

By: Representative Ford

To: Public Health and  
Welfare

## HOUSE BILL NO. 544

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 PROVIDE FOR  
3 DEFINITIONS USED IN THE LICENSURE AND REGULATION OF SOCIAL  
4 WORKERS, ESTABLISH THE BOARD OF EXAMINERS FOR SOCIAL WORKERS AND  
5 MARRIAGE AND FAMILY THERAPISTS, CREATE A SPECIAL FUND IN THE STATE  
6 TREASURY FOR THE SUPPORT OF THE BOARD, PRESCRIBE GENERAL POWERS  
7 AND DUTIES OF THE STATE DEPARTMENT OF HEALTH REGARDING LICENSURE  
8 AND REGULATION OF SOCIAL WORKERS, AND SPECIFY THE PREREQUISITES  
9 FOR SOCIAL WORKER LICENSES; TO REENACT SECTIONS 73-54-1 THROUGH  
10 73-54-39, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE  
11 LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS; TO  
12 AMEND SECTION 27 OF CHAPTER 516, LAWS OF 1977, TO EXTEND THE DATE  
13 OF THE REPEALER ON THE PRECEDING CODE SECTIONS; AND FOR RELATED  
14 PURPOSES.

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

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

18 73-53-3. As used in this chapter:

19 (a) "Board" means the Board of Examiners for Social  
20 Workers and Marriage and Family Therapists created under Section  
21 73-53-8.

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

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

31 (d) "Examination(s)" means that test or exam which is  
32 endorsed and prescribed by the American Association of State

33 Social Work Boards.

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

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

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

59 All subsequent marriage and family therapist appointees to the  
60 board must be licensed marriage and family therapists before their  
61 appointment.

62 (3) The Governor shall appoint six (6) members of the board,  
63 four (4) of which shall be social workers and two (2) of which  
64 shall be marriage and family therapists, and the Lieutenant  
65 Governor shall appoint four (4) members of the board, two (2) of

66 which shall be social workers and two (2) of which shall be  
67 marriage and family therapists. Social worker members of the  
68 board shall be appointed from nominations submitted by the  
69 Mississippi Chapter of the National Association of Social Workers,  
70 and marriage and family therapist members of the board shall be  
71 appointed from nominations submitted by the Mississippi Marriage  
72 and Family Therapy Association. All appointments shall be made  
73 with the advice and consent of the Senate.

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

95 (5) Any vacancy on the board before the expiration of a term  
96 shall be filled by appointment of the original appointing  
97 authority for the remainder of the unexpired term. Appointments  
98 to fill vacancies shall be made from nominations submitted by the

99 appropriate organization as specified in subsection (2) of this  
100 section for the position being filled.

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

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

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

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

128 (10) The principal office of the board shall be in the City  
129 of Jackson, but the board may act and exercise all of its powers  
130 at any other place. The board shall adopt an official seal, which  
131 shall be judicially noticed and which shall be affixed to all

132 licenses issued by the board.

133 (11) The board is authorized to employ, subject to the  
134 approval of the State Personnel Board, an executive director and  
135 such attorneys, experts and other employees as it may from time to  
136 time find necessary for the proper performance of its duties and  
137 for which the necessary funds are available, and to set the salary  
138 of the executive director at an amount not to exceed Forty  
139 Thousand Dollars (\$40,000.00). The board is strongly encouraged  
140 to employ any employees of the State Department of Health who may  
141 be displaced as a result of the enactment of Laws, 1997, Chapter  
142 516.

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

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

150 73-53-10. (1) No appropriations from the State General Fund  
151 shall be used to operate the board. The board shall be supported  
152 by fees collected for license application and renewal and/or other  
153 monies raised by the board.

