

By: Senator(s) Burton, Dearing

To: Public Health and
Welfare

SENATE BILL NO. 2493

1 AN ACT RELATING TO THE LICENSURE OF SOCIAL WORKERS AND
2 MARRIAGE AND FAMILY THERAPISTS; TO AMEND SECTIONS 73-53-1, 73-53-3
3 AND 73-53-5, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS
4 APPLICABLE TO THE LICENSURE OF SOCIAL WORKERS; TO AMEND SECTION
5 73-53-7, MISSISSIPPI CODE OF 1972, TO CLARIFY THE REQUIREMENT FOR
6 LICENSURE AS A PREREQUISITE TO THE PERFORMANCE OF SOCIAL WORK
7 SERVICES; TO AMEND SECTIONS 73-53-8, 73-53-10 AND 73-53-11,
8 MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE DUTIES AND
9 RESPONSIBILITIES OF THE BOARD OF EXAMINERS FOR SOCIAL WORKERS AND
10 MARRIAGE AND FAMILY THERAPISTS; TO AMEND SECTION 73-53-13,
11 MISSISSIPPI CODE OF 1972, TO REVISE QUALIFICATIONS FOR LICENSURE
12 AS A SOCIAL WORKER; TO AMEND SECTION 73-53-15, MISSISSIPPI CODE OF
13 1972, TO PROVIDE FOR THE TERM OF A SOCIAL WORKER LICENSE AND TO
14 AUTHORIZE FEES FOR LICENSURE AND RENEWAL; TO AMEND SECTIONS
15 73-53-17, 73-53-19, 73-53-21, 73-53-23, 73-53-25 AND 73-53-27,
16 MISSISSIPPI CODE OF 1972, TO PRESCRIBE GROUNDS FOR DISCIPLINARY
17 ACTION BY THE BOARD, PRESCRIBE COMPLAINT PROCEDURES, PRESCRIBE
18 INVESTIGATIVE PROCEDURES, PRESCRIBE PROCEDURES FOR DISCIPLINARY
19 HEARINGS, PROVIDE SANCTIONS AVAILABLE TO THE BOARD IN DISCIPLINARY
20 MATTERS, AND CLARIFY THE AUTHORITY OF THE COURT TO ORDER
21 PRODUCTION OF EVIDENCE BEFORE THE BOARD IN DISCIPLINARY HEARINGS;
22 TO REENACT SECTIONS 73-53-29 AND 73-53-31, MISSISSIPPI CODE OF
23 1972; TO REENACT SECTIONS 73-54-1 THROUGH 73-54-13, 73-54-17
24 THROUGH 73-54-23 AND 73-54-27 THROUGH 73-54-39, AND SECTIONS
25 73-53-3, 73-53-8, 73-53-10, 73-53-11 AND 73-53-13, MISSISSIPPI
26 CODE OF 1972; TO AMEND SECTIONS 73-54-5, 73-54-7, 73-54-11,
27 73-54-13, 73-54-17, 73-54-27, 73-54-29, 73-54-37 AND 73-54-39,
28 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR LICENSED MARRIAGE AND
29 FAMILY THERAPY ASSOCIATES; TO AMEND SECTION 73-54-9, MISSISSIPPI
30 CODE OF 1972, TO CLARIFY EXEMPT CONDUCT; TO AMEND SECTIONS
31 73-54-19 AND 73-54-23, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
32 THE ADMINISTRATION OF THE NATIONAL EXAMINATION OF MARITAL AND
33 FAMILY THERAPY; TO REPEAL SECTIONS 73-54-15 AND 73-54-25,
34 MISSISSIPPI CODE OF 1972, WHICH PROVIDES QUALIFICATIONS FOR
35 LICENSE APPLICANTS PRIOR TO 2000; TO REPEAL SECTION 73-54-41,
36 MISSISSIPPI CODE OF 1972, WHICH IS THE AUTOMATIC REPEALER ON THE
37 MARRIAGE AND FAMILY THERAPY LICENSURE ACT AND WHICH CREATE AND
38 EMPOWER THE BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND
39 FAMILY THERAPISTS; AND FOR RELATED PURPOSES.

