

By: Representative Ford

To: Public Health and Welfare

HOUSE BILL NO. 521

1 AN ACT TO REENACT SECTIONS 73-54-1 THROUGH 73-54-39, 73-53-3  
 2 73-53-8, 73-53-10, 73-53-11 AND 73-53-13, MISSISSIPPI CODE OF  
 3 1972, WHICH CREATE THE MARRIAGE AND FAMILY THERAPY LICENSURE ACT  
 4 OF 1997, PRESCRIBE THE POWERS OF ITS BOARD, PROVIDE QUALIFICATIONS  
 5 FOR LICENSURE, PROVIDE GROUNDS FOR DISCIPLINARY SANCTIONS, PROVIDE  
 6 GRANDFATHERING PROCEDURES, CREATE THE BOARD OF EXAMINERS FOR  
 7 SOCIAL WORKERS AND MARRIAGE AND FAMILY THERAPISTS, PRESCRIBE THE  
 8 POWERS AND DUTIES OF THE BOARD AND PROVIDE LICENSURE  
 9 PREREQUISITES; TO AMEND SECTION 73-54-41, MISSISSIPPI CODE OF  
 10 1972, TO EXTEND THE REPEAL DATE ON THE REENACTED CODE SECTIONS  
 11 FROM JULY 1, 2001, TO JULY 1, 2002; AND FOR RELATED PURPOSES.

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

13 SECTION 1. Section 73-54-1, Mississippi Code of 1972, is  
 14 reenacted as follows:

15 73-54-1. This chapter shall be known and may be cited as the  
 16 "Marriage and Family Therapy Licensure Act of 1997."

17 SECTION 2. Section 73-54-3, Mississippi Code of 1972, is  
 18 reenacted as follows:

19 73-54-3. Marriage and family therapy in the State of  
 20 Mississippi is declared to be a professional practice that affects  
 21 the public safety and welfare and requires appropriate regulation  
 22 and control in the public interest.

23 It is the purpose of this chapter to establish a regulatory  
 24 agency, a structure, and procedures that will ensure that the  
 25 public is protected from unprofessional, improper, unauthorized  
 26 and unqualified practice of marriage and family therapy. This  
 27 chapter shall be liberally construed to carry out these policies  
 28 and purposes.

29 SECTION 3. Section 73-54-5, Mississippi Code of 1972, is  
 30 reenacted as follows:



31           73-54-5. As used in this chapter and in Section 73-53-8,  
32 unless the context clearly requires a different meaning:

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

37           (b) "Marriage and family therapy" means the rendering  
38 of professional therapy services to individuals, families or  
39 couples, singly or in groups, and involves the professional  
40 application of psychotherapeutic and family systems theories and  
41 techniques in the delivery of therapy services to those persons.

42           (c) "Practice of marriage and family therapy" means the  
43 rendering of professional marriage and family therapy services to  
44 individuals, couples and families, singly or in groups, whether  
45 those services are offered directly to the general public or  
46 through organizations, either public or private, for a fee,  
47 monetary or otherwise.

48           (d) "Advertise" means, but is not limited to, issuing  
49 or causing to be distributed any card, sign or device to any  
50 person; causing, permitting or allowing any sign or marking on or  
51 in any building; broadcasting by radio or television; or  
52 advertising by any other means designed to secure public  
53 attention.

54           (e) "Use a title or description of" means to hold  
55 oneself out to the public as having a particular status by means  
56 of stating it on signs, mailboxes, address plates, stationery,  
57 announcements, calling cards or other instruments of professional  
58 identification.

59           (f) "Board" means the Board of Examiners for Social  
60 Workers and Marriage and Family Therapists created by Section  
61 73-53-8.

62           (g) "Institution of higher education" means any  
63 regionally accredited institution of higher learning in the United



64 States that offers a master's or doctoral degree; for foreign  
65 universities, this term means an institution of higher education  
66 accredited by a legal agency of that country that is satisfactory  
67 to the board.

