



GROUNDS FOR DISCIPLINARY ACTION

SECTION 73-31-21. LICENSES; REVOCATION OR SUSPENSION; GROUNDS; HEARING.

- (1) The board, by an affirmative vote of at least four (4) of its seven 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; or
 - (c) Is using any narcotic or any alcoholic beverage to an extent or in a manner dangerous to any person or the public, or to an extent that such 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 to use his 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 allowed his 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
 - (h) Is legally adjudicated mentally incompetent, the record of such adjudication being conclusive evidence thereof; or

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

(3) The board may subpoena persons and papers on its own behalf and on behalf of respondent, may administer oaths and compel the testimony of witnesses. It may issue commissions to take testimony, and testimony so taken and sworn 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 such order or judgment fixes a probationary period for applicant or licentiate. Such 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 such 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 such 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 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 license after more than two (2) years have elapsed from the date such 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 of this act. 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.

SECTION 73-31-23. VIOLATIONS; PENALTIES.

(1) It shall be a misdemeanor:

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

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

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

Such 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 such fine and imprisonment. Each violation shall be deemed a separate offense. Such 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 the 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 such acts. The immunity granted pursuant to 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 such psychologist of the provisions this chapter.

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