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

41 **SECTION 1.** Section 73-53-1, Mississippi Code of 1972, is
42 amended as follows:



43 73-53-1. It is declared to be the policy of the State of
44 Mississippi that the profession of social work affects the public
45 health, safety and welfare and requires appropriate regulation and
46 control in the public interest. It is the intent of Sections
47 73-53-1 through 73-53-31, Mississippi Code of 1972, to protect the
48 people of Mississippi by promoting high standards of professional
49 performance for those engaged in the profession of social work by
50 regulating the title and by setting standards of qualification,
51 education, training and experience for those who engage, or seek
52 to engage, in the practice of social work.

53 **SECTION 2.** Section 73-53-3, Mississippi Code of 1972, is
54 reenacted and amended as follows:

55 73-53-3. As used in this chapter:

56 (a) "Board" means the Board of Examiners for Social
57 Workers and Marriage and Family Therapists created under Section
58 73-53-8.

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

63 (c) "Master's social work practice" means the
64 application of social work theory, knowledge, methods and ethics
65 and the professional use of self to restore or enhance social,
66 psychosocial, or biopsychosocial functioning of individuals,
67 couples, families, groups, organizations and communities.
68 Master's social work practice includes the application of
69 specialized knowledge and advanced practice skills in the areas of
70 assessment, treatment planning, implementation and evaluation,
71 case management, information and referral, counseling,
72 supervision, consultation, education, research, advocacy,
73 community organization and the development, implementation and
74 administration of policies, programs and activities. Under
75 supervision as provided in this chapter, the practice of master's



76 social work may include the practices reserved to clinical social
77 workers.

78 (d) "Macro social work practice" focuses on changing
79 larger systems, such as communities and organizations. It
80 encompasses a broad spectrum of practice, including planning,
81 program development, community organizing, policy analysis,
82 legislative advocacy, program evaluation, task-oriented group
83 work, community education, and human services management.

84 (e) "Clinical social work practice" means the
85 application of social work methods, knowledge, theory, and ethics
86 in the application of specialized clinical knowledge and advanced
87 clinical skill in areas of assessment, diagnosis, and treatment of
88 mental, emotional, and behavioral disorders, conditions, and
89 addictions. This involves the professional application of
90 psychotherapeutic and family systems theories and techniques in
91 the delivery of therapy services to those persons. Licensed
92 clinical social workers may provide evaluations consistent with
93 the scope of their education, training and experience.
94 Evaluations shall occur within the context of a therapeutic
95 relationship.

96 (f) "Clinical supervision" means an interactional
97 professional relationship between a supervisor and a social worker
98 that provides evaluation and direction over the supervisee's
99 practice of clinical social work and promotes continued
100 development of the social worker's knowledge, skills, and
101 abilities to engage in the practice of clinical social work in an
102 ethical and competent manner. Approved clinical supervisor means
103 a licensed clinical social worker who has met the qualifications
104 to be a clinical supervisor as determined by the board.

105 (g) "Supervision" means the professional relationship
106 between a supervisor and a social worker that provides evaluation
107 and direction over the services provided by the social worker and
108 promotes continued development of the social worker's knowledge,



109 skills and abilities to provide social work services in an ethical
110 and competent manner.

111 (h) "Examination(s)" means that test or exam which is
112 endorsed and prescribed by the * * * Association of * * * Social
113 Work Boards.

114 (i) "ASWB" means Association of Social Work Boards.

115 (j) "Advertise" means, but is not limited to, issuing
116 or causing to be distributed any card, sign or device to any
117 person; causing, permitting or allowing any sign or marking on or
118 in any building; broadcasting by radio, television, or the
119 Internet; or advertising by any other means designed to secure
120 public attention.

121 (k) "Use a title or description of" means to hold
122 oneself out to the public as having a particular status by means
123 of stating it on signs, mailboxes, address plates, stationery,
124 announcements, calling cards, the Internet or other instruments of
125 professional identification.

126 (l) "Person" means any individual, firm, corporation,
127 partnership, organization or body politic.

