

By: Representative Moody

To: Public Health and
Welfare

HOUSE BILL NO. 1025

1 AN ACT TO REENACT SECTIONS 73-53-3, 73-53-8, 73-53-10,
2 73-53-11 AND 73-53-13, AND SECTIONS 73-54-1 THROUGH 73-54-39,
3 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE LICENSING AND
4 REGULATION OF SOCIAL WORKERS AND MARRIAGE AND FAMILY THERAPISTS;
5 TO AMEND SECTION 73-53-7, MISSISSIPPI CODE OF 1972, TO PROVIDE A
6 CRIMINAL PENALTY FOR PRACTICING SOCIAL WORK WITHOUT A LICENSE; TO
7 AMEND REENACTED SECTION 73-53-8, MISSISSIPPI CODE OF 1972, TO
8 AUTHORIZE THE BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE
9 AND FAMILY THERAPISTS TO SET THE SALARY FOR THE EXECUTIVE
10 DIRECTOR, SUBJECT TO THE APPROVAL OF THE STATE PERSONNEL BOARD; TO
11 AMEND SECTION 73-53-15, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
12 BIENNIAL LICENSE FEES FOR SOCIAL WORKERS; TO AMEND SECTION
13 73-53-27, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR RECORDING OF
14 TESTIMONY IN DISCIPLINARY PROCEEDINGS AGAINST SOCIAL WORKERS AND
15 REQUIRE THE PUBLICATION OF SUSPENDED LICENSES; TO AMEND REENACTED
16 SECTION 73-54-5, MISSISSIPPI CODE OF 1972, TO CLARIFY CERTAIN
17 DEFINITIONS; TO AMEND REENACTED SECTION 73-54-9, MISSISSIPPI CODE
18 OF 1972, TO AUTHORIZE MARRIAGE AND FAMILY THERAPISTS TO PROVIDE
19 TESTING; TO AMEND REENACTED SECTION 73-54-17, MISSISSIPPI CODE OF
20 1972, TO CLARIFY CERTAIN EDUCATIONAL QUALIFICATIONS AND
21 SUPERVISORY EXPERIENCE FOR MARRIAGE AND FAMILY THERAPISTS; TO
22 AMEND REENACTED SECTION 73-54-27, MISSISSIPPI CODE OF 1972, TO
23 PROVIDE FOR INACTIVE STATUS FOR MARRIAGE AND FAMILY THERAPIST
24 LICENSEES; TO AMEND REENACTED SECTION 73-54-33, MISSISSIPPI CODE
25 OF 1972, TO AUTHORIZE THE USE OF EXPERT WITNESSES IN MARRIAGE AND
26 FAMILY THERAPIST DISCIPLINARY PROCEEDINGS BEFORE THE BOARD; TO
27 AMEND REENACTED SECTION 73-54-37, MISSISSIPPI CODE OF 1972, TO
28 EXPAND AND CLARIFY PRIVILEGED COMMUNICATIONS BY MARRIAGE AND
29 FAMILY THERAPIST LICENSEES; TO AMEND SECTION 73-54-41, MISSISSIPPI
30 CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE STATUTES
31 PROVIDING FOR THE LICENSING AND REGULATION OF SOCIAL WORKERS AND
32 MARRIAGE AND FAMILY THERAPISTS; TO REPEAL SECTION 73-54-21,
33 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR WAITING PERIODS
34 BEFORE REEXAMINATIONS BY MARRIAGE AND FAMILY THERAPIST APPLICANTS;
35 AND FOR RELATED PURPOSES.

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

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

39 73-53-3. As used in this chapter:

40 (a) "Board" means the Board of Examiners for Social
41 Workers and Marriage and Family Therapists created under Section
42 73-53-8.

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

47 (c) "Clinical social work practice" means the
48 application of social work methods and values in diagnosis and
49 treatment directed at enhancing, protecting or restoring people's
50 capacity for social functioning, whether impaired by physical,
51 environmental or emotional factors.