68 (h) "Qualified supervision" means the supervision of  
69 clinical services in accordance with standards established by the  
70 board under the supervision of an individual who has been  
71 recognized by the board as an approved supervisor.

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

74 SECTION 4. Section 73-54-7, Mississippi Code of 1972, is  
75 reenacted as follows:

76 73-54-7. Except as specifically exempted in Section 73-54-9,  
77 beginning September 1, 1997, any person who represents himself or  
78 herself by the title or description "marital or marriage  
79 therapist," "licensed marital or marriage and family therapist,"  
80 or any other name, style or description denoting that the person  
81 is a marriage and family therapist or marriage and family  
82 counselor without having first complied with the provisions of  
83 this chapter shall be guilty of a misdemeanor and, upon conviction  
84 thereof, shall be punished by a fine of not less than Five Hundred  
85 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)  
86 for each offense.

87 SECTION 5. Section 73-54-9, Mississippi Code of 1972, is  
88 reenacted as follows:

89 73-54-9. (1) A person shall be exempt from the requirements  
90 of this chapter if the person is a marriage and family therapy  
91 intern or person preparing for the practice of marriage and family  
92 therapy under qualified supervision in a training institution or  
93 facility or supervisory arrangement recognized and approved by the  
94 board, provided he or she is designated by such titles as  
95 "marriage and family therapy intern," "marriage therapy intern,"



96 "family therapy intern," or others, clearly indicating such  
97 training status.

98 (2) Nothing in this chapter shall prevent licensed or  
99 certified members of other professional groups as defined by their  
100 board, including, but not limited to, physicians, psychologists,  
101 clinical nurse specialists, clinical social workers, licensed  
102 professional counselors, or duly ordained ministers or clergy  
103 while functioning in their ministerial capacity, from doing or  
104 advertising that they perform work of a marriage and family  
105 therapy nature consistent with the accepted standards of their  
106 respective professions.

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

110 SECTION 6. Section 73-54-11, Mississippi Code of 1972, is  
111 reenacted as follows:

112 73-54-11. (1) The board shall administer and enforce the  
113 provisions of this chapter. The board shall from time to time  
114 adopt such rules and regulations and such amendments thereof and  
115 supplements thereto as it may deem necessary to enable it to  
116 perform its duties under, and to carry into effect the provisions  
117 of, this chapter. Such rules and regulations shall be adopted in  
118 accordance with the Mississippi Administrative Procedures Law  
119 (Section 25-43-1 et seq).

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

124 SECTION 7. Section 73-54-13, Mississippi Code of 1972, is  
125 reenacted as follows:

126 73-54-13. Each person desiring to obtain a license as a  
127 practicing marriage and family therapist shall make application  
128 thereof to the board in such manner as the board prescribes and



129 with required application fees and shall furnish evidence  
130 satisfactory to the board that he or she:

131 (a) Is of good moral character;

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

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

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

138 SECTION 8. Section 73-54-15, Mississippi Code of 1972, is  
139 reenacted as follows:

140 73-54-15. Any person who applies for a license on or before  
141 September 1, 2000, shall be issued a license by the board if he or  
142 she meets the qualifications set forth in Section 73-54-13, with  
143 required application fees, and provides evidence to the board that  
144 he or she meets educational and experience qualifications as  
145 follows:

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

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

153 SECTION 9. Section 73-54-17, Mississippi Code of 1972, is  
154 reenacted as follows:

155 73-54-17. Any person who applies for a license after  
156 September 1, 2000, shall be issued a license by the board if he or  
157 she meets the qualifications set forth in Section 73-54-13, and  
158 submits the required application fees, and provides satisfactory  
159 evidence to the board that he or she:

160 (a) Meets educational and experience qualifications as  
161 follows:



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

166 (ii) Subsequent to receiving the requisite degree,  
167 has performed two (2) years of supervised experience in marriage  
168 and family therapy, or its equivalent, acceptable to the board,  
169 provided it meets, at a minimum, the requirements for clinical  
170 membership in the American Association for Marriage and Family  
171 Therapy; and

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

173 SECTION 10. Section 73-54-19, Mississippi Code of 1972, is  
174 reenacted as follows:

175 73-54-19. (1) The board shall conduct an examination at  
176 least once a year at a time and place designated by the board.