128 (m) "Continuing education" means education and training
129 which are oriented to maintain, improve or enhance social work
130 practice knowledge and skills at the post-baccalaureate level.
131 Continuing education hour means a sixty-minute clock hour of
132 instruction, not including breaks or meals.

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

135 73-53-5. (1) No provision in this chapter shall be
136 construed to prevent individuals licensed or certified by this
137 state, whose activities overlap with the practice of social work,
138 from carrying out the functions covered by their respective
139 licenses or certificates, or to prevent ministers or individuals
140 engaged in professional counseling who have recognized
141 professional degrees in counseling, guidance or a related



142 counseling field, whose activities overlap with the practice of
143 social work, from carrying out the functions for which they have
144 been trained, provided that such ministers or individuals shall
145 not hold themselves out to the public by any title set out in this
146 chapter.

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

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

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

164 **SECTION 4.** Section 73-53-7, Mississippi Code of 1972, is
165 amended as follows:

166 73-53-7. (1) A person, corporation, association or business
167 entity shall not use, cause to be used or advertise in connection
168 with that person's or party's name or the name or activity of the
169 business the words "social worker," "licensed social worker,"
170 "licensed masters social worker," "licensed certified social
171 worker," "licensed clinical social worker," the letters "SW,"
172 "LSW," "LMSW," "LCSW" and/or any words, combination of words,
173 abbreviations, or insignia indicating or implying directly or
174 indirectly that social work services is provided or supplied



175 unless such services are provided by a person holding a valid and
176 current license issued under this chapter or under the supervision
177 (as provided by board rule) of a licensed certified social worker
178 with a valid and current license issued pursuant to this chapter.

179 A person who does not hold a valid and current license issued
180 by the board shall not practice social work, nor advertise the
181 performance of such practice.

182 A person or party who engages in or attempts to engage in the
183 conduct described by this section is considered to be engaged in
184 the practice of social work.

185 (2) Any person not licensed under this chapter on July 1,
186 1993, who is actively engaged in the practice of social work
187 before July 1, 1994, as an employee of the State of Mississippi or
188 any agency, political subdivision or municipality thereof or any
189 community action agency or Head Start agency, and who is not
190 eligible to be issued a license under subsection (3) of this
191 section, shall be issued a provisional license as a licensed
192 social worker by the board, if the person applies for such
193 provisional license before July 1, 1994, and, at the time that the
194 application is made, the person is so actively engaged. The
195 license shall be issued by the board upon application therefor,
196 the submission of proof satisfactory to the board of the
197 applicant's employment in the practice of social work as provided
198 in this subsection, and the payment of the appropriate fee. Such
199 license shall be valid for a maximum period of two (2) years, but
200 not to extend past June 30, 1995, during which time the
201 provisional licensee must pass the ASWB social work examination at
202 the basic level.

203 * * *

204 (3) From and after July 1, 2001, any person violating the
205 provisions of this chapter shall be guilty of a misdemeanor and,
206 upon conviction, shall be fined an amount not to exceed Five
207 Hundred Dollars (\$500.00) for the first violation, * * * One



208 Thousand Dollars (\$1,000.00) for the second violation, and Five
209 Thousand Dollars (\$5,000.00) for the third and each subsequent
210 violation.

211 **SECTION 5.** Section 73-53-8, Mississippi Code of 1972, is
212 reenacted and amended as follows:

213 73-53-8. (1) There is created the Board of Examiners for
214 Social Workers and Marriage and Family Therapists to license and
215 regulate social workers and marriage and family therapists. The
216 board shall be composed of ten (10) members, six (6) of which
217 shall be social workers and four (4) of which shall be marriage
218 and family therapists.

219 (2) Of the social worker members of the board, two (2) must
220 be licensed social workers, and four (4) must be licensed master
221 social workers or licensed certified social workers or a
222 combination thereof. The marriage and family therapist members of
223 the board must be licensed marriage and family therapists. For at
224 least two (2) years immediately preceding his or her appointment,
225 each marriage and family therapist appointee must have been
226 actively engaged as a marriage and family therapist in rendering
227 professional services in marriage and family therapy, or in the
228 education and training of master's, doctoral or post-doctoral
229 students of marriage and family therapy, or in marriage and family
230 therapy research, and during the two (2) years preceding his or
231 her appointment, must have spent the majority of the time devoted
232 to that activity in this state. The initial marriage and family
233 therapist appointees shall be deemed to be and shall become
234 licensed practicing marriage and family therapists immediately
235 upon their appointment and qualification as members of the board.
236 All subsequent marriage and family therapist appointees to the
237 board must be licensed marriage and family therapists before their
238 appointment.