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

55 SECTION 2. Section 73-53-7, Mississippi Code of 1972, is
56 amended as follows:

57 73-53-7. (1) Except as hereinafter provided, all
58 individuals not exempt from licensure who are not licensed under
59 this chapter are prohibited from performing services for
60 compensation for which licensure is required by this chapter, and
61 are also prohibited from holding themselves out to the public by
62 any title or description of services set out in this chapter or by
63 any title or description of services likely to cause public
64 confusion with any title or description of services set out in
65 this chapter.

66 (2) Any person not licensed under this chapter on July 1,
67 1993, who is actively engaged in the practice of social work
68 before July 1, 1994, as an employee of the State of Mississippi or
69 any agency, political subdivision or municipality thereof or any
70 community action agency or Head Start agency, and who is not
71 eligible to be issued a license under subsection (3) of this
72 section, shall be issued a provisional license as a licensed

73 social worker by the board, if the person applies for such
74 provisional license before July 1, 1994, and, at the time that the
75 application is made, the person is so actively engaged. The
76 license shall be issued by the board upon application therefor,
77 the submission of proof satisfactory to the board of the
78 applicant's employment in the practice of social work as provided
79 in this subsection, and the payment of the appropriate fee. Such
80 license shall be valid for a maximum period of two (2) years, but
81 not to extend past June 30, 1995, during which time the
82 provisional licensee must pass the AASSWB social work examination
83 at the basic level.

84 (3) Any person not licensed under this chapter on July 1,
85 1993, who has been actively engaged in the practice of social work
86 for not less than five (5) years before July 1, 1993, as an
87 employee of the State of Mississippi or any agency, political
88 subdivision or municipality thereof or any community action agency
89 or Head Start agency, shall be issued a license as a social worker
90 by the board, if the person applies for such license before
91 September 1, 1994, and at the time that the application is made,
92 the person is so actively engaged. Any person born on May 24,
93 1949, who has eight (8) years of social work practice as an
94 employee of any of the specified entities before July 1, 1993, who
95 is an employee of any of the specified entities on July 1, 2000,
96 regardless of whether the current employment position is
97 designated as a social worker, shall be issued a license as a
98 social worker by the board if the person applies for the license
99 before September 1, 2000. The license shall be issued by the
100 board upon application therefor, the submission of proof
101 satisfactory to the board of the applicant's employment in the
102 practice of social work as provided in this subsection, and the
103 payment of the appropriate fee.

104 (4) From and after July 1, 2001, any person violating the
105 provisions of this chapter shall be guilty of a misdemeanor and,

106 upon conviction, shall be fined not more than Five Hundred Dollars
107 (\$500.00) for his first offense, nor more than One Thousand
108 Dollars (\$1,000.00) for each subsequent offense.

109 SECTION 3. Section 73-53-8, Mississippi Code of 1972, is
110 reenacted and amended as follows:

111 73-53-8. (1) There is created the Board of Examiners for
112 Social Workers and Marriage and Family Therapists to license and
113 regulate social workers and marriage and family therapists. The
114 board shall be composed of ten (10) members, six (6) of which
115 shall be social workers and four (4) of which shall be marriage
116 and family therapists.

117 (2) Of the social worker members of the board, two (2) must
118 be licensed social workers, and four (4) must be licensed master
119 social workers or licensed certified social workers or a
120 combination thereof. The marriage and family therapist members of
121 the board must be licensed marriage and family therapists. For at
122 least five (5) years immediately preceding his or her appointment,
123 each marriage and family therapist appointee must have been
124 actively engaged as a marriage and family therapist in rendering
125 professional services in marriage and family therapy, or in the
126 education and training of master's, doctoral or post-doctoral
127 students of marriage and family therapy, or in marriage and family
128 therapy research, and during the two (2) years preceding his or
129 her appointment, must have spent the majority of the time devoted
130 to that activity in this state. The initial marriage and family
131 therapist appointees shall be deemed to be and shall become
132 licensed practicing marriage and family therapists immediately
133 upon their appointment and qualification as members of the board.
134 All subsequent marriage and family therapist appointees to the
135 board must be licensed marriage and family therapists before their
136 appointment.