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

180 SECTION 11. Section 73-54-21, Mississippi Code of 1972, is  
181 reenacted as follows:

182 73-54-21. Any applicant who fails an examination conducted  
183 by the board shall not be admitted to a subsequent examination for  
184 a period of at least six (6) months. An applicant who has failed  
185 two (2) successive examinations may not reapply for two (2) years  
186 from the date of the last examination. The board may require the  
187 applicant to successfully complete an additional course of study  
188 as designated by the board.

189 SECTION 12. Section 73-54-23, Mississippi Code of 1972, is  
190 reenacted as follows:

191 73-54-23. The board shall issue a license by examination of  
192 credentials to any applicant licensed or certified as a marriage  
193 and family therapist in another state that has such requirements  
194 for the license or certificate that the board is of the opinion



195 that the applicant is competent to engage in the practice of  
196 marriage and family therapy in this state, provided that the  
197 applicant submits an application on forms prescribed by the board  
198 and pays the original licensure fee prescribed by Section  
199 73-54-25.

200 SECTION 13. Section 73-54-25, Mississippi Code of 1972, is  
201 reenacted as follows:

202 73-54-25. The board shall charge an application fee to be  
203 determined by the board, but not to exceed Three Hundred Dollars  
204 (\$300.00), to applicants for licensing, and shall charge the  
205 applicant for the expenses incurred by the board for examination  
206 of the applicants.

207 SECTION 14. Section 73-54-27, Mississippi Code of 1972, is  
208 reenacted as follows:

209 73-54-27. (1) Licenses issued under this chapter shall be  
210 valid for two (2) years and must be renewed biennially, in  
211 September, with the renewal fee being determined by the board but  
212 not to exceed Two Hundred Dollars (\$200.00).

213 (2) The license of any marriage and family therapist who  
214 fails to renew biennially during the month of September shall  
215 lapse; the failure to renew the license shall not deprive the  
216 marriage and family therapist of the right of renewal thereafter.  
217 Such lapsed license may be renewed within a period of two (2)  
218 years after such lapse upon payment of all fees in arrears.

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

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

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



228 SECTION 15. Section 73-54-29, Mississippi Code of 1972, is  
229 reenacted as follows:

230 73-54-29. Licensees subject to this chapter shall conduct  
231 their activities, services and practice in accordance with this  
232 chapter and any rules promulgated pursuant under this chapter.  
233 Licensees may be subject to the exercise of the disciplinary  
234 sanctions enumerated in Section 73-53-23 if the board finds that a  
235 licensee is guilty of any of the actions listed in Section  
236 73-53-17(1) or is guilty of any of the following:

237 (a) Violation of any provision of this chapter or any  
238 rules or regulations of the board adopted under the provisions of  
239 this chapter.

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

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

245 (ii) Adjudication as being mentally incompetent by  
246 a court of competent jurisdiction;

247 (iii) Practicing in a manner detrimental to the  
248 public health and welfare;

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

251 (v) Any other violation of this chapter or the  
252 code of ethical standards of the American Association of Marriage  
253 and Family Therapy or other ethical standards adopted by the board  
254 under the provisions of this chapter.

255 SECTION 16. Section 73-54-31, Mississippi Code of 1972, is  
256 reenacted as follows:

257 73-54-31. (1) The board shall conduct its hearings and  
258 disciplinary proceedings in accordance with the provisions of  
259 Sections 73-53-17 through 73-53-27, this section and rules and  
260 regulations adopted by the board. Any person may be heard by the





261 board in person or by attorney. Every vote and official act of  
262 the board shall be entered of record. Executive sessions may be  
263 used when discussing individual applicants or for any other  
264 purposes allowed by Section 25-41-7. All other hearings and  
265 rule-making proceedings shall be open to the public as provided in  
266 the Open Meetings Act (Section 25-41-1 et seq). A record shall be  
267 made of every hearing before the board.

