. The question involves eligibility for a license, permit, certificate or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.5: WRITTEN REQUEST REQUIRED. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.6: WHERE TO SEND REQUESTS. All requests must be mailed, delivered, or transmitted via facsimile to:

Mississippi Board of Psychology
2395 Deerfield Road
Yazoo City, MS 39194

Source: *Miss. Code Ann.* §73-31-7

RULE 14.7: DECLARATORY OPINION REQUEST. The request shall clearly state that it is a request for a declaratory opinion. No oral, telephone requests or email requests will be accepted for official opinions.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.8: NAME, ADDRESS AND SIGNATURE OF REQUESTOR. Each request must include the full name, telephone number, and mailing address of the requestor. The person or persons filing the request shall sign the request and attest that the request complies with the requirements set forth in these rules. The requirements include, but are not limited to a full, complete, and accurate statement of relevant facts, and that there are no related proceedings pending before any other administrative or judicial tribunal.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.9: QUESTION PRESENTED. Each request shall contain the following:

A. A clear and concise statement of all facts on which the opinion is requested;

B. A citation to the statute or rule at issue;

C. The question(s) sought to be answered in the opinion, stated clearly;

D. A suggested proposed opinion from the requestor, stating the answers desired by the petitioner and a summary of the reasons in support of those answers;

E. The identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address and telephone number; and

F. A statement to show that the person seeking the opinion has a substantial interest in the subject matter

Source: *Miss. Code Ann.* §73-31-7

RULE 14.10: TIME FOR BOARD RESPONSE. Within forty-five (45) days after the receipt of a request for a declaratory opinion that complies with the requirements of these rules, the Board shall, in writing:

A. Issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances,

B. Decline to issue a declaratory opinion, stating the reasons for its action, or

C. Agree to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request.

The forty-five (45) day period shall begin running on the first State of Mississippi business day on or after the request is received by the Board, whichever is sooner.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.11: OPINION NOT FINAL FOR SIXTY DAYS. A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason that is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.12: NOTICE BY BOARD TO THIRD PARTIES. The Board may give notice to any person, agency, or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments, and opinions from other persons, agencies, or other entities other than the requestor.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.13: PUBLIC AVAILABILITY OF REQUESTS AND DECLARATORY OPINIONS. Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests that contain information that is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: *Miss. Code Ann.* §73-31-7

RULE 14.14: EFFECT OF A DECLARATORY OPINION. The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 15: AMENDMENT PROCEDURE

RULE 15.1: AMENDMENTS TO THE RULES. The Board may, on its own motion, and passed by a majority of the members of the Board when a quorum is present, amend any rule or regulation of the Board. Such an amendment will take effect upon compliance with the Administrative Procedures Act of the State of Mississippi.

Source: *Miss. Code Ann.* §73-31-7

PART 3201 CHAPTER 16: SEPARABILITY CLAUSE

RULE 16.1: SEPARABILITY CLAUSE. If any section of these Rules and Regulations, or any part thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of any section or part thereof.

Source: *Miss. Code Ann.* §73-31-7