

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2287

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 SECTION 73-53-8, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
8 BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND FAMILY
9 THERAPISTS TO SET THE SALARY FOR THE EXECUTIVE DIRECTOR; TO AMEND
10 SECTION 73-53-15, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
11 BIENNIAL FEES; TO AMEND SECTION 73-53-27, MISSISSIPPI CODE OF
12 1972, TO PROVIDE FOR RECORDING OF TESTIMONY IN DISCIPLINARY
13 PROCEEDINGS AND REQUIRE THE PUBLICATION OF SUSPENDED LICENSES; TO
14 AMEND SECTION 73-54-5, MISSISSIPPI CODE OF 1972, TO CLARIFY
15 CERTAIN DEFINITIONS; TO AMEND SECTION 73-54-9, MISSISSIPPI CODE OF
16 1972, TO AUTHORIZE MARRIAGE AND FAMILY THERAPISTS TO PROVIDE
17 TESTING; TO AMEND SECTION 73-54-17, MISSISSIPPI CODE OF 1972, TO
18 CLARIFY CERTAIN EDUCATIONAL QUALIFICATIONS AND SUPERVISORY
19 EXPERIENCE FOR MARRIAGE AND FAMILY THERAPISTS; TO AMEND SECTION
20 73-54-27, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR INACTIVE STATUS
21 FOR LICENSEES; TO AMEND SECTION 73-54-33, MISSISSIPPI CODE OF
22 1972, TO PROVIDE FOR THE USE OF EXPERT WITNESSES IN DISCIPLINARY
23 PROCEEDINGS BEFORE THE BOARD; TO AMEND SECTION 73-54-37,
24 MISSISSIPPI CODE OF 1972, TO EXPAND AND CLARIFY PRIVILEGED
25 COMMUNICATIONS BY LICENSEES; TO AMEND SECTION 73-54-41,
26 MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE
27 STATUTES PROVIDING FOR THE LICENSING AND REGULATION OF SOCIAL
28 WORKERS AND MARRIAGE AND FAMILY THERAPISTS; TO REPEAL SECTION
29 73-54-21, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
30 REEXAMINATIONS BY APPLICANTS; AND FOR RELATED PURPOSES.

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

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

34 73-53-3. As used in this chapter:

35 (a) "Board" means the Board of Examiners for Social
36 Workers and Marriage and Family Therapists created under Section
37 73-53-8.

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

42 (c) "Clinical social work practice" means the
43 application of social work methods and values in diagnosis and
44 treatment directed at enhancing, protecting or restoring people's
45 capacity for social functioning, whether impaired by physical,
46 environmental or emotional factors.

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

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

52 73-53-7. (1) Except as hereinafter provided, all
53 individuals not exempt from licensure who are not licensed under
54 this chapter are prohibited from performing services for
55 compensation for which licensure is required by this chapter, and
56 are also prohibited from holding themselves out to the public by
57 any title or description of services set out in this chapter or by
58 any title or description of services likely to cause public
59 confusion with any title or description of services set out in
60 this chapter.

61 (2) Any person not licensed under this chapter on July 1,
62 1993, who is actively engaged in the practice of social work
63 before July 1, 1994, as an employee of the State of Mississippi or
64 any agency, political subdivision or municipality thereof or any
65 community action agency or Head Start agency, and who is not
66 eligible to be issued a license under subsection (3) of this
67 section, shall be issued a provisional license as a licensed
68 social worker by the board, if the person applies for such
69 provisional license before July 1, 1994, and, at the time that the
70 application is made, the person is so actively engaged. The

71 license shall be issued by the board upon application therefor,
72 the submission of proof satisfactory to the board of the
73 applicant's employment in the practice of social work as provided
74 in this subsection, and the payment of the appropriate fee. Such
75 license shall be valid for a maximum period of two (2) years, but
76 not to extend past June 30, 1995, during which time the
77 provisional licensee must pass the AASSWB social work examination
78 at the basic level.