268 (2) For the purposes of Sections 73-53-17 through 73-53-27  
269 and this section, the board shall have the power to require by  
270 subpoena the attendance and testimony of witnesses and the  
271 production of all books, papers and documents relating to any  
272 matter under investigation. Subpoenas shall be issued by the  
273 board upon application by any party to a proceeding before the  
274 board and a showing of general relevance and reasonable scope.  
275 For noncompliance with a subpoena, the board may apply to the  
276 circuit court for an order requiring the person subpoenaed to  
277 appear before the board and testify and produce books, papers or  
278 documents if so ordered. Failure to obey such order of the court  
279 may be punished by the court as contempt.

280 SECTION 17. Section 73-54-33, Mississippi Code of 1972, is  
281 reenacted as follows:

282 73-54-33. In any proceeding before the board involving the  
283 granting, suspension or revocation of a license or in other  
284 proceedings in which expert testimony relating to the practice of  
285 marriage and family therapy is necessary, the board shall hear  
286 evidence from a qualified expert witness or witnesses selected by  
287 parties.

288 SECTION 18. Section 73-54-35, Mississippi Code of 1972, is  
289 reenacted as follows:

290 73-54-35. As an additional remedy to those authorized in  
291 Section 73-53-23, the board may proceed in the circuit court to  
292 enjoin and restrain any unlicensed person from violating any



293 provision of this chapter. The board shall not be required to  
294 post bond to such proceeding.

295 SECTION 19. Section 73-54-37, Mississippi Code of 1972, is  
296 reenacted as follows:

297 73-54-37. No person licensed under this chapter as a  
298 marriage and family therapist, nor any of his or her employees or  
299 associates, shall be required to disclose any information which he  
300 may have acquired in rendering marriage and family therapy  
301 services, except:

302 (a) With written consent from the client or, in the  
303 case of death or disability, or in case of the minor, with the  
304 written consent of his or her parent, legal guardian or  
305 conservator, or other person authorized by the court to file suit;  
306 or

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

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

312 SECTION 20. Section 73-54-39, Mississippi Code of 1972, is  
313 reenacted as follows:

314 73-54-39. If both parties to a marriage have obtained  
315 marriage and family therapy by a licensed marriage and family  
316 therapist, the therapist shall not be competent to testify in an  
317 alimony, custody or divorce action concerning information acquired  
318 in the course of the therapeutic relationship.

319 SECTION 21. Section 73-54-41, Mississippi Code of 1972, is  
320 amended as follows:

321 73-54-41. Sections 73-54-1 through 73-54-39, and Sections  
322 73-53-3, 73-53-8, 73-53-10, 73-53-11 and 73-53-13, shall stand  
323 repealed on July 1, 2002.

324 SECTION 22. Section 73-53-3, Mississippi Code of 1972, is  
325 reenacted as follows:



326 73-53-3. As used in this chapter:

327 (a) "Board" means the Board of Examiners for Social  
328 Workers and Marriage and Family Therapists created under Section  
329 73-53-8.

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

334 (c) "Clinical social work practice" means the  
335 application of social work methods and values in diagnosis and  
336 treatment directed at enhancing, protecting or restoring people's  
337 capacity for social functioning, whether impaired by physical,  
338 environmental or emotional factors.

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

342 SECTION 23. Section 73-53-8, Mississippi Code of 1972, is  
343 reenacted as follows:

344 73-53-8. (1) There is created the Board of Examiners for  
345 Social Workers and Marriage and Family Therapists to license and  
346 regulate social workers and marriage and family therapists. The  
347 board shall be composed of ten (10) members, six (6) of which  
348 shall be social workers and four (4) of which shall be marriage  
349 and family therapists.

