

By: Representative Scott (17th)

To: Public Health and
Welfare

HOUSE BILL NO. 454

1 AN ACT TO REENACT SECTIONS 73-53-3, 73-53-8, 73-53-10,
2 73-53-11 AND 73-53-13, MISSISSIPPI CODE OF 1972, WHICH CREATE AND
3 EMPOWER THE BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND
4 FAMILY THERAPISTS; TO REENACT SECTIONS 73-54-1 THROUGH 73-54-39,
5 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE "MARRIAGE AND
6 FAMILY THERAPY LICENSURE ACT OF 1997"; TO REPEAL SECTION 27,
7 CHAPTER 516, LAWS OF 1997, WHICH REPEALS THE SECTIONS OF LAW THAT
8 CREATE THE BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND
9 FAMILY THERAPISTS AND THE "MARRIAGE AND FAMILY THERAPY LICENSURE
10 ACT OF 1997"; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 73-53-3, Mississippi Code of 1972, is
13 reenacted as follows:

14 73-53-3. As used in this chapter:

15 (a) "Board" means the Board of Examiners for Social
16 Workers and Marriage and Family Therapists created under Section
17 73-53-8.

18 (b) "Social work practice" means the professional
19 activity directed at enhancing, protecting or restoring people's
20 capacity for social functioning, whether impaired by physical,
21 environmental or emotional factors.

22 (c) "Clinical social work practice" means the
23 application of social work methods and values in diagnosis and
24 treatment directed at enhancing, protecting or restoring people's
25 capacity for social functioning, whether impaired by physical,
26 environmental or emotional factors.

27 (d) "Examination(s)" means that test or exam which is
28 endorsed and prescribed by the American Association of State
29 Social Work Boards.

30 SECTION 2. Section 73-53-8, Mississippi Code of 1972, is
31 reenacted as follows:

32 73-53-8. (1) There is created the Board of Examiners for
33 Social Workers and Marriage and Family Therapists to license and
34 regulate social workers and marriage and family therapists. The
35 board shall be composed of ten (10) members, six (6) of which
36 shall be social workers and four (4) of which shall be marriage
37 and family therapists.

38 (2) Of the social worker members of the board, two (2) must
39 be licensed social workers, and four (4) must be licensed master
40 social workers or licensed certified social workers or a
41 combination thereof. The marriage and family therapist members of
42 the board must be licensed marriage and family therapists. For at
43 least five (5) years immediately preceding his or her appointment,
44 each marriage and family therapist appointee must have been
45 actively engaged as a marriage and family therapist in rendering
46 professional services in marriage and family therapy, or in the
47 education and training of master's, doctoral or post-doctoral
48 students of marriage and family therapy, or in marriage and family
49 therapy research, and during the two (2) years preceding his or
50 her appointment, must have spent the majority of the time devoted
51 to that activity in this state. The initial marriage and family
52 therapist appointees shall be deemed to be and shall become
53 licensed practicing marriage and family therapists immediately
54 upon their appointment and qualification as members of the board.

55 All subsequent marriage and family therapist appointees to the
56 board must be licensed marriage and family therapists before their
57 appointment.

58 (3) The Governor shall appoint six (6) members of the board,
59 four (4) of which shall be social workers and two (2) of which
60 shall be marriage and family therapists, and the Lieutenant
61 Governor shall appoint four (4) members of the board, two (2) of
62 which shall be social workers and two (2) of which shall be
63 marriage and family therapists. Social worker members of the
64 board shall be appointed from nominations submitted by the
65 Mississippi Chapter of the National Association of Social Workers,

66 and marriage and family therapist members of the board shall be
67 appointed from nominations submitted by the Mississippi Marriage
68 and Family Therapy Association. All appointments shall be made
69 with the advice and consent of the Senate.

