



RULES AND REGULATIONS
of the
MISSISSIPPI BOARD OF PSYCHOLOGY

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Mississippi Board of Psychology

P.O. Box 13769 Jackson, MS 39236
OR
2395 Deerfield Road, Yazoo City, MS 39194
(888) 693-1416

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ARTICLE I MEMBERS OF THE BOARD

SECTION 1.1: NAME. The name of this board is the Mississippi Board of Psychology, as prescribed by Section 73-31-1, et seq., of the Mississippi Code of 1972, annotated; hereinafter called the Board.

SECTION 1.2: OFFICERS. The designated officers of the Board are: Chair, Executive Secretary, Treasurer, Recording Secretary, Credentialing Coordinator, and Continuing Education Coordinator.

SECTION 1.3: 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.
- f. Board Members shall be responsible for attending all Board functions, and voting on issues, which come before the Board.
- g. The Board may contract for administrative and other services under provisions of Section 73-31-7 and may designate an individual or firm to perform functions as Board Administrator to the Board to assist Board members in fulfilling their responsibilities.

ARTICLE II MEETINGS OF THE BOARD

SECTION 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.

SECTION 2.2: ATTENDANCE. All members shall be expected to attend all meetings of the Board. If a member regularly misses Board meetings, the other members of the Board may vote to formally and publicly censure that member. Censure will be regarded as tantamount to a request for that member's resignation for dereliction of duty.

SECTION 2.3: 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.

SECTION 2.4: QUORUM. Four (4) members of the Board must be present in order for there to be a quorum, except when only four members are present, decisions not gaining unanimous support shall be decided by mail ballot to all board members within fifteen (15) days. The final vote shall be recorded in the minutes of the meeting in which the original vote was taken.

SECTION 2.5: Deleted (January 1, 2002).

ARTICLE III PUBLIC ACCESS TO THE BOARD

SECTION 3.1: PUBLIC ACCESS. All Board meetings are held in accordance with the Mississippi Open Meeting Act, and are open to the public (except as provided by state law).

SECTION 3.2: RECORDS OF BOARD INVESTIGATIONS. Records of Board investigations are confidential, until such time as the Board takes some official action.

SECTION 3.3: ADVERSE ACTIONS. If the Board determines that any psychologist or other person who may come under the Board's jurisdiction has committed a legal or ethical infraction, the Board shall notify the Executive Council of the Mississippi Psychological Association (MPA), the Executive 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.

SECTION 3.4: RECORD Requests for information may be made in accordance with the Mississippi Public records "Act" by submitting written requests to the Board. In accordance with the Act, records will be available for inspection, copying or reproducing, subject to any exemptions or exceptions thereto.

- a. The following no-inclusive list of records of the Board are not public records and will not be made available, to wit.
 1. Records which are the work product of an attorney and which are related to any legal action or prospective legal action by or against a public agency are not public records. This includes any letters or other communication between the attorney and his client.
 2. Test questions or answers which are to be used in future license examinations.
 3. Letter of recommendation concerning applicants.
 4. Investigative records of the Board.
 5. Licensure application records.
 6. Any other record or records which are confidential, privileged or otherwise exempt pursuant to law, or any records which the Board has declared confidential as a condition to obtaining them.
- b. All requests must be in writing describing the specific information sought. Verbal requests will be responded to by requiring that such requests be documented in writing.
- c. The Board shall respond to a request for access to records within fourteen (14) working days of the receipt of such a request.
- d. If any record cannot be produced for any reason, the Board shall provide a written response with the specific reasons therefore.
- e. Public records of the Board will be made available through the office of the Board during business hours (8:30a.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.
- f. 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.
- g. If the Board receives a subpoena or subpoena duces tecum, the subpoena or subpoena duces tecum will be directed to the Attorney General's Office.

SECTION 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 on diskette shall be a reasonable fee determined by the Board and must be paid in advance to the Board Office.

ARTICLE IV LICENSURE APPLICATION PROCESS

SECTION 4.1: APPLICATIONS. The Board will devise and make available a form for persons to use in making application for licensure and other forms and documents that may be required to carry out the business of the Board under the Mississippi Code of 1972.

SECTION 4.2: PROCEDURE FOR PERSONS APPLYING FOR LICENSURE. Persons who believe that they are eligible for licensure under Section 73-31-1 et. seq. of the Code of 1972, shall follow the steps as outlined by the Board in this section.