350 (2) Of the social worker members of the board, two (2) must  
351 be licensed social workers, and four (4) must be licensed master  
352 social workers or licensed certified social workers or a  
353 combination thereof. The marriage and family therapist members of  
354 the board must be licensed marriage and family therapists. For at  
355 least five (5) years immediately preceding his or her appointment,  
356 each marriage and family therapist appointee must have been  
357 actively engaged as a marriage and family therapist in rendering  
358 professional services in marriage and family therapy, or in the



359 education and training of master's, doctoral or post-doctoral  
360 students of marriage and family therapy, or in marriage and family  
361 therapy research, and during the two (2) years preceding his or  
362 her appointment, must have spent the majority of the time devoted  
363 to that activity in this state. The initial marriage and family  
364 therapist appointees shall be deemed to be and shall become  
365 licensed practicing marriage and family therapists immediately  
366 upon their appointment and qualification as members of the board.  
367 All subsequent marriage and family therapist appointees to the  
368 board must be licensed marriage and family therapists before their  
369 appointment.

370 (3) The Governor shall appoint six (6) members of the board,  
371 four (4) of which shall be social workers and two (2) of which  
372 shall be marriage and family therapists, and the Lieutenant  
373 Governor shall appoint four (4) members of the board, two (2) of  
374 which shall be social workers and two (2) of which shall be  
375 marriage and family therapists. Social worker members of the  
376 board shall be appointed from nominations submitted by the  
377 Mississippi Chapter of the National Association of Social Workers,  
378 and marriage and family therapist members of the board shall be  
379 appointed from nominations submitted by the Mississippi Marriage  
380 and Family Therapy Association. All appointments shall be made  
381 with the advice and consent of the Senate.

382 (4) The initial appointments to the board shall be made as  
383 follows: The Governor shall appoint one (1) social worker member  
384 for a term that expires on June 30, 1999, one (1) social worker  
385 member for a term that expires on June 30, 2001, two (2) social  
386 worker members for terms that expire on June 30, 2002, one (1)  
387 marriage and family therapist member for a term that expires on  
388 June 30, 1998, and one (1) marriage and family therapist member  
389 for a term that expires on June 30, 2000. The Lieutenant Governor  
390 shall appoint one (1) social worker member for a term that expires  
391 on June 30, 1998, one (1) social worker member for a term that



392 expires on June 30, 2000, one (1) marriage and family therapist  
393 member for a term that expires on June 30, 1999, and one (1)  
394 marriage and family therapist member of the board for a term that  
395 expires on June 30, 2001. After the expiration of the initial  
396 terms, all subsequent appointments shall be made by the original  
397 appointing authorities for terms of four (4) years from the  
398 expiration date of the previous term. Upon the expiration of his  
399 or her term of office, a board member shall continue to serve  
400 until his or her successor has been appointed and has qualified.  
401 No person may be appointed more than once to fill an unexpired  
402 term or more than two (2) consecutive full terms.

403 (5) Any vacancy on the board before the expiration of a term  
404 shall be filled by appointment of the original appointing  
405 authority for the remainder of the unexpired term. Appointments  
406 to fill vacancies shall be made from nominations submitted by the  
407 appropriate organization as specified in subsection (2) of this  
408 section for the position being filled.

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

412 (7) The board shall select one (1) of its members to serve  
413 as chairman during the term of his or her appointment to the  
414 board. No person may serve as chairman for more than four (4)  
415 years. The board may remove any member of the board or the  
416 chairman from his or her position as chairman for (a) malfeasance  
417 in office, or (b) conviction of a felony or a crime of moral  
418 turpitude while in office, or (c) failure to attend three (3)  
419 consecutive board meetings. However, no member may be removed  
420 until after a public hearing of the charges against him or her,  
421 and at least thirty (30) days' prior written notice to the accused  
422 member of the charges against him or her and of the date fixed for  
423 such hearing. No board member shall participate in any matter



424 before the board in which he has a pecuniary interest, personal  
425 bias or other similar conflict of interest.