70 (4) The initial appointments to the board shall be made as
71 follows: The Governor shall appoint one (1) social worker member
72 for a term that expires on June 30, 1999, one (1) social worker
73 member for a term that expires on June 30, 2001, two (2) social
74 worker members for terms that expire on June 30, 2002, one (1)
75 marriage and family therapist member for a term that expires on
76 June 30, 1998, and one (1) marriage and family therapist member
77 for a term that expires on June 30, 2000. The Lieutenant Governor
78 shall appoint one (1) social worker member for a term that expires
79 on June 30, 1998, one (1) social worker member for a term that
80 expires on June 30, 2000, one (1) marriage and family therapist
81 member for a term that expires on June 30, 1999, and one (1)
82 marriage and family therapist member of the board for a term that
83 expires on June 30, 2001. After the expiration of the initial
84 terms, all subsequent appointments shall be made by the original
85 appointing authorities for terms of four (4) years from the
86 expiration date of the previous term. Upon the expiration of his
87 or her term of office, a board member shall continue to serve
88 until his or her successor has been appointed and has qualified.
89 No person may be appointed more than once to fill an unexpired
90 term or more than two (2) consecutive full terms.

91 (5) Any vacancy on the board before the expiration of a term
92 shall be filled by appointment of the original appointing
93 authority for the remainder of the unexpired term. Appointments
94 to fill vacancies shall be made from nominations submitted by the
95 appropriate organization as specified in subsection (2) of this
96 section for the position being filled.

97 (6) The appointing authorities shall give due regard to
98 geographic distribution, race and sex in making all appointments
99 to the board.

100 (7) The board shall select one (1) of its members to serve
101 as chairman during the term of his or her appointment to the
102 board. No person may serve as chairman for more than four (4)
103 years. The board may remove any member of the board or the
104 chairman from his or her position as chairman for (a) malfeasance
105 in office, or (b) conviction of a felony or a crime of moral
106 turpitude while in office, or (c) failure to attend three (3)
107 consecutive board meetings. However, no member may be removed
108 until after a public hearing of the charges against him or her,
109 and at least thirty (30) days' prior written notice to the accused
110 member of the charges against him or her and of the date fixed for
111 such hearing. No board member shall participate in any matter
112 before the board in which he has a pecuniary interest, personal
113 bias or other similar conflict of interest.

114 (8) Board members shall receive no compensation for their
115 services, but shall be reimbursed for their actual and necessary
116 expenses incurred in the performance of official board business as
117 provided in Section 25-3-41.

118 (9) Four (4) social worker members and three (3) marriage
119 and family therapist members of the board shall constitute a
120 quorum of the board. In making its decisions and taking actions
121 affecting the members of one (1) of the professions regulated by
122 the board, the board shall consider the recommendations of the
123 board members who are members of that profession.

124 (10) The principal office of the board shall be in the City
125 of Jackson, but the board may act and exercise all of its powers
126 at any other place. The board shall adopt an official seal, which
127 shall be judicially noticed and which shall be affixed to all
128 licenses issued by the board.

129 (11) The board is authorized to employ, subject to the
130 approval of the State Personnel Board, an executive director and
131 such attorneys, experts and other employees as it may from time to
132 time find necessary for the proper performance of its duties and
133 for which the necessary funds are available, and to set the salary

134 of the executive director at an amount not to exceed Forty
135 Thousand Dollars (\$40,000.00). The board is strongly encouraged
136 to employ any employees of the State Department of Health who may
137 be displaced as a result of the enactment of Laws, 1997, Chapter
138 516.

139 (12) The board, by a majority vote, from time to time may
140 make such provisions as it deems appropriate to authorize the
141 performance by any board member or members, employee or other
142 agent of the board of any function given the board in this chapter
143 or Sections 73-54-1 through 73-54-39.

144 SECTION 3. Section 73-53-10, Mississippi Code of 1972, is
145 reenacted as follows:

146 73-53-10. (1) No appropriations from the State General Fund
147 shall be used to operate the board. The board shall be supported
148 by fees collected for license application and renewal and/or other
149 monies raised by the board.

