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

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

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

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

(b) All social workers employed by the department shall be state service employees from the date of their employment with the department; however, to carry out its responsibilities, the department may use any available federal funds to employ such additional social workers as it can employ in time-limited
positions. All social worker positions existing before July 1, 1998, will remain state service.

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

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

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

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

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

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

43-1-55. (1) The Division of Family and Children's Services shall devise formal social worker standards for employment and service delivery designed to measure the quality of services delivered to clients, as well as the timeliness of services. Those standards for employment shall be consistent with the provisions of Section 43-27-107. Each social worker shall be assessed annually by a supervisor who is knowledgeable in the standards promulgated. The above standards shall be applicable to all members working under the division.
Prior to July 1, 1990, all service workers of the division shall have completed the required training and/or education to comply with the standards of the division. Included in such standards shall be the requirement that all service workers receive specialized training from the Mississippi Law Enforcement Officers' Training Academy.

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

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

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

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

(4) No provision of this chapter shall be construed to apply to or in any way interfere with the activities and services of a student while pursuing a course of professional education qualifying as education under this chapter if these activities or
services constitute a part of such student’s supervised course of study and such activities are supervised by a licensee under this chapter.

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

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