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

430 (9) Four (4) social worker members and three (3) marriage  
431 and family therapist members of the board shall constitute a  
432 quorum of the board. In making its decisions and taking actions  
433 affecting the members of one (1) of the professions regulated by  
434 the board, the board shall consider the recommendations of the  
435 board members who are members of that profession.

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

441 (11) The board is authorized to employ, subject to the  
442 approval of the State Personnel Board, an executive director and  
443 such attorneys, experts and other employees as it may from time to  
444 time find necessary for the proper performance of its duties and  
445 for which the necessary funds are available, and to set the salary  
446 of the executive director at an amount not to exceed Forty  
447 Thousand Dollars (\$40,000.00). The board is strongly encouraged  
448 to employ any employees of the State Department of Health who may  
449 be displaced as a result of the enactment of Laws, 1997, Ch. 516.

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

455 SECTION 24. Section 73-53-10, Mississippi Code of 1972, is  
456 reenacted as follows:



457           73-53-10. (1) No appropriations from the State General Fund  
458 shall be used to operate the board. The board shall be supported  
459 by fees collected for license application and renewal and/or other  
460 monies raised by the board.

461           (2) All fees and any other monies received by the board,  
462 except for monetary penalties imposed under Section 75-53-23,  
463 shall be deposited in a special fund that is created in the State  
464 Treasury and shall be used for the implementation and  
465 administration of this chapter and Sections 73-54-1 through  
466 73-54-39 when appropriated by the Legislature for such purpose.  
467 The monies in the special fund shall be subject to all provisions  
468 of the state budget laws that are applicable to special fund  
469 agencies, and shall be disbursed by the State Treasurer only upon  
470 warrants issued by the State Fiscal Officer upon requisitions  
471 signed by the chairman of the board or another board member  
472 designated by the chairman, and countersigned by the secretary of  
473 the board. Any interest earned on this special fund shall be  
474 credited by the State Treasurer to the fund and shall not be paid  
475 into the State General Fund. Any unexpended monies remaining in  
476 the special fund at the end of a fiscal year shall not lapse into  
477 the State General Fund. Monetary penalties imposed by the board  
478 under Section 73-53-23 shall be deposited in the State General  
479 Fund.

480           SECTION 25. Section 73-53-11, Mississippi Code of 1972, is  
481 reenacted as follows:

482           73-53-11. (1) In addition to the duties set forth elsewhere  
483 in this chapter and in Sections 73-54-1 through 73-54-39, the  
484 board shall:

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

487                   (b) Review the quality and availability of social work  
488 services provided in this state and make recommendations for  
489 change to the Legislature; and



490           (c) Recommend to the appropriate law enforcement  
491 official the bringing of civil actions to seek injunctions and  
492 other relief against unlicensed individuals for violations of this  
493 chapter.

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

497           (3) The board shall be responsible for all disciplinary  
498 functions carried out in this state regarding all licensees under  
499 this chapter.

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

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

504           SECTION 26. Section 73-53-13, Mississippi Code of 1972, is  
505 reenacted as follows:

506           73-53-13. The board shall issue the appropriate license to  
507 applicants who meet the qualifications of this section.

508           (a) Prerequisites-"social worker": A license as a  
509 "social worker" shall be issued to an applicant who meets the  
510 following qualifications:

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

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

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





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

524 (ii) Has satisfactorily completed an examination  
525 for his license; or

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

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

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

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

536 (iii) Has satisfactorily completed a state  
537 examination for this license; or

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

541 (d) In addition to the above qualifications, an  
542 applicant for any of the above licenses must prove to the board's  
543 satisfaction:

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

545 (ii) Good moral character, which is a continuing  
546 requirement for licensure, and

547 (iii) United States citizenship or status as a  
548 legal resident alien, and

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

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



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

555 (e) Only individuals licensed as "certified social  
556 workers" shall be permitted to call themselves "clinical social  
557 workers."

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

561 SECTION 27. This act shall take effect and be in force from  
562 and after July 1, 2001.