150 (2) All fees and any other monies received by the board,
151 except for monetary penalties imposed under Section 75-53-23,
152 shall be deposited in a special fund that is created in the State
153 Treasury and shall be used for the implementation and
154 administration of this chapter and Sections 73-54-1 through
155 73-54-39 when appropriated by the Legislature for such purpose.
156 The monies in the special fund shall be subject to all provisions
157 of the state budget laws that are applicable to special fund
158 agencies, and shall be disbursed by the State Treasurer only upon
159 warrants issued by the State Fiscal Officer upon requisitions
160 signed by the chairman of the board or another board member
161 designated by the chairman, and countersigned by the secretary of
162 the board. Any interest earned on this special fund shall be
163 credited by the State Treasurer to the fund and shall not be paid
164 into the State General Fund. Any unexpended monies remaining in
165 the special fund at the end of a fiscal year shall not lapse into
166 the State General Fund. Monetary penalties imposed by the board
167 under Section 73-53-23 shall be deposited in the State General

168 Fund.

169 SECTION 4. Section 73-53-11, Mississippi Code of 1972, is
170 reenacted as follows:

171 73-53-11. (1) In addition to the duties set forth elsewhere
172 in this chapter and in Sections 73-54-1 through 73-54-39, the
173 board shall:

174 (a) At least once every two (2) years recommend
175 modifications or amendments to this chapter to the Governor;

176 (b) Review the quality and availability of social work
177 services provided in this state and make recommendations for
178 change to the Legislature; and

179 (c) Recommend to the appropriate law enforcement
180 official the bringing of civil actions to seek injunctions and
181 other relief against unlicensed individuals for violations of this
182 chapter.

183 (2) The board shall approve, oversee and be responsible for
184 all examinations for licensure under this chapter. The board
185 shall pass on all applicants who apply to be licensed.

186 (3) The board shall be responsible for all disciplinary
187 functions carried out in this state regarding all licensees under
188 this chapter.

189 (4) The board shall be responsible for all disputed matters
190 involving whether an applicant shall be licensed.

191 (5) The board shall have such other powers as may be
192 required to carry out the provisions of this chapter.

193 SECTION 5. Section 73-53-13, Mississippi Code of 1972, is
194 reenacted as follows:

195 73-53-13. The board shall issue the appropriate license to
196 applicants who meet the qualifications of this section.

197 (a) Prerequisites-"social worker": A license as a
198 "social worker" shall be issued to an applicant who meets the
199 following qualifications:

200 (i) Has a baccalaureate degree in social work from
201 a college or university accredited by the Council on Social Work

202 Education or Southern Association of Colleges and Schools and has
203 satisfactorily completed an examination for this license; or

204 (ii) Has a comparable license or registration from
205 another state or territory of the United States that imposes
206 qualifications substantially similar to those of this chapter.

207 (b) Prerequisites-"master social worker": A license as
208 a "master social worker" shall be issued to an applicant who meets
209 the following qualifications:

210 (i) Has a doctorate or master's degree from a
211 school of social work accredited by the Council on Social Work
212 Education; and

213 (ii) Has satisfactorily completed an examination
214 for his license; or

215 (iii) Has a comparable license or registration
216 from another state or territory of the United States that imposes
217 qualifications substantially similar to those of this chapter.

218 (c) Prerequisites-"certified social worker": A license
219 as a "certified social worker" shall be issued to an applicant who
220 meets the following qualifications:

221 (i) Is licensed under Section 73-53-13 as a
222 "master social worker"; and

223 (ii) Has twenty-four (24) months of experience
224 acceptable to the board, under appropriate supervision; and

225 (iii) Has satisfactorily completed a state
226 examination for this license; or

227 (iv) Has a comparable license or registration from
228 another state or territory of the United States that imposes
229 qualifications substantially similar to those of this chapter.

230 (d) In addition to the above qualifications, an
231 applicant for any of the above licenses must prove to the board's
232 satisfaction:

233 (i) Age of at least twenty-one (21) years, and

234 (ii) Good moral character, which is a continuing
235 requirement for licensure, and

236 (iii) United States citizenship or status as a
237 legal resident alien, and

238 (iv) Absence of conviction of a felony related to
239 the practice of social work for the last ten (10) years, and

240 (v) That the applicant has not been declared
241 mentally incompetent by any court, and if any such decree has ever
242 been rendered, that the decree has since been changed, and

243 (vi) Freedom from dependency on alcohol or drugs.

