

By: Senator(s) Canon

To: Public Health and
Welfare

SENATE BILL NO. 2354

1 AN ACT TO REENACT SECTIONS 73-53-3, 73-53-8, 73-53-10,
2 73-53-11, 73-53-13, AND 73-54-1 THROUGH 73-54-39, MISSISSIPPI CODE
3 OF 1972, WHICH IS THE "MARRIAGE AND FAMILY THERAPY LICENSURE ACT
4 OF 1997"; TO REPEAL SECTION 27 OF CHAPTER 516, LAWS OF 1997, WHICH
5 IS THE AUTOMATIC REPEALER ON THE MARRIAGE AND FAMILY THERAPY
6 LICENSURE ACT OF 1997; AND FOR RELATED PURPOSES.

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

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

10 73-53-3. As used in this chapter:

11 (a) "Board" means the Board of Examiners for Social
12 Workers and Marriage and Family Therapists created under Section
13 73-53-8.

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

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

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

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

28 73-53-8. (1) There is created the Board of Examiners for
29 Social Workers and Marriage and Family Therapists to license and

30 regulate social workers and marriage and family therapists. The
31 board shall be composed of ten (10) members, six (6) of which
32 shall be social workers and four (4) of which shall be marriage
33 and family therapists.

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

51 All subsequent marriage and family therapist appointees to the
52 board must be licensed marriage and family therapists before their
53 appointment.

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

64 and Family Therapy Association. All appointments shall be made
65 with the advice and consent of the Senate.

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

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

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

96 (7) The board shall select one (1) of its members to serve
97 as chairman during the term of his or her appointment to the

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

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

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

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

125 (11) The board is authorized to employ, subject to the
126 approval of the State Personnel Board, an executive director and
127 such attorneys, experts and other employees as it may from time to
128 time find necessary for the proper performance of its duties and
129 for which the necessary funds are available, and to set the salary
130 of the executive director at an amount not to exceed Forty
131 Thousand Dollars (\$40,000.00). The board is strongly encouraged

132 to employ any employees of the State Department of Health who may
133 be displaced as a result of the enactment of Laws, 1997, Ch. 516.

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

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

141 73-53-10. (1) No appropriations from the State General Fund
142 shall be used to operate the board. The board shall be supported
143 by fees collected for license application and renewal and/or other
144 monies raised by the board.

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

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

166 73-53-11. (1) In addition to the duties set forth elsewhere
167 in this chapter and in Sections 73-54-1 through 73-54-39, the
168 board shall:

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

171 (b) Review the quality and availability of social work
172 services provided in this state and make recommendations for
173 change to the Legislature; and

174 (c) Recommend to the appropriate law enforcement
175 official the bringing of civil actions to seek injunctions and
176 other relief against unlicensed individuals for violations of this
177 chapter.

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

181 (3) The board shall be responsible for all disciplinary
182 functions carried out in this state regarding all licensees under
183 this chapter.

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

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

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

190 73-53-13. The board shall issue the appropriate license to
191 applicants who meet the qualifications of this section.

192 (a) Prerequisites-"social worker": A license as a
193 "social worker" shall be issued to an applicant who meets the
194 following qualifications:

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

199 (ii) Has a comparable license or registration from

200 another state or territory of the United States that imposes
201 qualifications substantially similar to those of this chapter.

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

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

208 (ii) Has satisfactorily completed an examination
209 for his license; or

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

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

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

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

220 (iii) Has satisfactorily completed a state
221 examination for this license; or

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

225 (d) In addition to the above qualifications, an
226 applicant for any of the above licenses must prove to the board's
227 satisfaction:

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

229 (ii) Good moral character, which is a continuing
230 requirement for licensure, and

231 (iii) United States citizenship or status as a
232 legal resident alien, and

233 (iv) Absence of conviction of a felony related to

234 the practice of social work for the last ten (10) years, and
235 (v) That the applicant has not been declared
236 mentally incompetent by any court, and if any such decree has ever
237 been rendered, that the decree has since been changed, and
238 (vi) Freedom from dependency on alcohol or drugs.
239 (e) Only individuals licensed as "certified social
240 workers" shall be permitted to call themselves "clinical social
241 workers."

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

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

247 73-54-1. This chapter shall be known and may be cited as the
248 "Marriage and Family Therapy Licensure Act of 1997."

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

251 73-54-3. Marriage and family therapy in the State of
252 Mississippi is declared to be a professional practice that affects
253 the public safety and welfare and requires appropriate regulation
254 and control in the public interest.

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

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

263 73-54-5. As used in this chapter and in Section 73-53-8,
264 unless the context clearly requires a different meaning:

265 (a) "Licensed marriage and family therapist" means a
266 person to whom a license has been issued under this chapter and
267 Section 73-53-8, which license is in force and not suspended or

268 revoked as of the particular time in question.