137 (3) The Governor shall appoint six (6) members of the board,
138 four (4) of which shall be social workers and two (2) of which

139 shall be marriage and family therapists, and the Lieutenant
140 Governor shall appoint four (4) members of the board, two (2) of
141 which shall be social workers and two (2) of which shall be
142 marriage and family therapists. Social worker members of the
143 board shall be appointed from nominations submitted by the
144 Mississippi Chapter of the National Association of Social Workers,
145 and marriage and family therapist members of the board shall be
146 appointed from nominations submitted by the Mississippi Marriage
147 and Family Therapy Association. All appointments shall be made
148 with the advice and consent of the Senate.

149 (4) The initial appointments to the board shall be made as
150 follows: The Governor shall appoint one (1) social worker member
151 for a term that expires on June 30, 1999, one (1) social worker
152 member for a term that expires on June 30, 2001, two (2) social
153 worker members for terms that expire on June 30, 2002, one (1)
154 marriage and family therapist member for a term that expires on
155 June 30, 1998, and one (1) marriage and family therapist member
156 for a term that expires on June 30, 2000. The Lieutenant Governor
157 shall appoint one (1) social worker member for a term that expires
158 on June 30, 1998, one (1) social worker member for a term that
159 expires on June 30, 2000, one (1) marriage and family therapist
160 member for a term that expires on June 30, 1999, and one (1)
161 marriage and family therapist member of the board for a term that
162 expires on June 30, 2001. After the expiration of the initial
163 terms, all subsequent appointments shall be made by the original
164 appointing authorities for terms of four (4) years from the
165 expiration date of the previous term. Upon the expiration of his
166 or her term of office, a board member shall continue to serve
167 until his or her successor has been appointed and has qualified.
168 No person may be appointed more than once to fill an unexpired
169 term or more than two (2) consecutive full terms.

170 (5) Any vacancy on the board before the expiration of a term
171 shall be filled by appointment of the original appointing

172 authority for the remainder of the unexpired term. Appointments
173 to fill vacancies shall be made from nominations submitted by the
174 appropriate organization as specified in subsection (2) of this
175 section for the position being filled.

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

179 (7) The board shall select one (1) of its members to serve
180 as chairman during the term of his or her appointment to the
181 board. No person may serve as chairman for more than four (4)
182 years. The board may remove any member of the board or the
183 chairman from his or her position as chairman for (a) malfeasance
184 in office, or (b) conviction of a felony or a crime of moral
185 turpitude while in office, or (c) failure to attend three (3)
186 consecutive board meetings. However, no member may be removed
187 until after a public hearing of the charges against him or her,
188 and at least thirty (30) days' prior written notice to the accused
189 member of the charges against him or her and of the date fixed for
190 such hearing. No board member shall participate in any matter
191 before the board in which he has a pecuniary interest, personal
192 bias or other similar conflict of interest.

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

197 (9) Four (4) social worker members and three (3) marriage
198 and family therapist members of the board shall constitute a
199 quorum of the board. In making its decisions and taking actions
200 affecting the members of one (1) of the professions regulated by
201 the board, the board shall consider the recommendations of the
202 board members who are members of that profession.

203 (10) The principal office of the board shall be in the City
204 of Jackson, but the board may act and exercise all of its powers

205 at any other place. The board shall adopt an official seal, which
206 shall be judicially noticed and which shall be affixed to all
207 licenses issued by the board.

208 (11) The board is authorized to employ, subject to the
209 approval of the State Personnel Board, an executive director and
210 such attorneys, experts and other employees as it may from time to
211 time find necessary for the proper performance of its duties and
212 for which the necessary funds are available, and to set the salary
213 of the executive director, subject to the approval of the State
214 Personnel Board. The board is strongly encouraged to employ any
215 employees of the State Department of Health who may be displaced
216 as a result of the enactment of Laws, 1997, Chapter 516.