- a. The applicant will obtain an application form from the Board.
- b. The applicant will complete the application form and return it to the Board. The application fee must accompany the application before any action is taken.
- c. The Board shall make such inquiry of references and other parties as may be necessary to establish the personal and professional qualifications of the applicant under Section 73-31-13 of the Mississippi Code of 1972.
- d. The applicant is responsible for having official transcripts of all graduate education and training sent to the Board. Such transcripts must bear the official seal or mark of the registrar of the educational institution, and must be sent directly to the Board without passing through the hands of the applicant or any intermediary of the applicant. Documentation of training includes submission of the Internship Verification Form and the Postdoctoral Supervision Verification Form.
- e. The initial application shall be considered complete when the following criteria are met:
 1. The application form is completed as required, with all spaces filled appropriately by the applicant, including a photograph for identification purposes; said photograph having been taken within the 6 months prior to the date application was made.
 2. The application fee has been received by the Board office accompanied by the completed application form and the applicant's check has cleared.
 3. References have been received from three psychologists the applicant has known or worked with within the 5-year period preceding the application date.
 4. Transcripts have been received from the educational institutions indicating the conferral of the doctoral degree.

5. Documentation of completion of internship, or internship and supervised experience, as required for the type of license sought, has been received and meets the requirements of Article V.
6. Any application that has no activity for a period of more than one year will be retired. Once an application is retired, an entirely new application and additional fee will be required. This application shall be based on the Board's laws, Rules and Regulations in effect at that time.

SECTION 4.3: ACTION ON APPLICATIONS. When the application is complete, as designated in Section 4.2, the Board will then examine said application at the next regularly scheduled meeting of the Board, or at any special meeting in which time permits.

SECTION 4.4: PROVISIONAL LICENSE, TEMPORARY LICENSE AND TEMPORARY PRACTICE BY PSYCHOLOGISTS LICENSED IN OTHER JURISDICTIONS. The Board is authorized to issue provisional and temporary licenses according to the provisions of Mississippi Code Section 73-31-14.

- a. Provisional License: Applicants who have completed all requirements for licensure with the exception of completion of the post-doctoral year of supervision and the oral examination may apply for a provisional license.
- b. Temporary License: Applicants who have completed to the satisfaction of the Board all requirements for licensure with exception of passage of the oral examination, may upon application for licensure, request a temporary license valid until the next administration of the oral examination. Applicants who have failed the oral examination or had their licenses suspended or revoked by the Board are not eligible for temporary licensure.
- c. Temporary Practice: The Board recognizes that psychologists duly licensed in other jurisdictions based on a doctoral degree may practice psychology on a temporary basis in the state of Mississippi. Such practice must be limited in scope and duration, not exceeding ten (10) days during a consecutive twelve (12) month period. The psychologist shall report the nature of such practice to the Board prior to providing such service and shall make available to the Board a current copy of his/her license or verification of a valid license in said jurisdiction. This provision 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.

SECTION 4.5: ACCEPTANCE OF APPLICATIONS. If the Board determines that the applicant is eligible for continuance of the application process, the applicant will be notified within 30 days by the Credentialing Coordinator. Such notification shall extend the Board's invitation to the applicant to sit for the written examination. Such notification shall be by ordinary first class mail. An applicant not meeting the requirements for licensure shall have a period of 30 days following notification of such in order to file with the Board a written request

for reconsideration. Such written request shall include the specific reasons reconsideration is requested.

SECTION 4.6: 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), or its successor. A Mississippi applicant may take the EPPP in another state and request that ASPPB, or its successor forward scores to the Mississippi Board. The applicant will bear the cost of the examination and any other charges for administering the examination.

SECTION 4.7: SCORES ON THE EPPP. The EPPP will be scored by the Professional Examination Service (PES) or its successors, 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 which is approximately 70% correct.

SECTION 4.8: ROUNDING OF PASSING SCORES. Deleted (January 1, 2002).

SECTION 4.9: 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.

SECTION 4.10: PASSING SCORES ON THE EPPP. Deleted (January 1, 2002).

SECTION 4.11: FAILING SCORES ON THE EPPP. Any applicant who scores below the passing score derived from Section 4.7 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 applicants fail on their first attempt, they are eligible to take the EPPP a second time, no sooner than two (2) months following the first EPPP.

SECTION 4.12: Deleted.