154 (2) All fees and any other monies received by the board,  
155 except for monetary penalties imposed under Section 75-53-23,  
156 shall be deposited in a special fund that is created in the State  
157 Treasury and shall be used for the implementation and  
158 administration of this chapter and Sections 73-54-1 through  
159 73-54-39 when appropriated by the Legislature for such purpose.  
160 The monies in the special fund shall be subject to all provisions  
161 of the state budget laws that are applicable to special fund  
162 agencies, and shall be disbursed by the State Treasurer only upon  
163 warrants issued by the State Fiscal Officer upon requisitions  
164 signed by the chairman of the board or another board member

165 designated by the chairman, and countersigned by the secretary of  
166 the board. Any interest earned on this special fund shall be  
167 credited by the State Treasurer to the fund and shall not be paid  
168 into the State General Fund. Any unexpended monies remaining in  
169 the special fund at the end of a fiscal year shall not lapse into  
170 the State General Fund. Monetary penalties imposed by the board  
171 under Section 73-53-23 shall be deposited in the State General  
172 Fund.

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

175 73-53-11. (1) In addition to the duties set forth elsewhere  
176 in this chapter and in Sections 73-54-1 through 73-54-39, the  
177 board shall:

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

180 (b) Review the quality and availability of social work  
181 services provided in this state and make recommendations for  
182 change to the Legislature; and

183 (c) Recommend to the appropriate law enforcement  
184 official the bringing of civil actions to seek injunctions and  
185 other relief against unlicensed individuals for violations of this  
186 chapter.

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

190 (3) The board shall be responsible for all disciplinary  
191 functions carried out in this state regarding all licensees under  
192 this chapter.

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

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

197 SECTION 5. Section 73-53-13, Mississippi Code of 1972, is

198 reenacted as follows:

199           73-53-13. The board shall issue the appropriate license to  
200 applicants who meet the qualifications of this section.

201           (a) Prerequisites - "social worker": A license as a  
202 "social worker" shall be issued to an applicant who meets the  
203 following qualifications:

204                   (i) Has a baccalaureate degree in social work from  
205 a college or university accredited by the Council on Social Work  
206 Education or Southern Association of Colleges and Schools and has  
207 satisfactorily completed an examination for this license; or

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

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

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

217                   (ii) Has satisfactorily completed an examination  
218 for his license; or

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

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

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

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

229                   (iii) Has satisfactorily completed a state  
230 examination for this license; or

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

234 (d) In addition to the above qualifications, an  
235 applicant for any of the above licenses must prove to the board's  
236 satisfaction:

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

238 (ii) Good moral character, which is a continuing  
239 requirement for licensure, and

240 (iii) United States citizenship or status as a  
241 legal resident alien, and

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

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

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

248 (e) Only individuals licensed as "certified social  
249 workers" shall be permitted to call themselves "clinical social  
250 workers."

251 Each application or filing made under this section shall  
252 include the Social Security number(s) of the applicant in  
253 accordance with Section 93-11-64.

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

256 73-54-1. This chapter shall be known and may be cited as the  
257 "Marriage and Family Therapy Licensure Act of 1997."

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

260 73-54-3. Marriage and family therapy in the State of  
261 Mississippi is declared to be a professional practice that affects  
262 the public safety and welfare and requires appropriate regulation  
263 and control in the public interest.



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

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

272           73-54-5. As used in this chapter and in Section 73-53-8,  
273 unless the context clearly requires a different meaning:

274           (a) "Licensed marriage and family therapist" means a  
275 person to whom a license has been issued under this chapter and  
276 Section 73-54-8, which license is in force and not suspended or  
277 revoked as of the particular time in question.

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

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

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

295           (e) "Use a title or description of" means to hold  
296 oneself out to the public as having a particular status by means

297 of stating it on signs, mailboxes, address plates, stationery,  
298 announcements, calling cards or other instruments of professional  
299 identification.

300 (f) "Board" means the Board of Examiners for Social  
301 Workers and Marriage and Family Therapists created by Section  
302 73-53-8.

303 (g) "Institution of higher education" means any  
304 regionally accredited institution of higher learning in the United  
305 States that offers a master's or doctoral degree; for foreign  
306 universities, this term means an institution of higher education  
307 accredited by a legal agency of that country that is satisfactory  
308 to the board.

309 (h) "Qualified supervision" means the supervision of  
310 clinical services in accordance with standards established by the  
311 board under the supervision of an individual who has been  
312 recognized by the board as an approved supervisor.