244 (e) Only individuals licensed as "certified social
245 workers" shall be permitted to call themselves "clinical social
246 workers."

247 Each application or filing made under this section shall
248 include the Social Security number(s) of the applicant in
249 accordance with Section 93-11-64, Mississippi Code of 1972.

250 SECTION 6. Section 73-54-1, Mississippi Code of 1972, is
251 reenacted as follows:

252 73-54-1. This chapter shall be known and may be cited as the
253 "Marriage and Family Therapy Licensure Act of 1997."

254 SECTION 7. Section 73-54-3, Mississippi Code of 1972, is
255 reenacted as follows:

256 73-54-3. Marriage and family therapy in the State of
257 Mississippi is declared to be a professional practice that affects
258 the public safety and welfare and requires appropriate regulation
259 and control in the public interest.

260 It is the purpose of this chapter to establish a regulatory
261 agency, a structure, and procedures that will ensure that the
262 public is protected from unprofessional, improper, unauthorized
263 and unqualified practice of marriage and family therapy. This
264 chapter shall be liberally construed to carry out these policies
265 and purposes.

266 SECTION 8. Section 73-54-5, Mississippi Code of 1972, is
267 reenacted as follows:

268 73-54-5. As used in this chapter and in Section 73-53-8,
269 unless the context clearly requires a different meaning:

270 (a) "Licensed marriage and family therapist" means a
271 person to whom a license has been issued under this chapter and
272 Section 73-53-8, which license is in force and not suspended or
273 revoked as of the particular time in question.

274 (b) "Marriage and family therapy" means the rendering
275 of professional therapy services to individuals, families or
276 couples, singly or in groups, and involves the professional
277 application of psychotherapeutic and family systems theories and
278 techniques in the delivery of therapy services to those persons.

279 (c) "Practice of marriage and family therapy" means the
280 rendering of professional marriage and family therapy services to
281 individuals, couples and families, singly or in groups, whether
282 those services are offered directly to the general public or
283 through organizations, either public or private, for a fee,
284 monetary or otherwise.

285 (d) "Advertise" means, but is not limited to, issuing
286 or causing to be distributed any card, sign or device to any
287 person; causing, permitting or allowing any sign or marking on or
288 in any building; broadcasting by radio or television; or
289 advertising by any other means designed to secure public
290 attention.

291 (e) "Use a title or description of" means to hold
292 oneself out to the public as having a particular status by means
293 of stating it on signs, mailboxes, address plates, stationery,
294 announcements, calling cards or other instruments of professional
295 identification.

296 (f) "Board" means the Board of Examiners for Social
297 Workers and Marriage and Family Therapists created by Section
298 73-53-8.

299 (g) "Institution of higher education" means any
300 regionally accredited institution of higher learning in the United
301 States that offers a master's or doctoral degree; for foreign
302 universities, this term means an institution of higher education
303 accredited by a legal agency of that country that is satisfactory

304 to the board.

305 (h) "Qualified supervision" means the supervision of
306 clinical services in accordance with standards established by the
307 board under the supervision of an individual who has been
308 recognized by the board as an approved supervisor.

309 (i) "Person" means any individual, firm, corporation,
310 partnership, organization or body politic.

311 SECTION 9. Section 73-54-7, Mississippi Code of 1972, is
312 reenacted as follows:

313 73-54-7. Except as specifically exempted in Section 73-54-9,
314 beginning September 1, 1997, any person who represents himself or
315 herself by the title or description "marital or marriage
316 therapist," "licensed marital or marriage and family therapist,"
317 or any other name, style or description denoting that the person
318 is a marriage and family therapist or marriage and family
319 counselor without having first complied with the provisions of
320 this chapter shall be guilty of a misdemeanor and, upon conviction
321 thereof, shall be punished by a fine of not less than Five Hundred
322 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)
323 for each offense.