SECTION 4.13: Deleted.

SECTION 4.14: REPORTING EPPP SCORES. Applicants will be responsible for having ASPPB report any past EPPP scores to the Board.

SECTION 4.15: FAILURE TO REPORT PRIOR EPPP SCORES. Applicants not reporting prior EPPP scores to this Board when making application, will be said to have falsified their application as set forth in section 73-31-21 (1) (e) of the Mississippi Code of 1972. The Board will consider as a failure any occasion on which an applicant took the EPPP (subsequent to the award of the doctoral degree) and did not receive a score meeting the requirements of Section 4.7.

SECTION 4.16: REPEATED FAILURES ON THE EPPP. Applicants who have failed the EPPP according to the requirements of Section 4.7 are encouraged to pursue an intensive preparation program prior to re-taking the EPPP.

- a. Applicants who have failed two (2) successive examinations of the EPPP will have their application files retired. An individual may not reapply for licensure until after two (2) years from the date of the last failed examination. A new application process will be required using the rules of the Board in effect at the time of initiating the new application process
- b. Should an applicant fail the EPPP a third time, an additional two-year wait is required. A new application may then be filed, but will be subject to the board rules in effect at the time of the new application.
- c. After four (4) failures on the EPPP or any subsequent failures, an additional two-year wait is required after each failure. A new application and fees may then be filed, but will be subject to the Board laws, rules and regulations in effect at the time of the new application.

SECTION 4.17: EPPP FAILED THREE TIMES. Deleted (September 2008)

SECTION 4.18: ORAL EXAMINATION. The Credentialing Coordinator will locate experienced psychologists who are licensed in Mississippi to sit on oral examination panels. Each panel 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. Each non-Board member examiner will be reimbursed a total of up to \$200 per day plus travel expenses incurred. Examinations will be audio recorded by the Board.

SECTION 4.19: 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.

- a. The oral examination will last approximately 45 minutes to 1 hour.
- b. The Applicant will be asked to respond to questions on professional practice, ethical issues, and Mississippi Statutes Applicable to the Licensing of Psychologists.
- c. The examination panel may ask other questions considered relevant to determine the applicant's suitability and competence to practice psychology. In determining this suitability and competence Board members may consider any other characteristics of the applicant that could affect his or her ability to satisfactorily practice psychology.

- d. Each panel member will assess the applicant's suitability and competence to practice psychology and provide their findings to the panel chair who will report the findings to the Board at its next meeting. The Board will then vote as to whether the applicant has passed or failed the oral exam.
- e. The relationship of the examination panel and the Applicant is a confidential one, and is treated the same as the restrictions set forth in Section 3.4 of these Rules and Regulations.
- f. A fee determined by the Board will be charged each applicant to cover the costs of administering the oral examination.

SECTION 4.20: NOTIFICATION OF THE RESULT OF THE ORAL EXAMINATION.

After the Board ratifies the oral examination result, the Credentialing Coordinator shall notify the Applicant. If the Applicant has failed the oral examination, the Credentialing Coordinator shall inform the applicant by ordinary first class mail within ten (10) working days and advise the applicant of the approximate date of the next oral examination. Except as noted in Section 4.22 below, the applicant may request to retake the oral examination at the next administration.

SECTION 4.21: FAILURE OF ORAL EXAMINATION. Deleted (September 2008)

SECTION 4.22: REPEATED FAILURES ON THE ORAL EXAMINATION. Applicants who have failed the oral examination according to the requirements of Section 4.19 are encouraged to pursue an intensive preparation prior to re-taking the oral examination.

- a. Applicants who have failed two (2) successive oral examinations will have their application files retired, and may not apply for licensure until after two (2) years from the date of the last failed examination. A new application process will be required using the Board's law, rules and regulations in effect at the time of initiating the new application process.
- b. Should an applicant fail the oral examinations a third time, an additional two-year wait is required. A new application may then be filed, but will be subject to the Board's laws, rules and regulations in effect at the time of the new application.
- c. After four (4) failures on the oral examinations or any subsequent failures, an additional two-year wait is required after each failure. A new application and fees may then be filed, but will be subject to the Board's laws, rules and regulations in effect at the time of the new application.

SECTION 4.23: 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.

- a. 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.

SECTION 4.24: OTHER REASONS FOR TERMINATING APPLICATION.

An applicant who engages in any act which 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.

SECTION 4.25: Deleted.