269 (b) "Marriage and family therapy" means the rendering
270 of professional therapy services to individuals, families or
271 couples, singly or in groups, and involves the professional
272 application of psychotherapeutic and family systems theories and
273 techniques in the delivery of therapy services to those persons.

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

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

286 (e) "Use a title or description of" means to hold
287 oneself out to the public as having a particular status by means
288 of stating it on signs, mailboxes, address plates, stationery,
289 announcements, calling cards or other instruments of professional
290 identification.

291 (f) "Board" means the Board of Examiners for Social
292 Workers and Marriage and Family Therapists created by Section
293 73-53-8.

294 (g) "Institution of higher education" means any
295 regionally accredited institution of higher learning in the United
296 States that offers a master's or doctoral degree; for foreign
297 universities, this term means an institution of higher education
298 accredited by a legal agency of that country that is satisfactory
299 to the board.

300 (h) "Qualified supervision" means the supervision of
301 clinical services in accordance with standards established by the

302 board under the supervision of an individual who has been
303 recognized by the board as an approved supervisor.

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

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

308 73-54-7. Except as specifically exempted in Section 73-54-9,
309 beginning September 1, 1997, any person who represents himself or
310 herself by the title or description "marital or marriage
311 therapist," "licensed marital or marriage and family therapist,"
312 or any other name, style or description denoting that the person
313 is a marriage and family therapist or marriage and family
314 counselor without having first complied with the provisions of
315 this chapter shall be guilty of a misdemeanor and, upon conviction
316 thereof, shall be punished by a fine of not less than Five Hundred
317 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)
318 for each offense.

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

321 73-54-9. (1) A person shall be exempt from the requirements
322 of this chapter if the person is a marriage and family therapy
323 intern or person preparing for the practice of marriage and family
324 therapy under qualified supervision in a training institution or
325 facility or supervisory arrangement recognized and approved by the
326 board, provided he or she is designated by such titles as
327 "marriage and family therapy intern," "marriage therapy intern,"
328 "family therapy intern," or others, clearly indicating such
329 training status.

330 (2) Nothing in this chapter shall prevent licensed or
331 certified members of other professional groups as defined by their
332 board, including, but not limited to, physicians, psychologists,
333 clinical nurse specialists, clinical social workers, licensed
334 professional counselors, or duly ordained ministers or clergy
335 while functioning in their ministerial capacity, from doing or

336 advertising that they perform work of a marriage and family
337 therapy nature consistent with the accepted standards of their
338 respective professions.

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

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

344 73-54-11. (1) The board shall administer and enforce the
345 provisions of this chapter. The board shall from time to time
346 adopt such rules and regulations and such amendments thereof and
347 supplements thereto as it may deem necessary to enable it to
348 perform its duties under, and to carry into effect the provisions
349 of, this chapter. Such rules and regulations shall be adopted in
350 accordance with the Mississippi Administrative Procedures Law
351 (Section 25-43-1 et seq).

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

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

358 73-54-13. Each person desiring to obtain a license as a
359 practicing marriage and family therapist shall make application
360 thereof to the board in such manner as the board prescribes and
361 with required application fees and shall furnish evidence
362 satisfactory to the board that he or she:

363 (a) Is of good moral character;

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

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

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

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

372 73-54-15. Any person who applies for a license on or before
373 September 1, 2000, shall be issued a license by the board if he or
374 she meets the qualifications set forth in Section 73-54-13, with
375 required application fees, and provides evidence to the board that
376 he or she meets educational and experience qualifications as
377 follows:

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

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

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

387 73-54-17. Any person who applies for a license after
388 September 1, 2000, shall be issued a license by the board if he or
389 she meets the qualifications set forth in Section 73-54-13, and
390 submits the required application fees, and provides satisfactory
391 evidence to the board that he or she:

392 (a) Meets educational and experience qualifications as
393 follows:

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

398 (ii) Subsequent to receiving the requisite degree,
399 has performed two (2) years of supervised experience in marriage
400 and family therapy, or its equivalent, acceptable to the board,
401 provided it meets, at a minimum, the requirements for clinical
402 membership in the American Association for Marriage and Family
403 Therapy; and

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

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

407 73-54-19. (1) The board shall conduct an examination at
408 least once a year at a time and place designated by the board.

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

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

414 73-54-21. Any applicant who fails an examination conducted
415 by the board shall not be admitted to a subsequent examination for
416 a period of at least six (6) months. An applicant who has failed
417 two (2) successive examinations may not reapply for two (2) years
418 from the date of the last examination. The board may require the
419 applicant to successfully complete an additional course of study
420 as designated by the board.