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

222 SECTION 4. Section 73-53-10, Mississippi Code of 1972, is
223 reenacted as follows:

224 73-53-10. (1) No appropriations from the State General Fund
225 shall be used to operate the board. The board shall be supported
226 by fees collected for license application and renewal and/or other
227 monies raised by the board.

228 (2) All fees and any other monies received by the board,
229 except for monetary penalties imposed under Section 75-53-23,
230 shall be deposited in a special fund that is created in the State
231 Treasury and shall be used for the implementation and
232 administration of this chapter and Sections 73-54-1 through
233 73-54-39 when appropriated by the Legislature for such purpose.
234 The monies in the special fund shall be subject to all provisions
235 of the state budget laws that are applicable to special fund
236 agencies, and shall be disbursed by the State Treasurer only upon
237 warrants issued by the State Fiscal Officer upon requisitions

238 signed by the chairman of the board or another board member
239 designated by the chairman, and countersigned by the secretary of
240 the board. Any interest earned on this special fund shall be
241 credited by the State Treasurer to the fund and shall not be paid
242 into the State General Fund. Any unexpended monies remaining in
243 the special fund at the end of a fiscal year shall not lapse into
244 the State General Fund. Monetary penalties imposed by the board
245 under Section 73-53-23 shall be deposited in the State General
246 Fund.

247 SECTION 5. Section 73-53-11, Mississippi Code of 1972, is
248 reenacted as follows:

249 73-53-11. (1) In addition to the duties set forth elsewhere
250 in this chapter and in Sections 73-54-1 through 73-54-39, the
251 board shall:

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

254 (b) Review the quality and availability of social work
255 services provided in this state and make recommendations for
256 change to the Legislature; and

257 (c) Recommend to the appropriate law enforcement
258 official the bringing of civil actions to seek injunctions and
259 other relief against unlicensed individuals for violations of this
260 chapter.

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

264 (3) The board shall be responsible for all disciplinary
265 functions carried out in this state regarding all licensees under
266 this chapter.

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

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

271 SECTION 6. Section 73-53-13, Mississippi Code of 1972, is
272 reenacted as follows:

273 73-53-13. The board shall issue the appropriate license to
274 applicants who meet the qualifications of this section.

275 (a) Prerequisites - "social worker": A license as a
276 "social worker" shall be issued to an applicant who meets the
277 following qualifications:

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

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

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

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

291 (ii) Has satisfactorily completed an examination
292 for his license; or

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

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

299 (i) Is licensed under this section as a "master
300 social worker"; and

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

303 (iii) Has satisfactorily completed a state
304 examination for this license; or
305 (iv) Has a comparable license or registration from
306 another state or territory of the United States that imposes
307 qualifications substantially similar to those of this chapter.
308 (d) In addition to the above qualifications, an
309 applicant for any of the above licenses must prove to the board's
310 satisfaction:
311 (i) Age of at least twenty-one (21) years, and
312 (ii) Good moral character, which is a continuing
313 requirement for licensure, and
314 (iii) United States citizenship or status as a
315 legal resident alien, and
316 (iv) Absence of conviction of a felony related to
317 the practice of social work for the last ten (10) years, and
318 (v) That the applicant has not been declared
319 mentally incompetent by any court, and if any such decree has ever
320 been rendered, that the decree has since been changed, and
321 (vi) Freedom from dependency on alcohol or drugs.
322 (e) Only individuals licensed as "certified social
323 workers" shall be permitted to call themselves "clinical social
324 workers."

325 Each application or filing made under this section shall
326 include the social security number(s) of the applicant in
327 accordance with Section 93-11-64, Mississippi Code of 1972.

328 SECTION 7. Section 73-53-15, Mississippi Code of 1972, is
329 amended as follows:

330 73-53-15. All original licenses shall be valid for one (1)
331 year, unless earlier suspended or revoked by the board, and each
332 person to whom a license is issued shall pay a fee of not more
333 than Fifty Dollars (\$50.00) therefor to the board. Licenses shall
334 be renewed biennially after initial licensure upon payment of a
335 fee of not more than One Hundred Fifty Dollars (\$150.00) for

336 licensed social workers, Two Hundred Dollars (\$200.00) for
337 licensed master social workers and Two Hundred Dollars (\$200.00)
338 for licensed certified social workers, and being in compliance
339 with such additional requirements as the board shall promulgate.