SECTION 4.26: Deleted.

SECTION 4.27: PERMANENT LICENSURE. After all the licensing procedures have been completed on any application, 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 vote to issue a license to the applicant. The Board shall then issue a license under the sign and seal of the Board within ten (10) working days of the Board's action.

SECTION 4.28: SPECIALTY RECOGNITION. The Board does not accord formal recognition of specialty to psychologists but does expect the psychologist to practice only in areas in which the psychologist is deemed competent by virtue of his/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.

SECTION 4.29: PROVISION FOR LICENSURE OF SENIOR PSYCHOLOGIST. In accordance with Section 73-31-15, 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.

ARTICLE V EDUCATIONAL REQUIREMENTS FOR LICENSURE

SECTION 5.1: EDUCATIONAL REQUIREMENTS. For the purposes of evaluation of educational programs under the provisions of Section 73-31-13 of the Mississippi Code of 1972, the Board will utilize the following criteria to determine if a program is a psychology program:

- a. either the program is accredited by the American Psychological Association (APA) or the Canadian Psychological Association (CPA), or
- b. the program constitutes a specialty area where neither APA nor CPA accreditation exists, however 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.

Programs outside the United States or Canada may be considered equivalent if so determined by an agency with appropriate authority to review credentials and which is recognized by the Board.

SECTION 5.2: Deleted.

SECTION 5.3: Deleted.

SECTION 5.4: INTERNSHIP. The internship shall be appropriate to the applicant's graduate training specialization. A minimum of one year of full-time, or two years of half-time predoctoral experience is required. This year of 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.

- a. 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 professional psychologist who is providing the supervision.

SECTION 5.5: STANDARDS FOR DEFINING THE INTERNSHIP EXPERIENCE.

The internship must be accredited by the American Psychological Association (APA) or the Canadian Psychological Association (CPA). The only exceptions are internships that are working toward accreditation or are in areas for which accreditation does not exist.

- a. Newly emerging internships which provide documentation that they are working toward APA or CPA accreditation and are members of the Association of Psychology Postdoctoral and Internship Centers (APPIC), or programs in such areas as Industrial/Organizational Psychology or other specialty areas recognized by the APA,

where neither APA or CPA accreditation or APPIC listing exists, may be deemed appropriate internship programs by the Board if:

1. The internship is in compliance with the current “Guidelines and Principles for Accreditation of Programs in Professional Psychology” published by the APA, and
2. The internship was an organized training program with an appropriate curriculum and model of training that was cumulative, graded in complexity, and structured to prepare its students for the practice of professional psychology. In addition to psychological practice and case work, the program shall have provided substantive exposure to professional ethics, issues and experiences which were designed to socialize the intern as a psychologist. [This criterion will be judged on evidence such as public statements, intern handbooks, bulletins, and other published descriptive materials].
3. Regardless of the training model, the program shall have included experiences which helped interns develop intermediate and advanced skills and knowledge in their area(s) of projected practice.
4. Clinical, Counseling, School, and other health care provider Psychologists shall have developed advanced skill and knowledge in the following areas:
 - a. Theories and methods of assessment and diagnosis and effective intervention;
 - b. Theories and/or methods of consultation, evaluation, and supervision;
 - c. Strategies of scholarly inquiry; and
 - d. Issues of cultural and individual diversity that are relevant to all of the above.
5. Industrial/Organizational interns must have developed intermediate and advanced skills and knowledge in a range of personnel and organization work which included, but was not necessarily limited to selection, placement, career development, training, performance appraisal, job satisfaction, morale, compensation, position and task analysis, and organizational behaviors.
6. The internship included 2000 hours of supervised experience with a minimum of two hours per week of individual one-to-one supervision from a licensed, certified or chartered psychologist. The internship can not extend over a period of time in excess of two calendar years.
7. The program was operated under the direction of a licensed psychologist and included a number of supervising psychologists which was sufficient to meet the objectives of the program. As a minimum, the program should have two licensed

psychologists as members of the supervising staff. While programs typically have two or more supervising psychologists on staff, this requirement may be met through supervision from a consulting psychologist, providing this supervision was an integral and planned part of the program and not more than 75% of the supervision was provided by any one psychologist.