324

325 SECTION 10. Section 73-54-9, Mississippi Code of 1972, is
326 reenacted as follows:

327 73-54-9. (1) A person shall be exempt from the requirements
328 of this chapter if the person is a marriage and family therapy
329 intern or person preparing for the practice of marriage and family
330 therapy under qualified supervision in a training institution or
331 facility or supervisory arrangement recognized and approved by the
332 board, provided he or she is designated by such titles as
333 "marriage and family therapy intern," "marriage therapy intern,"
334 "family therapy intern," or others, clearly indicating such
335 training status.

336 (2) Nothing in this chapter shall prevent licensed or
337 certified members of other professional groups as defined by their

338 board, including, but not limited to, physicians, psychologists,
339 clinical nurse specialists, clinical social workers, licensed
340 professional counselors, or duly ordained ministers or clergy
341 while functioning in their ministerial capacity, from doing or
342 advertising that they perform work of a marriage and family
343 therapy nature consistent with the accepted standards of their
344 respective professions.

345 (3) Nothing in this chapter shall be construed as permitting
346 licensed marriage and family therapists to provide psychological
347 testing or to engage in the practice of psychology.

348 SECTION 11. Section 73-54-11, Mississippi Code of 1972, is
349 reenacted as follows:

350 73-54-11. (1) The board shall administer and enforce the
351 provisions of this chapter. The board shall from time to time
352 adopt such rules and regulations and such amendments thereof and
353 supplements thereto as it may deem necessary to enable it to
354 perform its duties under, and to carry into effect the provisions
355 of, this chapter. Such rules and regulations shall be adopted in
356 accordance with the Mississippi Administrative Procedures Law
357 (Section 25-43-1 et seq.).

358 (2) The board shall examine and pass on the qualifications
359 of all applicants under this chapter, and shall issue a license to
360 each successful applicant therefor, attesting to his or her
361 professional qualifications to be a marriage and family therapist.

362 SECTION 12. Section 73-54-13, Mississippi Code of 1972, is
363 reenacted as follows:

364 73-54-13. Each person desiring to obtain a license as a
365 practicing marriage and family therapist shall make application
366 thereof to the board in such manner as the board prescribes and
367 with required application fees and shall furnish evidence
368 satisfactory to the board that he or she:

369 (a) Is of good moral character;

370 (b) Has not engaged or is not engaged in any practice
371 or conduct which would be a ground for refusing to issue a license

372 under Section 73-54-29 or Section 73-53-17;

373 (c) Is qualified for licensure pursuant to the
374 requirements of this chapter; and

375 (d) Is at least twenty-one (21) years of age.

376 SECTION 13. Section 73-54-15, Mississippi Code of 1972, is
377 reenacted as follows:

378 73-54-15. Any person who applies for a license on or before
379 September 1, 2000, shall be issued a license by the board if he or
380 she meets the qualifications set forth in Section 73-54-13, with
381 required application fees, and provides evidence to the board that
382 he or she meets educational and experience qualifications as
383 follows:

384 (a) Holds a master's degree or doctoral degree in a
385 mental health field, as defined by the board. Applicants must
386 have completed their degree from a college or university
387 accredited by the Southern Association of Colleges and Schools or
388 a regional accrediting body; and

389 (b) Has had at least two (2) years of clinical
390 experience in the practice of marriage and family therapy.

391

392 SECTION 14. Section 73-54-17, Mississippi Code of 1972, is
393 reenacted as follows:

394 73-54-17. Any person who applies for a license after
395 September 1, 2000, shall be issued a license by the board if he or
396 she meets the qualifications set forth in Section 73-54-13, and
397 submits the required application fees, and provides satisfactory
398 evidence to the board that he or she:

399 (a) Meets educational and experience qualifications as
400 follows:

401 (i) Holds a master's degree or doctoral degree in
402 marriage and family therapy from an institution of higher
403 education in a program that is accredited by the Commission on
404 Accreditation for Marriage and Family Therapy Education;

405 (ii) Subsequent to receiving the requisite degree,

406 has performed two (2) years of supervised experience in marriage
407 and family therapy, or its equivalent, acceptable to the board,
408 provided it meets, at a minimum, the requirements for clinical
409 membership in the American Association for Marriage and Family
410 Therapy; and

411 (b) Passes an examination administered by the board.

