

By: Representative Dedeaux

To: Public Health and Welfare

HOUSE BILL NO. 328

1 AN ACT TO AMEND SECTION 43-27-107, MISSISSIPPI CODE OF 1972,  
 2 TO AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO EMPLOY PERSONS AS  
 3 SOCIAL WORKERS FOR THE DEPARTMENT WHO ARE NOT LICENSED SOCIAL  
 4 WORKERS, IF THE DEPARTMENT HAS A SHORTAGE OF SOCIAL WORKERS IN THE  
 5 AREA OF THE STATE IN WHICH THE PERSON WOULD BE EMPLOYED, THERE IS  
 6 A SOCIAL WORKER POSITION AVAILABLE IN THAT AREA, NO LICENSED  
 7 SOCIAL WORKER HAS APPLIED FOR THAT POSITION, AND THE PERSON HAS A  
 8 BACHELOR'S DEGREE IN PSYCHOLOGY, CHILD DEVELOPMENT OR A RELATED  
 9 FIELD; TO PROVIDE THAT ANY SUCH PERSON EMPLOYED AS A SOCIAL WORKER  
 10 MAY CONTINUE EMPLOYMENT IN THAT POSITION, EVEN IF A LICENSED  
 11 SOCIAL WORKER APPLIES FOR A POSITION AFTER THE PERSON HAS BEGUN  
 12 EMPLOYMENT; TO AMEND SECTION 43-1-55, MISSISSIPPI CODE OF 1972, TO  
 13 CONFORM TO THE PRECEDING PROVISION; TO AMEND SECTION 73-53-5,  
 14 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PERSON EMPLOYED AS A  
 15 SOCIAL WORKER UNDER THE PROVISIONS OF THIS ACT WILL BE EXEMPT FROM  
 16 LICENSURE UNDER THE SOCIAL WORKER LICENSURE LAW; AND FOR RELATED  
 17 PURPOSES.

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

19 **SECTION 1.** Section 43-27-107, Mississippi Code of 1972, is  
 20 amended as follows:

21 43-27-107. (1) (a) The Department of Human Services is  
 22 authorized to set the qualifications necessary for all social  
 23 workers employed by the department, which shall at a minimum  
 24 require state licensure as a social worker, except as otherwise  
 25 provided in subsection (2) of this section. The department shall  
 26 not be required to go through the State Personnel Board or use the  
 27 qualifications set by the Personnel Board in employing social  
 28 workers for the department.

29 (b) All social workers employed by the department shall  
 30 be state service employees from the date of their employment with  
 31 the department; however, to carry out its responsibilities, the  
 32 department may use any available federal funds to employ such  
 33 additional social workers as it can employ in time-limited



34 positions. All social worker positions existing before July 1,  
35 1998, will remain state service.

36 (2) The Department of Human Services may employ as a social  
37 worker for the department a person who is not licensed as a social  
38 worker, if all of the following conditions are met:

39 (a) The department has a shortage of social workers in  
40 the area of the state in which the person would be employed, and  
41 there is a social worker position available in that area of the  
42 state;

43 (b) There is no licensed social worker qualified for  
44 the position in which the person would be employed who applied for  
45 that position; and

46 (c) The person to be employed has a bachelor's degree  
47 in psychology, child development or a related field, as determined  
48 by the department.

49 (3) Any person employed by the Department of Human Services  
50 as a social worker under subsection (2) of this section will not  
51 be considered to be a temporary employee for the reason that he or  
52 she is not a licensed social worker. Any such person may continue  
53 employment in that social worker position, even if a licensed  
54 social worker applies for a position in the same area of the state  
55 after the person has begun employment.

56 **SECTION 2.** Section 43-1-55, Mississippi Code of 1972, is  
57 amended as follows:

58 43-1-55. (1) The Division of Family and Children's Services  
59 shall devise formal social worker standards for employment and  
60 service delivery designed to measure the quality of services  
61 delivered to clients, as well as the timeliness of services.  
62 Those standards for employment shall be consistent with the  
63 provisions of Section 43-27-107. Each social worker shall be  
64 assessed annually by a supervisor who is knowledgeable in the  
65 standards promulgated. The above standards shall be applicable to  
66 all members working under the division.



67 (2) Prior to July 1, 1990, all service workers of the  
68 division shall have completed the required training and/or  
69 education to comply with the standards of the division. Included  
70 in such standards shall be the requirement that all service  
71 workers receive specialized training from the Mississippi Law  
72 Enforcement Officers' Training Academy.

73 **SECTION 3.** Section 73-53-5, Mississippi Code of 1972, is  
74 amended as follows:

75 73-53-5. (1) No provision in this chapter shall be  
76 construed to prevent individuals licensed or certified by this  
77 state, whose activities overlap with the practice of social work,  
78 from carrying out the functions covered by their respective  
79 licenses or certificates, or to prevent ministers or individuals  
80 engaged in professional counseling who have recognized  
81 professional degrees in counseling, guidance or a related  
82 counseling field, whose activities overlap with the practice of  
83 social work, from carrying out the functions for which they have  
84 been trained, provided that such ministers or individuals shall  
85 not hold themselves out to the public by any title set out in this  
86 chapter.

87 (2) No provision in this chapter shall be construed to apply  
88 to or in any way interfere with any office, officer, agency or  
89 employee of the United States, while such office, officer, agency  
90 or employee is engaging in the performance of official duties  
91 within the course and scope of such employment or duties.

92 (3) No provision of this chapter shall be construed to apply  
93 to or in any way interfere with an individual who performs  
94 services described by this chapter solely for the benefit of a  
95 member of that individual's family without compensation.

96 (4) No provision of this chapter shall be construed to apply  
97 to or in any way interfere with the activities and services of a  
98 student while pursuing a course of professional education  
99 qualifying as education under this chapter if these activities or



100 services constitute a part of such student's supervised course of  
101 study and such activities are supervised by a licensee under this  
102 chapter.

103 (5) No provision in this chapter shall be construed to apply  
104 to or in any way interfere with any person employed by the  
105 Department of Human Services as a social worker under Section  
106 43-27-107(2), while that person is engaging in the performance of  
107 his or her duties as a social worker within the course and scope  
108 of that employment with the department.

109 **SECTION 4.** This act shall take effect and be in force from  
110 and after July 1, 2002.