340 SECTION 8. Section 73-53-27, Mississippi Code of 1972, is
341 amended as follows:

342 73-53-27. (1) Any circuit court, upon the application of
343 the licensee or of the board, may order the attendance of
344 witnesses and the production of relevant books and papers before
345 the board in any hearing pursuant to this chapter. The court may
346 compel obedience to its order by proceedings for contempt.

347 (2) The board has the power to take testimony either orally
348 or by deposition, or both, with the same fees and mileage and in
349 the same manner as is prescribed by law for judicial proceedings
350 in civil cases. Any member of the board or its designee has the
351 power to administer oaths at any hearing which the board is
352 authorized by law to conduct.

353 (3) The board, at its expense, shall provide a stenographer
354 to take down the testimony and preserve a record of all
355 proceedings at the hearing of any case in which a license may be
356 revoked, suspended, placed on probationary status, or other
357 disciplinary action taken with regard thereto. The notice of
358 hearing, complaint and all other documents in the nature of
359 pleadings and written motions filed in the proceedings, the
360 recording of testimony, the report of the board, and the orders of
361 the board constitute the record of such proceedings. The board
362 shall furnish a transcript of such record to any person interested
363 in such hearing upon payment of the cost of each original
364 transcript or for each copy.

365 (4) Upon the suspension or revocation of a license issued
366 under Section 73-53-13, a licensee shall be required to surrender
367 the license to the board, and upon failure to do so the board
368 shall have the right to seize the same.

369 (5) The board shall publish an annual list of the names and
370 addresses of all licensees under the provisions of this chapter,
371 and of all persons whose licenses have been revoked or suspended
372 within the preceding twelve (12) months.

373 SECTION 9. Section 73-54-1, Mississippi Code of 1972, is
374 reenacted as follows:

375 73-54-1. This chapter shall be known and may be cited as the
376 "Marriage and Family Therapy Licensure Act of 1997."

377 SECTION 10. Section 73-54-3, Mississippi Code of 1972, is
378 reenacted as follows:

379 73-54-3. Marriage and family therapy in the State of
380 Mississippi is declared to be a professional practice that affects
381 the public safety and welfare and requires appropriate regulation
382 and control in the public interest.

383 It is the purpose of this chapter to establish a regulatory
384 agency, a structure, and procedures that will ensure that the
385 public is protected from unprofessional, improper, unauthorized
386 and unqualified practice of marriage and family therapy. This
387 chapter shall be liberally construed to carry out these policies
388 and purposes.

389 SECTION 11. Section 73-54-5, Mississippi Code of 1972, is
390 reenacted and amended as follows:

391 73-54-5. As used in this chapter and in Section 73-53-8,
392 unless the context clearly requires a different meaning:

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

397 (b) "Marriage and family therapy" means the rendering
398 of professional therapy services to individuals, families or
399 couples, singly or in groups, and involves the professional
400 application of psychotherapeutic and family systems theories and
401 techniques in the delivery of therapy services to those persons.

402 (c) "Practice of marriage and family therapy" means the
403 rendering of professional marriage and family therapy services to
404 individuals, couples and families, singly or in groups, whether
405 those services are offered directly to the general public or
406 through organizations, either public or private, for a fee,
407 monetary or otherwise.

408 (d) "Advertise" means, but is not limited to, issuing
409 or causing to be distributed any card, sign or device to any
410 person; causing, permitting or allowing any sign or marking on or
411 in any building; broadcasting by radio or television; or
412 advertising by any other means designed to secure public
413 attention.

414 (e) "Use a title or description of" means to hold
415 oneself out to the public as having a particular status by means
416 of stating it on signs, mailboxes, address plates, stationery,
417 announcements, calling cards or other instruments of professional
418 identification.