8. In the case of a consortium, there is in place a formal agreement that stipulates the respective roles of all participating agencies.
 - a. An internship will not be acceptable if the relationship between intern and supervisors in any way involves dual relationships.
 - b. The trainee must be officially classified as an “Intern” or “Resident” within the job classification system of the agency or organization.
 - c. The internship agency must have had a minimum of two interns at the internship level during the applicant’s training period.

SECTION 5.6: 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.

- a. The postdoctoral year consists of a minimum of 2000 hours of supervised experience and must be completed within a two year period.
- b. 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.
- c. 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.
- d. 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.
- e. Supervisors must meet the following criteria:

1. 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.
2. Supervisors must be licensed for practice of psychology in the jurisdiction where the supervision is provided. Supervision provided at a military installation by psychologists licensed in any U.S. jurisdiction meets this requirement.
3. The professional qualifications of each direct supervisor must be appropriate to the services rendered. The supervisor's qualifications must be documented through submission of a current curriculum vita or other appropriate evidence of meeting the qualifications.
4. The supervisor, at the time of supervision, must not be in a dual relationship with the supervisee; e.g., is a spouse, other close relative, therapist, or employee.
5. 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.

SECTION 5.7: 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.

SECTION 5.8: BURDEN OF PROOF OF TRAINING. It is the responsibility of the applicant to provide evidence as prescribed by the Board that the education, training, and/or experience described as requirements in Article V of these Rules and Regulations is equal to or exceeds these requirements.

SECTION 5.9: 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.

SECTION 5.10: SPECIALTY DESIGNATION IN PUBLIC STATEMENTS. Deleted (September 2008)

SECTION 5.11: CHANGE OF SPECIALTY DESIGNATION. A licensed psychologist who desires to change designated specialty area in advertising to the public 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 Section 73-31-13 of the Mississippi Code of 1972 and Article V 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.

SECTION 5.12: Deleted.

ARTICLE VI ACTION ON COMPLAINTS

SECTION 6.1: COMPLAINTS. If any person shall have cause to complain about any matter, person, or thing which shall come under the jurisdiction of this Board, that person may submit such complaint to the board.

SECTION 6.2: COMPLAINANT'S RESPONSIBILITY. Any person who wishes to lodge a complaint under Article VI must do so in writing, and such must be notarized.

- a. 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 Mississippi Statutes governing the licensure and practice of psychology or these Rules and Regulations.

SECTION 6.3: DUE PROCESS. Any complainant may be required to give testimony regarding the complaint in the presence of the psychologist, and may be required to submit to cross examination by the psychologist or the psychologist's Attorney.

SECTION 6.4: ADVERSE ACTION. No adverse action shall be taken against any person licensed by this Board without notice and hearing as provided in Section 73-31-21, Mississippi Code of 1972 amended. If any Board action shall be adverse to any psychologist or applicant for licensure, the vote will be by at least four of the seven members of the Board, and the secretary will record the names of those voting and their votes in the minutes of the meeting at which the action took place.

SECTION 6.5: DECOROUS CONDUCT. All parties to a meeting of this Board, including invited guests and members of the public, will conduct themselves in an appropriate fashion. Any person unwilling to abide by ordinary standards of good conduct will be requested to leave the meeting. Any such person who refuses a legitimate request to leave a meeting may be removed by duly appointed officers of the law, at the discretion of the presiding officer.

ARTICLE VII CIVIL COMMITMENT CERTIFICATION

SECTION 7.1: 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, under the provisions of Section 41-21-61 of the Mississippi Code of 1972.

SECTION 7.2: CRITERIA OF ELIGIBILITY. In order to be certified, the applicant must satisfy the following criteria:

- a. The psychologist must possess a permanent license to practice psychology in Mississippi and have met educational program and internship requirements in a clinical practice area appropriate to certification to perform civil commitment examinations, or present to the Board documentation sufficient to establish that the psychologist possesses qualifications and experience to perform civil commitment evaluations.
- b. The Board must be satisfied that the psychologist possesses appropriate skill in making a proper diagnosis of the presence or absence of mental illness.
- c. The Board must be satisfied with the applicant's competence in understanding the civil commitment law, and the ethical implications of involuntary civil commitment.
- d. The requirement set forth in (c), above, will be accomplished by means of a written examination, and a written performance sample examination.

SECTION 7.3: CIVIL COMMITMENT CERTIFICATION EXAMINATION. Upon receipt of a request of a licensed psychologist who appears to meet the criteria set forth in Section 7.2(a), approval by the Board, and payment of the examination 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.

