

By: Senator(s) Canon

To: Public Health and
Welfare

SENATE BILL NO. 2354
(As Sent to Governor)

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; TO CREATE A NEW SECTION TO BE CODIFIED AS
7 SECTION 73-54-41, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
8 SECTIONS REENACTED BY THIS ACT SHALL STAND REPEALED ON JULY 1,
9 2001; AND FOR RELATED PURPOSES.

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

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

13 73-53-3. As used in this chapter:

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

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

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

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

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

31 73-53-8. (1) There is created the Board of Examiners for
32 Social Workers and Marriage and Family Therapists to license and
33 regulate social workers and marriage and family therapists. The
34 board shall be composed of ten (10) members, six (6) of which
35 shall be social workers and four (4) of which shall be marriage
36 and family therapists.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

169 73-53-11. (1) In addition to the duties set forth elsewhere
170 in this chapter and in Sections 73-54-1 through 73-54-39, the
171 board shall:

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

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

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

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

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

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

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

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

193 73-53-13. The board shall issue the appropriate license to
194 applicants who meet the qualifications of this section.

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

198 (i) Has a baccalaureate degree in social work from
199 a college or university accredited by the Council on Social Work
200 Education or Southern Association of Colleges and Schools and has

201 satisfactorily completed an examination for this license; or
202 (ii) Has a comparable license or registration from
203 another state or territory of the United States that imposes
204 qualifications substantially similar to those of this chapter.

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

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

211 (ii) Has satisfactorily completed an examination
212 for his license; or

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

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

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

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

223 (iii) Has satisfactorily completed a state
224 examination for this license; or

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

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

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

232 (ii) Good moral character, which is a continuing
233 requirement for licensure, and

234 (iii) United States citizenship or status as a

235 legal resident alien, and

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

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

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

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

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

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

250 73-54-1. This chapter shall be known and may be cited as the
251 "Marriage and Family Therapy Licensure Act of 1997."

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

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

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

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

266 73-54-5. As used in this chapter and in Section 73-53-8,
267 unless the context clearly requires a different meaning:

268 (a) "Licensed marriage and family therapist" means a

269 person to whom a license has been issued under this chapter and
270 Section 73-53-8, which license is in force and not suspended or
271 revoked as of the particular time in question.

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

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

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

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

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

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

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

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

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

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

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

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

333 (2) Nothing in this chapter shall prevent licensed or
334 certified members of other professional groups as defined by their
335 board, including, but not limited to, physicians, psychologists,
336 clinical nurse specialists, clinical social workers, licensed

337 professional counselors, or duly ordained ministers or clergy
338 while functioning in their ministerial capacity, from doing or
339 advertising that they perform work of a marriage and family
340 therapy nature consistent with the accepted standards of their
341 respective professions.

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

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

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

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

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

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

366 (a) Is of good moral character;

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

370 (c) Is qualified for licensure pursuant to the

371 requirements of this chapter; and

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

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

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

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

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

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

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

395 (a) Meets educational and experience qualifications as
396 follows:

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

401 (ii) Subsequent to receiving the requisite degree,
402 has performed two (2) years of supervised experience in marriage
403 and family therapy, or its equivalent, acceptable to the board,
404 provided it meets, at a minimum, the requirements for clinical

405 membership in the American Association for Marriage and Family
406 Therapy; and

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

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

410 73-54-19. (1) The board shall conduct an examination at
411 least once a year at a time and place designated by the board.

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

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

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

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

426 73-54-23. The board shall issue a license by examination of
427 credentials to any applicant licensed or certified as a marriage
428 and family therapist in another state that has such requirements
429 for the license or certificate that the board is of the opinion
430 that the applicant is competent to engage in the practice of
431 marriage and family therapy in this state, provided that the
432 applicant submits an application on forms prescribed by the board
433 and pays the original licensure fee prescribed by Section
434 73-54-25.

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

437 73-54-25. The board shall charge an application fee to be
438 determined by the board, but not to exceed Three Hundred Dollars

439 (\$300.00), to applicants for licensing, and shall charge the
440 applicant for the expenses incurred by the board for examination
441 of the applicants.

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

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

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

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

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

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

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

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

465 73-54-29. Licensees subject to this chapter shall conduct
466 their activities, services and practice in accordance with this
467 chapter and any rules promulgated pursuant under this chapter.
468 Licensees may be subject to the exercise of the disciplinary
469 sanctions enumerated in Section 73-53-23 if the board finds that a
470 licensee is guilty of any of the actions listed in Section
471 73-53-17(1) or is guilty of any of the following:

472 (a) Violation of any provision of this chapter or any

473 rules or regulations of the board adopted under the provisions of
474 this chapter.

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

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

480 (ii) Adjudication as being mentally incompetent by
481 a court of competent jurisdiction;

482 (iii) Practicing in a manner detrimental to the
483 public health and welfare;

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

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

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

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

503 (2) For the purposes of Sections 73-53-17 through 73-53-27
504 and this section, the board shall have the power to require by
505 subpoena the attendance and testimony of witnesses and the
506 production of all books, papers and documents relating to any

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

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

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

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

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

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

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

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

541 or

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

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

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

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

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

557 SECTION 27. The following shall be codified as Section
558 73-54-41, Mississippi Code of 1972:

559 73-54-41. Sections 73-54-1 through 73-54-39, and Sections
560 73-53-3, 73-53-8, 73-53-10, 73-53-11 and 73-53-13, shall stand
561 repealed on July 1, 2001.

562 SECTION 28. This act shall take effect and be in force from
563 and after June 30, 1999.