419 (f) "Board" means the Board of Examiners for Social
420 Workers and Marriage and Family Therapists created by Section
421 73-53-8.

422 (g) "Institution of higher education" means any
423 regionally accredited institution of higher learning in the United
424 States that offers a master's or doctoral degree; for foreign
425 universities, this term means an institution of higher education
426 accredited by a legal agency of that country that is satisfactory
427 to the board.

428 * * *

429 (h) "Person" means any individual, firm, corporation,
430 partnership, organization or body politic.

431 SECTION 12. Section 73-54-7, Mississippi Code of 1972, is
432 reenacted as follows:

433 73-54-7. Except as specifically exempted in Section 73-54-9,
434 beginning September 1, 1997, any person who represents himself or

435 herself by the title or description "marital or marriage
436 therapist," "licensed marital or marriage and family therapist,"
437 or any other name, style or description denoting that the person
438 is a marriage and family therapist or marriage and family
439 counselor without having first complied with the provisions of
440 this chapter shall be guilty of a misdemeanor and, upon conviction
441 thereof, shall be punished by a fine of not less than Five Hundred
442 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)
443 for each offense.

444 SECTION 13. Section 73-54-9, Mississippi Code of 1972, is
445 reenacted and amended as follows:

446 73-54-9. (1) A person shall be exempt from the requirements
447 of this chapter if the person is a marriage and family therapy
448 intern or person preparing for the practice of marriage and family
449 therapy under qualified supervision in a training institution or
450 facility or supervisory arrangement recognized and approved by the
451 board, provided he or she is designated by such titles as
452 "marriage and family therapy intern," "marriage therapy intern,"
453 "family therapy intern," or others, clearly indicating such
454 training status.

455 (2) Nothing in this chapter shall prevent licensed or
456 certified members of other professional groups as defined by their
457 board, including, but not limited to, physicians, psychologists,
458 clinical nurse specialists, clinical social workers, licensed
459 professional counselors, or duly ordained ministers or clergy
460 while functioning in their ministerial capacity, from doing or
461 advertising that they perform work of a marriage and family
462 therapy nature consistent with the accepted standards of their
463 respective professions.

464 (3) Nothing in this chapter shall be construed as permitting
465 licensed marriage and family therapists to * * * engage in the
466 practice of psychology. Marriage and family therapists may
467 provide testing consistent with the scope of their education,

468 training and experience. Testing shall occur within the context
469 of a therapeutic relationship.

470 SECTION 14. Section 73-54-11, Mississippi Code of 1972, is
471 reenacted as follows:

472 73-54-11. (1) The board shall administer and enforce the
473 provisions of this chapter. The board shall from time to time
474 adopt such rules and regulations and such amendments thereof and
475 supplements thereto as it may deem necessary to enable it to
476 perform its duties under, and to carry into effect the provisions
477 of, this chapter. Such rules and regulations shall be adopted in
478 accordance with the Mississippi Administrative Procedures Law
479 (Section 25-43-1 et seq.).

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

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

486 73-54-13. Each person desiring to obtain a license as a
487 practicing marriage and family therapist shall make application
488 thereof to the board in such manner as the board prescribes and
489 with required application fees and shall furnish evidence
490 satisfactory to the board that he or she:

491 (a) Is of good moral character;

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

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

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

498 SECTION 16. Section 73-54-15, Mississippi Code of 1972, is
499 reenacted as follows:

500 73-54-15. Any person who applies for a license on or before
501 September 1, 2000, shall be issued a license by the board if he or
502 she meets the qualifications set forth in Section 73-54-13, with
503 required application fees, and provides evidence to the board that
504 he or she meets educational and experience qualifications as
505 follows:

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

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

513 SECTION 17. Section 73-54-17, Mississippi Code of 1972, is
514 reenacted and amended as follows:

515 73-54-17. Any person who applies for a license after
516 September 1, 2000, shall be issued a license by the board if he or
517 she meets the qualifications set forth in Section 73-54-13, and
518 submits the required application fees, and provides satisfactory
519 evidence to the board that he or she:

520 (a) Meets educational and experience qualifications as
521 follows:

522 (i) Holds a master's degree or doctoral degree in
523 marriage and family therapy from an institution of higher
524 education in a program that is accredited by the Commission on
525 Accreditation for Marriage and Family Therapy Education (COAMFTE),
526 or that was in COAMFTE candidacy status at the time of graduation
527 and subsequently received COAMFTE accreditation;

528 (ii) Following the receipt of the first qualifying
529 degree, has at least two (2) years of supervised experience in
530 marriage and family therapy, or its equivalent, acceptable to the
531 board, provided it meets, at a minimum, the requirements for

532 clinical membership in the American Association for Marriage and
533 Family Therapy;

534 (iii) Has completed at least one hundred (100)
535 hours of supervision of marriage and family therapy, as defined by
536 the board; and

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

538 SECTION 18. Section 73-54-19, Mississippi Code of 1972, is
539 reenacted as follows:

540 73-54-19. (1) The board shall conduct an examination at
541 least once a year at a time and place designated by the board.

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

545 SECTION 19. Section 73-54-23, Mississippi Code of 1972, is
546 reenacted as follows:

547 73-54-23. The board shall issue a license by examination of
548 credentials to any applicant licensed or certified as a marriage
549 and family therapist in another state that has such requirements
550 for the license or certificate that the board is of the opinion
551 that the applicant is competent to engage in the practice of
552 marriage and family therapy in this state, provided that the
553 applicant submits an application on forms prescribed by the board
554 and pays the original licensure fee prescribed by Section
555 73-54-25.

556 SECTION 20. Section 73-54-25, Mississippi Code of 1972, is
557 reenacted as follows:

558 73-54-25. The board shall charge an application fee to be
559 determined by the board, but not to exceed Three Hundred Dollars
560 (\$300.00), to applicants for licensing, and shall charge the
561 applicant for the expenses incurred by the board for examination
562 of the applicants.

563 SECTION 21. Section 73-54-27, Mississippi Code of 1972, is
564 reenacted and amended as follows:

565 73-54-27. (1) Licenses issued under this chapter shall be
566 valid for two (2) years and must be renewed biennially, in
567 September, with the renewal fee being determined by the board but
568 not to exceed Two Hundred Dollars (\$200.00).

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

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

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

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

584 (6) Any person who notifies the board, in writing on forms
585 prescribed by the board, may place his license on inactive status
586 and shall be excused from the payment of renewal fees until the
587 person notifies the board in writing of the intention to resume
588 active practice. Any person requesting his license to be changed
589 from inactive to active status shall be required to pay the
590 current fee and shall also demonstrate compliance with continuing
591 education requirements as defined by the board.

592 SECTION 22. Section 73-54-29, Mississippi Code of 1972, is
593 reenacted as follows:

594 73-54-29. Licensees subject to this chapter shall conduct
595 their activities, services and practice in accordance with this
596 chapter and any rules promulgated pursuant under this chapter.
597 Licensees may be subject to the exercise of the disciplinary

598 sanctions enumerated in Section 73-53-23 if the board finds that a
599 licensee is guilty of any of the actions listed in Section
600 73-53-17(1) or is guilty of any of the following:

601 (a) Violation of any provision of this chapter or any
602 rules or regulations of the board adopted under the provisions of
603 this chapter.

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

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

609 (ii) Adjudication as being mentally incompetent by
610 a court of competent jurisdiction;

611 (iii) Practicing in a manner detrimental to the
612 public health and welfare;

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

615 (v) Any other violation of this chapter or the
616 code of ethical standards of the American Association of Marriage
617 and Family Therapy or other ethical standards adopted by the board
618 under the provisions of this chapter.