79 (3) Any person not licensed under this chapter on July 1,
80 1993, who has been actively engaged in the practice of social work
81 for not less than five (5) years before July 1, 1993, as an
82 employee of the State of Mississippi or any agency, political
83 subdivision or municipality thereof or any community action agency
84 or Head Start agency, shall be issued a license as a social worker
85 by the board, if the person applies for such license before
86 September 1, 1994, and at the time that the application is made,
87 the person is so actively engaged. Any person born on May 24,
88 1949, who has eight (8) years of social work practice as an
89 employee of any of the specified entities before July 1, 1993, who
90 is an employee of any of the specified entities on July 1, 2000,
91 regardless of whether the current employment position is
92 designated as a social worker, shall be issued a license as a
93 social worker by the board if the person applies for the license
94 before September 1, 2000. The license shall be issued by the
95 board upon application therefor, the submission of proof
96 satisfactory to the board of the applicant's employment in the
97 practice of social work as provided in this subsection, and the
98 payment of the appropriate fee.

99 (4) From and after July 1, 2001, any person violating the
100 provisions of this chapter shall be guilty of a misdemeanor and,
101 upon conviction for his first offense shall be fined not more than
102 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
103 (\$1,000.00) for each subsequent offense.

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

106 73-53-8. (1) There is created the Board of Examiners for
107 Social Workers and Marriage and Family Therapists to license and
108 regulate social workers and marriage and family therapists. The
109 board shall be composed of ten (10) members, six (6) of which
110 shall be social workers and four (4) of which shall be marriage
111 and family therapists.

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

132 (3) The Governor shall appoint six (6) members of the board,
133 four (4) of which shall be social workers and two (2) of which
134 shall be marriage and family therapists, and the Lieutenant
135 Governor shall appoint four (4) members of the board, two (2) of
136 which shall be social workers and two (2) of which shall be

137 marriage and family therapists. Social worker members of the
138 board shall be appointed from nominations submitted by the
139 Mississippi Chapter of the National Association of Social Workers,
140 and marriage and family therapist members of the board shall be
141 appointed from nominations submitted by the Mississippi Marriage
142 and Family Therapy Association. All appointments shall be made
143 with the advice and consent of the Senate.

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

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

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

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

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

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

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

198 (10) The principal office of the board shall be in the City
199 of Jackson, but the board may act and exercise all of its powers
200 at any other place. The board shall adopt an official seal, which

201 shall be judicially noticed and which shall be affixed to all
202 licenses issued by the board.

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

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

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

219 73-53-10. (1) No appropriations from the State General Fund
220 shall be used to operate the board. The board shall be supported
221 by fees collected for license application and renewal and/or other
222 monies raised by the board.

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

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

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

244 73-53-11. (1) In addition to the duties set forth elsewhere
245 in this chapter and in Sections 73-54-1 through 73-54-39, the
246 board shall:

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

249 (b) Review the quality and availability of social work
250 services provided in this state and make recommendations for
251 change to the Legislature; and

252 (c) Recommend to the appropriate law enforcement
253 official the bringing of civil actions to seek injunctions and
254 other relief against unlicensed individuals for violations of this
255 chapter.

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

259 (3) The board shall be responsible for all disciplinary
260 functions carried out in this state regarding all licensees under
261 this chapter.

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

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

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

268 73-53-13. The board shall issue the appropriate license to
269 applicants who meet the qualifications of this section.

270 (a) Prerequisites - "social worker": A license as a
271 "social worker" shall be issued to an applicant who meets the
272 following qualifications:

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

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

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

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

286 (ii) Has satisfactorily completed an examination
287 for his license; or

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

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

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

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

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

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

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

325 73-53-15. All original licenses shall be valid for one (1)
326 year, unless earlier suspended or revoked by the board, and each
327 person to whom a license is issued shall pay a fee of not more
328 than Fifty Dollars (\$50.00) therefor to the board. Licenses shall
329 be renewed biennially after initial licensure upon payment of a
330 fee of not more than One Hundred Fifty Dollars (\$150.00) for

331 licensed social workers, Two Hundred Dollars (\$200.00) for
332 licensed master social workers and Two Hundred Dollars (\$200.00)
333 for licensed certified social workers, and being in compliance
334 with such additional requirements as the board shall promulgate.