SECTION 7.4: QUESTIONABLE CREDENTIALS. 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.

SECTION 7.5: 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, appointed by the Credentialing Coordinator (or other designated psychologist from the Board) will also score the written performance sample examination. 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.

- a. 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.

SECTION 7.6: NOTIFICATION TO APPLICANT. Within fourteen (14) days following the Board's ratification of the examination results, the Board shall notify all applicants 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.

SECTION 7.7: REPEATED FAILURES. If the applicant fails the civil commitment examination two times, reexamination will be deferred for two years. If the failed applicant wishes to take the exam a third time, they must first obtain supervision and training specific to civil commitment and provide the Board with documentation of such training.

ARTICLE VIII RECIPROCITY LICENSING

SECTION 8.1: APPLICANTS LICENSED IN OTHER JURISDICTIONS. Applicants holding a current ASPPB Certificate of Professional Qualification (CPQ) and who are currently licensed in another jurisdiction will complete the CPQ application and have ASPPB provide

verification that they have met all requirements for the certificate and are in good standing. These applicants are exempt from the EPPP requirements described in Article IV, the educational requirements described in Article V, and the professional practice and ethics sections of the oral exam as described in Article IV Section 4.19. However, such applicants must still pass the Mississippi Statutes component of the oral exam as described in Article IV Sections 4.19 - 4.22. During this exam the Board may also 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 conditions set forth in the CPQ licensure application.

Applicants who have been actively licensed at the doctoral level for independent practice and have been practicing continuously for the past five (5) years in a jurisdiction that is currently a party to the ASPPB Reciprocity Agreement, and have no outstanding complaints or charges pending against them, and have not been subject to disciplinary action or felony conviction in any state, territory, Canadian province, or other jurisdiction may be eligible for licensure under the terms of the ASPPB reciprocity agreement as long as the State of Mississippi is a signatory to this agreement. Applicants who meet the terms and conditions as specified in the ASPPB Reciprocity Agreement are exempt from the EPPP requirements described in Article IV, the educational requirements described in Article V, and the professional practice and ethics sections of the oral exam as described in Article IV Section 4.19. However, such applicants must still pass the Mississippi Statutes section of the oral exam as defined in Article IV Sections 4.19-4.22. During this exam the Board may also 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 conditions set forth in ASPPB Reciprocity Agreement Licensee Application.

SECTION 8.2: LICENSURE OF DIPLOMATES. The Board, by a majority vote, may issue a license to an applicant who;

- a. is a diplomat of the American Board of Professional Psychology (ABPP) provided, however, that the applicant is currently licensed in another jurisdiction; and
- b. has had no disciplinary sanction during the entire period of licensure; and
- c. has passed the Mississippi Statutes portion of the oral exam as defined in Article IV Sections 4.19-4.22. During this exam the Board may also review and verify the applicant's character, current fitness and plans to practice consistent with their education, training and experience; and
- d. has completed the appropriate application and tendered fees as required by this Board.

SECTION 8.3: ORAL EXAMINATION OF APPLICANTS LICENSED IN OTHER JURISDICTIONS: All applicants for licensure are required to take and pass the oral examination, as described in Section 4.19, except as exempted in Section 8.1 and 8.2 above.

ARTICLE IX AMENDMENT PROCEDURE

SECTION 9.1: 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.

SECTION 9.2: OBJECTIONS TO AMENDMENTS. Deleted (September 2008)

SECTION 9.3: RULE CHANGES AFTER FORMAL HEARINGS. Deleted (September 2008)

ARTICLE X SEPARABILITY CLAUSE

SECTION 10.1: 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.

ARTICLE XI LICENSE RENEWAL

SECTION 11.1: 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 renewal form and renewal fee promptly. A license will lapse if the renewal fee is not paid by July 1. 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.

SECTION 11.2: Deleted

SECTION 11.3: RENEWAL OF LAPSED LICENSES. Psychologists who allow their license to lapse by not paying the annual 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. written request for reinstatement occurs within two years from the last renewal date in which the individual was fully licensed,
- b. all fees for the period are paid in full,
- 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 which has lapsed for more than two (2) years shall be required to reapply for licensure using the Board's laws, rules and regulations in effect at the time of initiating the new application process.