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



241 shall be marriage and family therapists, and the Lieutenant
242 Governor shall appoint four (4) members of the board, two (2) of
243 which shall be social workers and two (2) of which shall be
244 marriage and family therapists. Social worker members of the
245 board shall be appointed from nominations submitted by the
246 Mississippi Chapter of the National Association of Social Workers,
247 and marriage and family therapist members of the board shall be
248 appointed from nominations submitted by the Mississippi
249 Association for Marriage and Family Therapy * * *. All
250 appointments shall be made with the advice and consent of the
251 Senate.

252 (4) The initial appointments to the board shall be made as
253 follows: The Governor shall appoint one (1) social worker member
254 for a term that expires on June 30, 1999, one (1) social worker
255 member for a term that expires on June 30, 2001, two (2) social
256 worker members for terms that expire on June 30, 2002, one (1)
257 marriage and family therapist member for a term that expires on
258 June 30, 1998, and one (1) marriage and family therapist member
259 for a term that expires on June 30, 2000. The Lieutenant Governor
260 shall appoint one (1) social worker member for a term that expires
261 on June 30, 1998, one (1) social worker member for a term that
262 expires on June 30, 2000, one (1) marriage and family therapist
263 member for a term that expires on June 30, 1999, and one (1)
264 marriage and family therapist member of the board for a term that
265 expires on June 30, 2001. After the expiration of the initial
266 terms, all subsequent appointments shall be made by the original
267 appointing authorities for terms of four (4) years from the
268 expiration date of the previous term. Upon the expiration of his
269 or her term of office, a board member shall continue to serve
270 until his or her successor has been appointed and has qualified.
271 No person may be appointed more than once to fill an unexpired
272 term or more than two (2) consecutive full terms.



273 (5) Any vacancy on the board before the expiration of a term
274 shall be filled by appointment of the original appointing
275 authority for the remainder of the unexpired term. Appointments
276 to fill vacancies shall be made from nominations submitted by the
277 appropriate organization as specified in subsection (2) of this
278 section for the position being filled.

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

282 (7) The board shall select one (1) of its members to serve
283 as chairman during the term of his or her appointment to the
284 board. No person may serve as chairman for more than four (4)
285 years. The board may remove any member of the board or the
286 chairman from his or her position as chairman for (a) malfeasance
287 in office, or (b) conviction of a felony or a crime of moral
288 turpitude while in office, or (c) failure to attend three (3)
289 consecutive board meetings. However, no member may be removed
290 until after a public hearing of the charges against him or her,
291 and at least thirty (30) days' prior written notice to the accused
292 member of the charges against him or her and of the date fixed for
293 such hearing. No board member shall participate in any matter
294 before the board in which he has a pecuniary interest, personal
295 bias or other similar conflict of interest.

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

300 (9) Four (4) social worker members and three (3) marriage
301 and family therapist members of the board shall constitute a
302 quorum of the board. In making its decisions and taking actions
303 affecting the members of one (1) of the professions regulated by
304 the board, the board shall consider the recommendations of the
305 board members who are members of that profession. If the board is



306 unable to have a quorum present at a regularly scheduled meeting
307 location, the board may conduct a meeting by telephone or other
308 electronic means. Notwithstanding any other provision of law, the
309 board shall not be required to provide five (5) days' notice or
310 any other advance notice of the telephonic or electronic meeting
311 allowed by this section. In the case of an administrative
312 hearing, when recusals from the process are necessary, a quorum
313 may consist of a simple majority of six (6) members.

314 (10) * * * The board shall adopt an official seal, which
315 shall be judicially noticed and which shall be affixed to all
316 licenses issued by the board.