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

337 73-53-27. (1) Any circuit court, upon the application of
338 the licensee or of the board, may order the attendance of
339 witnesses and the production of relevant books and papers before
340 the board in any hearing pursuant to this chapter. The court may
341 compel obedience to its order by proceedings for contempt.

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

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

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

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

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

370 73-54-1. This chapter shall be known and may be cited as the
371 "Marriage and Family Therapy Licensure Act of 1997."

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

374 73-54-3. Marriage and family therapy in the State of
375 Mississippi is declared to be a professional practice that affects
376 the public safety and welfare and requires appropriate regulation
377 and control in the public interest.

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

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

386 73-54-5. As used in this chapter and in Section 73-53-8,
387 unless the context clearly requires a different meaning:

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

392 (b) "Marriage and family therapy" means the rendering
393 of professional therapy services to individuals, families or
394 couples, singly or in groups, and involves the professional
395 application of psychotherapeutic and family systems theories and
396 techniques in the delivery of therapy services to those persons.

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

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

409 (e) "Use a title or description of" means to hold
410 oneself out to the public as having a particular status by means
411 of stating it on signs, mailboxes, address plates, stationery,
412 announcements, calling cards or other instruments of professional
413 identification.

414 (f) "Board" means the Board of Examiners for Social
415 Workers and Marriage and Family Therapists created by Section
416 73-53-8.

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

423 * * *

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

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

428 73-54-7. Except as specifically exempted in Section 73-54-9,
429 beginning September 1, 1997, any person who represents himself or

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

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

441 73-54-9. (1) A person shall be exempt from the requirements
442 of this chapter if the person is a marriage and family therapy
443 intern or person preparing for the practice of marriage and family
444 therapy under qualified supervision in a training institution or
445 facility or supervisory arrangement recognized and approved by the
446 board, provided he or she is designated by such titles as
447 "marriage and family therapy intern," "marriage therapy intern,"
448 "family therapy intern," or others, clearly indicating such
449 training status.

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

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

463 training and experience. Testing shall occur within the context
464 of a therapeutic relationship.

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

467 73-54-11. (1) The board shall administer and enforce the
468 provisions of this chapter. The board shall from time to time
469 adopt such rules and regulations and such amendments thereof and
470 supplements thereto as it may deem necessary to enable it to
471 perform its duties under, and to carry into effect the provisions
472 of, this chapter. Such rules and regulations shall be adopted in
473 accordance with the Mississippi Administrative Procedures Law
474 (Section 25-43-1 et seq).

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

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

481 73-54-13. Each person desiring to obtain a license as a
482 practicing marriage and family therapist shall make application
483 thereof to the board in such manner as the board prescribes and
484 with required application fees and shall furnish evidence
485 satisfactory to the board that he or she:

486 (a) Is of good moral character;

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

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

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

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

495 73-54-15. Any person who applies for a license on or before
496 September 1, 2000, shall be issued a license by the board if he or
497 she meets the qualifications set forth in Section 73-54-13, with
498 required application fees, and provides evidence to the board that
499 he or she meets educational and experience qualifications as
500 follows:

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

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

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

510 73-54-17. Any person who applies for a license after
511 September 1, 2000, shall be issued a license by the board if he or
512 she meets the qualifications set forth in Section 73-54-13, and
513 submits the required application fees, and provides satisfactory
514 evidence to the board that he or she:

515 (a) Meets educational and experience qualifications as
516 follows:

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

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

527 clinical membership in the American Association for Marriage and
528 Family Therapy;

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

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

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

535 73-54-19. (1) The board shall conduct an examination at
536 least once a year at a time and place designated by the board.

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

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

542 73-54-23. The board shall issue a license by examination of
543 credentials to any applicant licensed or certified as a marriage
544 and family therapist in another state that has such requirements
545 for the license or certificate that the board is of the opinion
546 that the applicant is competent to engage in the practice of
547 marriage and family therapy in this state, provided that the
548 applicant submits an application on forms prescribed by the board
549 and pays the original licensure fee prescribed by Section
550 73-54-25.