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

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

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

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

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

339           (2) Nothing in this chapter shall prevent licensed or  
340 certified members of other professional groups as defined by their  
341 board, including, but not limited to, physicians, psychologists,  
342 clinical nurse specialists, clinical social workers, licensed  
343 professional counselors, or duly ordained ministers or clergy  
344 while functioning in their ministerial capacity, from doing or  
345 advertising that they perform work of a marriage and family  
346 therapy nature consistent with the accepted standards of their  
347 respective professions.

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

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

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

361           (2) The board shall examine and pass on the qualifications  
362 of all applicants under this chapter, and shall issue a license to

363 each successful applicant therefor, attesting to his or her  
364 professional qualifications to be a marriage and family therapist.

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

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

372 (a) Is of good moral character;

373 (b) Has not engaged or is not engaged in any practice  
374 or conduct which would be a ground for refusing to issue a license  
375 under Section 73-54-29 or Section 73-53-17;

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

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

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

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

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

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

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

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

401           (a) Meets educational and experience qualifications as  
402 follows:

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

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

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

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

416           73-54-19. (1) The board shall conduct an examination at  
417 least once a year at a time and place designated by the board.

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

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

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

429 as designated by the board.

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

432 73-54-23. The board shall issue a license by examination of  
433 credentials to any applicant licensed or certified as a marriage  
434 and family therapist in another state that has such requirements  
435 for the license or certificate that the board is of the opinion  
436 that the applicant is competent to engage in the practice of  
437 marriage and family therapy in this state, provided that the  
438 applicant submits an application on forms prescribed by the board  
439 and pays the original licensure fee prescribed by Section  
440 73-54-25.

441 SECTION 18. Section 73-54-25, Mississippi Code of 1972, is  
442 reenacted as follows:

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

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

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

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

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

460 (3) A marriage and family therapist wishing to renew a  
461 license that has been lapsed for more than two (2) years shall be

462 required to reapply for licensure.

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

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

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

471 73-54-29. Licensees subject to this chapter shall conduct  
472 their activities, services and practice in accordance with this  
473 chapter and any rules promulgated pursuant under this chapter.  
474 Licensees may be subject to the exercise of the disciplinary  
475 sanctions enumerated in Section 73-53-23 if the board finds that a  
476 licensee is guilty of any of the actions listed in Section  
477 73-53-17(1) or is guilty of any of the following:

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

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

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

486 (ii) Adjudication as being mentally incompetent by  
487 a court of competent jurisdiction;

488 (iii) Practicing in a manner detrimental to the  
489 public health and welfare;

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

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

495 under the provisions of this chapter.

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

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

509 (2) For the purposes of Sections 73-53-17 through 73-53-27  
510 and this section, the board shall have the power to require by  
511 subpoena the attendance and testimony of witnesses and the  
512 production of all books, papers and documents relating to any  
513 matter under investigation. Subpoenas shall be issued by the  
514 board upon application by any party to a proceeding before the  
515 board and a showing of general relevance and reasonable scope.  
516 For noncompliance with a subpoena, the board may apply to the  
517 circuit court for an order requiring the person subpoenaed to  
518 appear before the board and testify and produce books, papers or  
519 documents if so ordered. Failure to obey such order of the court  
520 may be punished by the court as contempt.

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

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



528 parties.

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

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

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

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

543 (a) With written consent from the client or, in the  
544 case of death or disability, or in case of the minor, with the  
545 written consent of his or her parent, legal guardian or  
546 conservator, or other person authorized by the court to file suit;  
547 or

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

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

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

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

560 SECTION 26. Section 27 of Chapter 516, Laws of 1997, is

561 amended as follows:

562           Section 27. Sections 73-54-1 through 73-54-39, and Sections  
563 73-53-3, 73-53-8, 73-53-10, 73-54-11 and 73-53-13, Mississippi  
564 Code of 1972, shall stand repealed on July 1, 2000.

565           SECTION 27. Section 27 of Chapter 516, Laws of 1997, as  
566 amended by Section 26 of this act, shall be codified as Section  
567 73-54-41, Mississippi Code of 1972.

568           SECTION 28. This act shall take effect and be in force from  
569 and after July 1, 1999.