317 (11) The board is authorized to employ, subject to the
318 approval of the State Personnel Board, an executive director and
319 such attorneys, experts and other employees as it may, from time
320 to time, find necessary for the proper performance of its duties
321 and for which the necessary funds are available, and to set the
322 salary of the executive director, subject to the approval of the
323 State Personnel Board. * * *

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

329 **SECTION 6.** Section 73-53-10, Mississippi Code of 1972, is
330 reenacted and amended as follows:

331 73-53-10. (1) No appropriations from the State General Fund
332 shall be used to operate the board. The board shall be supported
333 by fees collected for license application and renewal and/or other
334 monies raised by the board.

335 (2) All fees and any other monies received by the
336 board * * * shall be deposited in a special fund that is created
337 in the State Treasury and shall be used for the implementation and
338 administration of this chapter and Sections 73-54-1 through



339 73-54-39 when appropriated by the Legislature for such purpose.
340 The monies in the special fund shall be subject to all provisions
341 of the state budget laws that are applicable to special fund
342 agencies, and shall be disbursed by the State Treasurer only upon
343 warrants issued by the State Fiscal Officer upon requisitions
344 signed by a designated board member and staff member designated by
345 the board. Any interest earned on this special fund shall be
346 credited by the State Treasurer to the fund and shall not be paid
347 into the State General Fund. Any unexpended monies remaining in
348 the special fund at the end of a fiscal year shall not lapse into
349 the State General Fund. * * *

350 **SECTION 7.** Section 73-53-11, Mississippi Code of 1972, is
351 reenacted and amended as follows:

352 73-53-11. (1) In addition to the duties set forth elsewhere
353 in this chapter and in Sections 73-54-1 through 73-54-39, the
354 board shall:

355 * * *

356 (a) Review the quality and availability of social work
357 services provided in this state and make recommendations for
358 change to the Legislature; * * *

359 (b) Recommend to the appropriate law enforcement
360 official the bringing of civil actions to seek injunctions and
361 other relief against * * * individuals engaged in the unlicensed
362 practice of social work and marriage and family therapy for
363 violations of this chapter;

364 (c) To adopt, amend or repeal any rules or regulations
365 necessary to carry out the purposes of this chapter and the duties
366 and responsibilities of the board;

367 (d) To examine and determine the qualifications and
368 fitness of applicants for licenses to practice social work and
369 marriage and family therapy in this state and prepare or approve
370 and conduct all examinations of applicants for licensure;



371 (e) To issue, renew, deny, suspend or revoke licenses
372 to practice social work and marriage and family therapy in this
373 state or otherwise discipline individuals licensed by the board;

374 (f) To investigate alleged or suspected violations of
375 the provisions of this chapter or other laws of this state
376 pertaining to social work and marriage and family therapy and any
377 rules and regulations adopted by the board;

378 (g) To establish reasonable fees for application for
379 examination, certificates of licensure and renewal, and other
380 services provided by the board;

381 (h) To issue subpoenas for the attendance and testimony
382 of witnesses and the production of papers, records or other
383 documentary evidence. Any member of the board may administer
384 oaths or affirmations to witnesses appearing before the board.

385 If in any proceeding before the board any witness fails or
386 refuses to attend upon subpoena issued by the board, refuses to
387 testify, or refuses to produce any books and papers the production
388 of which is called for by the subpoena, the attendance of such
389 witness and the giving of his testimony and the production of the
390 books and papers shall be enforced by any court of competent
391 jurisdiction of this state in the manner provided for the
392 enforcement of attendance and testimony of witnesses in civil
393 cases in the courts of this state;

394 (i) To maintain an office and employ or retain
395 appropriate personnel to carry out the powers and duties of the
396 board;

397 (j) To adopt a code of ethics for licensed social
398 workers licensed which shall include the current National
399 Association of Social Workers Code of Ethics, and a code of ethics
400 for licensed marriage and family therapists which shall include
401 the American Association for Marriage and Family Therapy;



402 (k) To regulate the practice of social work and
403 marriage and family therapy by interpreting and enforcing this
404 chapter and Sections 73-54-1 through 73-54-39;