412 SECTION 15. Section 73-54-19, Mississippi Code of 1972, is
413 reenacted as follows:

414 73-54-19. (1) The board shall conduct an examination at
415 least once a year at a time and place designated by the board.

416 (2) An applicant shall be required to pass the Examination
417 of Marriage and Family Therapy written for the marriage and family
418 regulatory boards.

419 SECTION 16. Section 73-54-21, Mississippi Code of 1972, is
420 reenacted as follows:

421 73-54-21. Any applicant who fails an examination conducted
422 by the board shall not be admitted to a subsequent examination for
423 a period of at least six (6) months. An applicant who has failed
424 two (2) successive examinations may not reapply for two (2) years
425 from the date of the last examination. The board may require the
426 applicant to successfully complete an additional course of study
427 as designated by the board.

428 SECTION 17. Section 73-54-23, Mississippi Code of 1972, is
429 reenacted as follows:

430 73-54-23. The board shall issue a license by examination of
431 credentials to any applicant licensed or certified as a marriage
432 and family therapist in another state that has such requirements
433 for the license or certificate that the board is of the opinion
434 that the applicant is competent to engage in the practice of
435 marriage and family therapy in this state, provided that the
436 applicant submits an application on forms prescribed by the board
437 and pays the original licensure fee prescribed by Section
438 73-54-25.

439 SECTION 18. Section 73-54-25, Mississippi Code of 1972, is

440 reenacted as follows:

441 73-54-25. The board shall charge an application fee to be
442 determined by the board, but not to exceed Three Hundred Dollars
443 (\$300.00), to applicants for licensing, and shall charge the
444 applicant for the expenses incurred by the board for examination
445 of the applicants.

446 SECTION 19. Section 73-54-27, Mississippi Code of 1972, is
447 reenacted as follows:

448 73-54-27. (1) Licenses issued under this chapter shall be
449 valid for two (2) years and must be renewed biennially, in
450 September, with the renewal fee being determined by the board but
451 not to exceed Two Hundred Dollars (\$200.00).

452 (2) The license of any marriage and family therapist who
453 fails to renew biennially during the month of September shall
454 lapse; the failure to renew the license shall not deprive the
455 marriage and family therapist of the right of renewal thereafter.

456 Such lapsed license may be renewed within a period of two (2)
457 years after such lapse upon payment of all fees in arrears.

458 (3) A marriage and family therapist wishing to renew a
459 license that has been lapsed for more than two (2) years shall be
460 required to reapply for licensure.

461 (4) The board shall notify each license holder in writing of
462 the pending license expiration no later than the thirtieth day
463 before the date on which the license expires.

464 (5) The board shall require each license holder to
465 participate in approved continuing education activities in order
466 to renew a license issued under this chapter.

467 SECTION 20. Section 73-54-29, Mississippi Code of 1972, is
468 reenacted as follows:

469 73-54-29. Licensees subject to this chapter shall conduct
470 their activities, services and practice in accordance with this
471 chapter and any rules promulgated pursuant under this chapter.
472 Licensees may be subject to the exercise of the disciplinary
473 sanctions enumerated in Section 73-53-23 if the board finds that a

474 licensee is guilty of any of the actions listed in Section
475 73-53-17(1) or is guilty of any of the following:

476 (a) Violation of any provision of this chapter or any
477 rules or regulations of the board adopted under the provisions of
478 this chapter.