619 SECTION 23. Section 73-54-31, Mississippi Code of 1972, is
620 reenacted as follows:

621 73-54-31. (1) The board shall conduct its hearings and
622 disciplinary proceedings in accordance with the provisions of
623 Sections 73-53-17 through 73-53-27, this section and rules and
624 regulations adopted by the board. Any person may be heard by the
625 board in person or by attorney. Every vote and official act of
626 the board shall be entered of record. Executive sessions may be
627 used when discussing individual applicants or for any other
628 purposes allowed by Section 25-41-7. All other hearings and
629 rule-making proceedings shall be open to the public as provided in

630 the Open Meetings Act (Section 25-41-1 et seq.). A record shall
631 be made of every hearing before the board.

632 (2) For the purposes of Sections 73-53-17 through 73-53-27
633 and this section, the board shall have the power to require by
634 subpoena the attendance and testimony of witnesses and the
635 production of all books, papers and documents relating to any
636 matter under investigation. Subpoenas shall be issued by the
637 board upon application by any party to a proceeding before the
638 board and a showing of general relevance and reasonable scope.
639 For noncompliance with a subpoena, the board may apply to the
640 circuit court for an order requiring the person subpoenaed to
641 appear before the board and testify and produce books, papers or
642 documents if so ordered. Failure to obey such order of the court
643 may be punished by the court as contempt.

644 SECTION 24. Section 73-54-33, Mississippi Code of 1972, is
645 reenacted and amended as follows:

646 73-54-33. In any proceeding before the board involving the
647 granting, suspension or revocation of a license or in other
648 proceedings in which expert testimony relating to the practice of
649 marriage and family therapy is necessary, the board may hear
650 evidence from a qualified expert witness or witnesses selected by
651 parties.

652 SECTION 25. Section 73-54-35, Mississippi Code of 1972, is
653 reenacted as follows:

654 73-54-35. As an additional remedy to those authorized in
655 Section 73-53-23, the board may proceed in the circuit court to
656 enjoin and restrain any unlicensed person from violating any
657 provision of this chapter. The board shall not be required to
658 post bond to such proceeding.

659 SECTION 26. Section 73-54-37, Mississippi Code of 1972, is
660 reenacted and amended as follows:

661 73-54-37. No person licensed under this chapter as a
662 marriage and family therapist, in the course of formally

663 reporting, conferring or consulting with administrative superiors,
664 colleagues, consultants, employees, associates or supervisors, who
665 share professional responsibility, shall be required to disclose
666 any information which he may have acquired in rendering marriage
667 and family therapy services, except:

668 (a) In the course of formally reporting, conferring or
669 consulting with administrative superiors, colleagues, consultants,
670 or supervisors, who share professional responsibility, in which
671 instance all receipts of the information are similarly bound to
672 regard the communications as privileged; or

673 (b) With written consent from the client or, in the
674 case of death or disability, or in case of the minor, with the
675 written consent of his or her parent, legal guardian or
676 conservator, or other person authorized by the court to file suit;
677 or

678 (c) When a communication reveals the contemplation of a
679 crime or harmful act, or intent to commit suicide; or

680 (d) When a person waives the privilege by bringing
681 charges against a licensed marriage and family therapist for
682 breach of privileged communication, or any other charge.

683 SECTION 27. Section 73-54-39, Mississippi Code of 1972, is
684 reenacted as follows:

685 73-54-39. If both parties to a marriage have obtained
686 marriage and family therapy by a licensed marriage and family
687 therapist, the therapist shall not be competent to testify in an
688 alimony, custody or divorce action concerning information acquired
689 in the course of the therapeutic relationship.

690 SECTION 28. Section 73-54-41, Mississippi Code of 1972, is
691 amended as follows:

692 73-54-41. Sections 73-54-1 through 73-54-39, and Sections
693 73-53-3, 73-53-8, 73-53-10, 73-53-11 and 73-53-13, shall stand
694 repealed on July 1, 2011.

695 SECTION 29. Section 73-54-21, Mississippi Code of 1972,
696 which provides for waiting periods before reexaminations by
697 marriage and family therapists applicants, is repealed.

698 SECTION 30. This act shall take effect and be in force from
699 and after June 30, 2001.