405 (l) To provide for the examination and supervision
406 requirements for social workers and marriage and family
407 therapists;

408 (m) To establish mechanisms for assessing the
409 continuing professional competence of social workers and marriage
410 and family therapists;

411 (n) To set criteria for continuing education;

412 (o) To establish and collect fees for sustaining the
413 necessary operation and expenses of the board;

414 (p) To publish, at least annually, final disciplinary
415 action against a licensee;

416 (q) To report final disciplinary action taken against a
417 licensee to other state or federal regulatory agencies and to a
418 national disciplinary database recognized by the board or as
419 required by law;

420 (r) To share documents, materials, or other
421 information, including confidential and privileged documents,
422 materials, or information, received or maintained by the board
423 with other state or federal agencies and with a national
424 disciplinary database recognized by the board or as required by
425 law provided that the recipient agrees to maintain the
426 confidentiality and privileged status of the document, material,
427 or other information;

428 (s) To participate in or conduct performance audits;

429 (t) To, through its employees and/or representatives,
430 enter and make inspections of any place work or practice of a
431 social worker or marriage and family therapist who is subject to
432 investigation by the board in order to inspect and/or copy any
433 record pertaining to clients or the practice of social work or



434 marriage and family therapy under this chapter and/or Sections
435 73-54-1 through 73-54-39; and

436 (u) To conduct a criminal history records check on
437 licensees whose licensure is subject to investigation by the board
438 and on applicants for licensure. In order to determine the
439 applicant's or licensee's suitability for licensing, the applicant
440 or licensee shall undergo a fingerprint-based criminal history
441 records check of the Mississippi central criminal database and the
442 Federal Bureau of Investigation criminal history database. Each
443 applicant or licensee, as applicable, shall submit a full set of
444 the applicant's fingerprints in a form and manner prescribed by
445 the board, which shall be forwarded to the Mississippi Department
446 of Public Safety (department) and the Federal Bureau of
447 Investigation Identification Division for this purpose. The
448 Department of Public Safety shall disseminate the results of the
449 state check and the national check to the board for a suitability
450 determination. The board shall be authorized to charge and
451 collect from the applicant or licensee, in addition to all other
452 applicable fees and costs, such amount as may be incurred by the
453 board in requesting and obtaining state and national criminal
454 history records information on the applicant or licensee.

455 Any and all state or national criminal history records
456 information obtained by the board that is not already a matter of
457 public record shall be deemed nonpublic and confidential
458 information restricted to the exclusive use of the board, its
459 members, officers, investigators, agents and attorneys in
460 evaluating the applicant's or licensee's eligibility or
461 disqualification for licensure, and shall be exempt from the
462 Mississippi Public Records Act of 1983. Except when introduced
463 into evidence in a hearing before the Board to determine
464 licensure, no such information or records related thereto shall,
465 without the written consent of the applicant or licensee or by



466 order of a court of competent jurisdiction, be released or
467 otherwise disclosed by the board to any other person or agency.

468 * * *

469 (2) The board shall have such other powers as may be
470 required to carry out the provisions of this chapter.

471 (3) The powers and duties enumerated above are granted for
472 the purpose of enabling the board to safeguard the public health,
473 safety and welfare against unqualified or incompetent
474 practitioners of social work and marriage and family therapy are
475 to be liberally construed to accomplish this objective.

476 **SECTION 8.** Section 73-53-13, Mississippi Code of 1972, is
477 reenacted and amended as follows:

478 73-53-13. The board shall issue the appropriate license to
479 applicants who meet the qualifications of this section.

480 (a) * * * A license as a " licensed social worker"
481 shall be issued to an applicant who demonstrates to the
482 satisfaction of the board that he or she meets the following
483 qualifications:

484 (i) Has a baccalaureate degree in social work from
485 a college or university accredited by the Council on Social Work
486 Education or Southern Association of Colleges and Schools and has
487 satisfactorily completed the Association for Social Work Boards
488 (ASWB) examination for this license; or

489 (ii) Has a comparable license or registration from
490 another state or territory of the United States of America that
491 imposes qualifications substantially similar to those of this
492 chapter.