SECTION 11.4: FEES SET BY THE BOARD. The Board will, at a meeting prior to the commencement of each fiscal year, set fees for applications, certifications, examinations and renewal of licenses within the limits set by the legislature. The list of fees will be available from the Board upon request.

ARTICLE XII: EXEMPTED PROFESSIONS

SECTION 12.1: 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.

SECTION 12.2: DELETED

SECTION 12.3: 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.

ARTICLE XIII CONTINUING EDUCATION

SECTION 13.1: CONTINUING EDUCATION. Section 73-31-9 (4) of the Mississippi Code of 1972 established that license renewal in odd numbered years requires the psychologist to show evidence of a minimum of twenty (20) clock hours of continuing education activities approved by the Board 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.

SECTION 13.2: 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. 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.

SECTION 13.3: 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 (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 in 13.3(b)

- a. 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.
- b. For registered attendance at psychological or inter-professional conferences or training programs not offered by APA 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 hours earned under Subparagraph (a) above.

SECTION 13.4: CRITERIA FOR BOARD APPROVED CE PROVIDERS. The Mississippi Psychological Association, internship and fellowship training programs with APA approval 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 are stated in the Mississippi Board of Psychology Continuing Education Handbook. All APA approved CE sponsors are considered Board Approved CE Providers. Approved providers must submit to the Board a list of CE activities they have sponsored on an annual basis. Board Approved CE providers must renew their provider status every five (5) years.

SECTION 13.5: REPORT REQUIREMENTS. Biennial Reporting Period. Licensees must report their continuing education hours to the Board no later than July 1 of odd-numbered years.

- a. Report Format. A section of the license renewal form, on the CE reporting biennium, shall provide an attestation of completion of the required type and number of hours of continuing education as described above.
- b. Signature. By signing the biennial Continuing Professional Education (CE) Reporting Form, the licensee signifies that the required CE has been obtained.
- c. Documentation. Licensees shall retain corroborating documentation of their continuing education participation. Corroborative documents include certificates of completion which 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 5% of the Psychologists' CE submissions. Any misrepresentation of continuing education will be cause for disciplinary action by the Board.

SECTION 13.6: 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 31) is a CE reporting year, the newly licensed psychologist shall be required to submit only half the number of hours (10) specified in Section 13.2 a and b, above.

- a. Continuing education activities that are not provided by APA or Board approved providers will be accepted only if:
 1. A written request for approval is made prior to the scheduled program:
 2. The request is received in sufficient time for the Board to review the program for content and appropriateness: and
 3. They have objectives compatible with the professional continuing education needs of practicing psychologists
- b. In extenuating circumstances 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.
- c. CE activities which 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.

SECTION 13.7: NONCOMPLIANCE AND REINSTATEMENT. Deleted (September 2008)

ARTICLES XIV ORAL PROCEEDINGS ON PROPOSED RULES

SECTION 14.1: 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 '25-43-3-104.

SECTION 14.2: 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.

SECTION 14.3: 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).

SECTION 14.4: 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.

SECTION 14.5: PRESIDING OFFICER. The Chairperson or his/her designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

SECTION 14.6: 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.

SECTION 14.7: 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 Department for the proposed rule; (iii) call on those individuals who have contacted the Department 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 Department and are subject to the Department's public records request procedure.
- c. **Recording.** The Department may record oral proceedings by stenographic or electronic means.

ARTICLE XV: DECLARATORY OPINIONS.

SECTION 15.1: 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. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

SECTION 15.2: 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.

SECTION 15.3: SUBJECTS WHICH 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.

SECTION 15.4: 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.

SECTION 15.5: 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.

SECTION 15.6: WHERE TO SEND REQUESTS. All requests must be mailed, delivered, or transmitted via facsimile to:

The Mississippi Board of Psychology	OR	Mississippi Board of Psychology
P.O. Box 13769		2395 Deerfield Road
Jackson, MS 39236.		Yazoo City, MS 39194

SECTION 15.7: 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.

SECTION 15.8: NAME, ADDRESS AND SIGNATURE OF REQUESTOR. Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but 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.

SECTION 15.9: 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 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

SECTION 15.10: TIME FOR BOARD RESPONSE. Within forty-five (45) days after the receipt of a request for a declaratory opinion which 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 not later than ninety (90) days after receipt of the written request;
- d. 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.

SECTION 15.11: 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 which 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.

SECTION 15.12: 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.

SECTION 15.13: 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 which contain information which 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.

SECTION 15.14: 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.

END