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

553 73-54-25. The board shall charge an application fee to be
554 determined by the board, but not to exceed Three Hundred Dollars
555 (\$300.00), to applicants for licensing, and shall charge the
556 applicant for the expenses incurred by the board for examination
557 of the applicants.

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

560 73-54-27. (1) Licenses issued under this chapter shall be
561 valid for two (2) years and must be renewed biennially, in
562 September, with the renewal fee being determined by the board but
563 not to exceed Two Hundred Dollars (\$200.00).

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

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

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

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

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

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

589 73-54-29. Licensees subject to this chapter shall conduct
590 their activities, services and practice in accordance with this
591 chapter and any rules promulgated pursuant under this chapter.
592 Licensees may be subject to the exercise of the disciplinary

593 sanctions enumerated in Section 73-53-23 if the board finds that a
594 licensee is guilty of any of the actions listed in Section
595 73-53-17(1) or is guilty of any of the following:

596 (a) Violation of any provision of this chapter or any
597 rules or regulations of the board adopted under the provisions of
598 this chapter.

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

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

604 (ii) Adjudication as being mentally incompetent by
605 a court of competent jurisdiction;

606 (iii) Practicing in a manner detrimental to the
607 public health and welfare;

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

610 (v) Any other violation of this chapter or the
611 code of ethical standards of the American Association of Marriage
612 and Family Therapy or other ethical standards adopted by the board
613 under the provisions of this chapter.

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

616 73-54-31. (1) The board shall conduct its hearings and
617 disciplinary proceedings in accordance with the provisions of
618 Sections 73-53-17 through 73-53-27, this section and rules and
619 regulations adopted by the board. Any person may be heard by the
620 board in person or by attorney. Every vote and official act of
621 the board shall be entered of record. Executive sessions may be
622 used when discussing individual applicants or for any other
623 purposes allowed by Section 25-41-7. All other hearings and
624 rule-making proceedings shall be open to the public as provided in

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

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

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

641 73-54-33. In any proceeding before the board involving the
642 granting, suspension or revocation of a license or in other
643 proceedings in which expert testimony relating to the practice of
644 marriage and family therapy is necessary, the board may hear
645 evidence from a qualified expert witness or witnesses selected by
646 parties.

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

649 73-54-35. As an additional remedy to those authorized in
650 Section 73-53-23, the board may proceed in the circuit court to
651 enjoin and restrain any unlicensed person from violating any
652 provision of this chapter. The board shall not be required to
653 post bond to such proceeding.

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

656 73-54-37. No person licensed under this chapter as a
657 marriage and family therapist, in the course of formally

658 reporting, conferring or consulting with administrative superiors,
659 colleagues, consultants, employees, associates or supervisors, who
660 share professional responsibility, shall be required to disclose
661 any information which he may have acquired in rendering marriage
662 and family therapy services, except:

663 (a) In the course of formally reporting, conferring, or
664 consulting with administrative superiors, colleagues, consultants,
665 or supervisors, who share professional responsibility, in which
666 instance all receipts of the information are similarly bound to
667 regard the communications as privileged; or

668 (b) With written consent from the client or, in the
669 case of death or disability, or in case of the minor, with the
670 written consent of his or her parent, legal guardian or
671 conservator, or other person authorized by the court to file suit;
672 or

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

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

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

680 73-54-39. If both parties to a marriage have obtained
681 marriage and family therapy by a licensed marriage and family
682 therapist, the therapist shall not be competent to testify in an
683 alimony, custody or divorce action concerning information acquired
684 in the course of the therapeutic relationship.

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

687 73-54-41. Sections 73-54-1 through 73-54-39, and Sections
688 73-53-3, 73-53-8, 73-53-10, 73-53-11 and 73-53-13, shall stand
689 repealed on July 1, 2011.

690 SECTION 29. Section 73-54-21, Mississippi Code of 1972,
691 which provides for reexaminations by applicants, is hereby
692 repealed.

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