479 (b) Other just and sufficient cause which renders a
480 person unfit to practice marriage and family therapy as determined
481 by the board but not limited to:

482 (i) Habitual use of alcohol or drugs to an extent
483 that affects professional competence;

484 (ii) Adjudication as being mentally incompetent by
485 a court of competent jurisdiction;

486 (iii) Practicing in a manner detrimental to the
487 public health and welfare;

488 (iv) Revocation of a license or certification by a
489 licensing agency or by a certifying professional organization; or

490 (v) Any other violation of this chapter or the
491 code of ethical standards of the American Association of Marriage
492 and Family Therapy or other ethical standards adopted by the board
493 under the provisions of this chapter.

494 SECTION 21. Section 73-54-31, Mississippi Code of 1972, is
495 reenacted as follows:

496 73-54-31. (1) The board shall conduct its hearings and
497 disciplinary proceedings in accordance with the provisions of
498 Sections 73-53-17 through 73-53-27, this section and rules and
499 regulations adopted by the board. Any person may be heard by the
500 board in person or by attorney. Every vote and official act of
501 the board shall be entered of record. Executive sessions may be
502 used when discussing individual applicants or for any other
503 purposes allowed by Section 25-41-7. All other hearings and
504 rule-making proceedings shall be open to the public as provided in
505 the Open Meetings Act (Section 25-41-1 et seq.). A record shall
506 be made of every hearing before the board.

507 (2) For the purposes of Sections 73-53-17 through 73-53-27

508 and this section, the board shall have the power to require by
509 subpoena the attendance and testimony of witnesses and the
510 production of all books, papers and documents relating to any
511 matter under investigation. Subpoenas shall be issued by the
512 board upon application by any party to a proceeding before the
513 board and a showing of general relevance and reasonable scope.
514 For noncompliance with a subpoena, the board may apply to the
515 circuit court for an order requiring the person subpoenaed to
516 appear before the board and testify and produce books, papers or
517 documents if so ordered. Failure to obey such order of the court
518 may be punished by the court as contempt.

519 SECTION 22. Section 73-54-33, Mississippi Code of 1972, is
520 reenacted as follows:

521 73-54-33. In any proceeding before the board involving the
522 granting, suspension or revocation of a license or in other
523 proceedings in which expert testimony relating to the practice of
524 marriage and family therapy is necessary, the board shall hear
525 evidence from a qualified expert witness or witnesses selected by
526 parties.

527 SECTION 23. Section 73-54-35, Mississippi Code of 1972, is
528 reenacted as follows:

529 73-54-35. As an additional remedy to those authorized in
530 Section 73-53-23, the board may proceed in the circuit court to
531 enjoin and restrain any unlicensed person from violating any
532 provision of this chapter. The board shall not be required to
533 post bond to such proceeding.

534 SECTION 24. Section 73-54-37, Mississippi Code of 1972, is
535 reenacted as follows:

536 73-54-37. No person licensed under this chapter as a
537 marriage and family therapist, nor any of his or her employees or
538 associates, shall be required to disclose any information which he
539 may have acquired in rendering marriage and family therapy
540 services, except:

541 (a) With written consent from the client or, in the

542 case of death or disability, or in case of the minor, with the
543 written consent of his or her parent, legal guardian or
544 conservator, or other person authorized by the court to file suit;
545 or

546 (b) When a communication reveals the contemplation of a
547 crime or harmful act, or intent to commit suicide; or

548 (c) When a person waives the privilege by bringing
549 charges against a licensed marriage and family therapist for
550 breach of privileged communication, or any other charge.

551 SECTION 25. Section 73-54-39, Mississippi Code of 1972, is
552 reenacted as follows:

553 73-54-39. If both parties to a marriage have obtained
554 marriage and family therapy by a licensed marriage and family
555 therapist, the therapist shall not be competent to testify in an
556 alimony, custody or divorce action concerning information acquired
557 in the course of the therapeutic relationship.

558 SECTION 26. Section 27, Chapter 516, Laws of 1997, which
559 repeals the sections of law that create the Board of Examiners for
560 Social Workers and Marriage and Family Therapists and the
561 "Marriage and Family Therapy Licensure Act of 1997," is repealed.

562 SECTION 27. This act shall take effect and be in force from
563 and after July 1, 1999.