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

423 73-54-23. The board shall issue a license by examination of
424 credentials to any applicant licensed or certified as a marriage
425 and family therapist in another state that has such requirements
426 for the license or certificate that the board is of the opinion
427 that the applicant is competent to engage in the practice of
428 marriage and family therapy in this state, provided that the
429 applicant submits an application on forms prescribed by the board
430 and pays the original licensure fee prescribed by Section
431 73-54-25.

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

434 73-54-25. The board shall charge an application fee to be
435 determined by the board, but not to exceed Three Hundred Dollars
436 (\$300.00), to applicants for licensing, and shall charge the
437 applicant for the expenses incurred by the board for examination

438 of the applicants.

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

441 73-54-27. (1) Licenses issued under this chapter shall be
442 valid for two (2) years and must be renewed biennially, in
443 September, with the renewal fee being determined by the board but
444 not to exceed Two Hundred Dollars (\$200.00).

445 (2) The license of any marriage and family therapist who
446 fails to renew biennially during the month of September shall
447 lapse; the failure to renew the license shall not deprive the
448 marriage and family therapist of the right of renewal thereafter.

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

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

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

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

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

462 73-54-29. Licensees subject to this chapter shall conduct
463 their activities, services and practice in accordance with this
464 chapter and any rules promulgated pursuant under this chapter.
465 Licensees may be subject to the exercise of the disciplinary
466 sanctions enumerated in Section 73-53-23 if the board finds that a
467 licensee is guilty of any of the actions listed in Section
468 73-53-17(1) or is guilty of any of the following:

469 (a) Violation of any provision of this chapter or any
470 rules or regulations of the board adopted under the provisions of
471 this chapter.

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

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

477 (ii) Adjudication as being mentally incompetent by
478 a court of competent jurisdiction;

479 (iii) Practicing in a manner detrimental to the
480 public health and welfare;

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

483 (v) Any other violation of this chapter or the
484 code of ethical standards of the American Association of Marriage
485 and Family Therapy or other ethical standards adopted by the board
486 under the provisions of this chapter.

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

489 73-54-31. (1) The board shall conduct its hearings and
490 disciplinary proceedings in accordance with the provisions of
491 Sections 73-53-17 through 73-53-27, this section and rules and
492 regulations adopted by the board. Any person may be heard by the
493 board in person or by attorney. Every vote and official act of
494 the board shall be entered of record. Executive sessions may be
495 used when discussing individual applicants or for any other
496 purposes allowed by Section 25-41-7. All other hearings and
497 rule-making proceedings shall be open to the public as provided in
498 the Open Meetings Act (Section 25-41-1 et seq). A record shall be
499 made of every hearing before the board.

500 (2) For the purposes of Sections 73-53-17 through 73-53-27
501 and this section, the board shall have the power to require by
502 subpoena the attendance and testimony of witnesses and the
503 production of all books, papers and documents relating to any
504 matter under investigation. Subpoenas shall be issued by the
505 board upon application by any party to a proceeding before the

506 board and a showing of general relevance and reasonable scope.
507 For noncompliance with a subpoena, the board may apply to the
508 circuit court for an order requiring the person subpoenaed to
509 appear before the board and testify and produce books, papers or
510 documents if so ordered. Failure to obey such order of the court
511 may be punished by the court as contempt.

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

514 73-54-33. In any proceeding before the board involving the
515 granting, suspension or revocation of a license or in other
516 proceedings in which expert testimony relating to the practice of
517 marriage and family therapy is necessary, the board shall hear
518 evidence from a qualified expert witness or witnesses selected by
519 parties.

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

522 73-54-35. As an additional remedy to those authorized in
523 Section 73-53-23, the board may proceed in the circuit court to
524 enjoin and restrain any unlicensed person from violating any
525 provision of this chapter. The board shall not be required to
526 post bond to such proceeding.

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

529 73-54-37. No person licensed under this chapter as a
530 marriage and family therapist, nor any of his or her employees or
531 associates, shall be required to disclose any information which he
532 may have acquired in rendering marriage and family therapy
533 services, except:

534 (a) With written consent from the client or, in the
535 case of death or disability, or in case of the minor, with the
536 written consent of his or her parent, legal guardian or
537 conservator, or other person authorized by the court to file suit;
538 or

539 (b) When a communication reveals the contemplation of a

540 crime or harmful act, or intent to commit suicide; or

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

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

546 73-54-39. If both parties to a marriage have obtained
547 marriage and family therapy by a licensed marriage and family
548 therapist, the therapist shall not be competent to testify in an
549 alimony, custody or divorce action concerning information acquired
550 in the course of the therapeutic relationship.

551 SECTION 26. Section 27 of Chapter 516, Laws of 1997, which
552 is the automatic repealer on the "Marriage and Family Therapy
553 Licensure Act of 1997," is hereby repealed.

554 SECTION 27. This act shall take effect and be in force from
555 and after June 30, 1999.