493 (b) * * * A license as a " licensed master social
494 worker" shall be issued to an applicant who demonstrates to the
495 satisfaction of the board that he or she meets the following
496 qualifications:



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

500 (ii) Has satisfactorily completed the ASWB
501 examination for this license; or

502 (iii) Has a comparable license or registration
503 from another state or territory of the United States of America
504 that imposes qualifications substantially similar to those of this
505 chapter.

506 (c) * * * A license as a " licensed certified social
507 worker" shall be issued to an applicant who demonstrates to the
508 satisfaction of the board that he or she meets the following
509 qualifications:

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

512 (ii) Has twenty-four (24) months of professional
513 supervision and clinical experience acceptable to the board, under
514 appropriate supervision; and

515 (iii) Has satisfactorily completed the ASWB
516 examination for this license; or

517 (iv) Has a comparable license or registration from
518 another state or territory of the United States of America that
519 imposes qualifications substantially similar to those of this
520 chapter.

521 (d) In addition to the above qualifications, an
522 applicant for any of the above licenses must prove to the board's
523 satisfaction:

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

525 (ii) Good moral character, which is a continuing
526 requirement for licensure, and

527 (iii) United States of America citizenship or
528 status as a legal resident alien, and



529 (iv) Absence of conviction of a felony related to
530 the practice of social work for the last ten (10) years.

531 Conviction, as used in this paragraph, shall include a deferred
532 conviction, deferred prosecution, deferred sentence, finding or
533 verdict of guilt, an admission of guilty, or a plea of nolo
534 contendere, and

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

538 (vi) Freedom from dependency on alcohol or drugs,
539 and

540 (vii) Complete criminal history/record information
541 check, including a fingerprint and an acceptable sex offender
542 check, by appropriate governmental authorities as prescribed by
543 the board.

544 (e) Only individuals licensed as "certified social
545 workers" shall be permitted to call themselves "clinical social
546 workers."

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

550 **SECTION 9.** Section 73-53-15, Mississippi Code of 1972, is
551 amended as follows:

552 73-53-15. (1) Upon passing the examination and meeting the
553 requirements prescribed for licensure and upon paying the initial
554 licensure fee, an applicant shall be issued the appropriate
555 license by the board. Except as provided in Section 33-1-39,
556 licenses shall be renewed biennially after initial licensure in
557 the manner prescribed by the rules and regulations of the board
558 and upon the payment of the fees for renewal prescribed by the
559 board. However, the fee for an initial license may be prorated in
560 proportion to the period of time from the date of issuance.



561 (2) Any person who desires to be licensed as a social worker
562 or marriage and family therapist shall apply to the board in
563 writing on a form furnished by the board. He or she shall provide
564 such documents as required by the application forms provided by
565 the board. He or she shall pay the board at the time of filing an
566 application fee to the board, no part of which shall be refunded.
567 Additionally, the board shall adopt a fee schedule by rule and
568 regulation, which shall include late fees.

569 (3) All license, renewal, and other fees currently set by
570 the board by rules and regulations and in effect immediately prior
571 to the effective date of this act shall remain in effect until
572 such time as the board, by its rulemaking authority, acts to
573 implement new fee schedules pursuant to the provisions of this
574 section. When increased by the board, fees may not be increased
575 by more than ten percent (10%) of the previous year's fee.

576 (4) Notwithstanding subsections (1) and (2) above, in all
577 instances where the board uses the services of a national testing
578 service for preparation, administration, or grading of
579 examinations, the applicant shall pay the required fees to the
580 national testing service, in addition to other board fees.

581 (5) During a lawfully declared local, state or national
582 disaster or emergency, the board may issue a temporary license to
583 any otherwise qualified social worker or marriage and family
584 therapist licensed and in good standing in another state or
585 territory of the United States of America and who meets such other
586 requirements as the board may prescribe by rule and regulation.

587 (6) Every person to whom a license is issued pursuant to the
588 authority of the board shall, as a condition precedent to its
589 issuance, pay the application and any other fee(s) prescribed by
590 the board.

591 **SECTION 10.** Section 73-53-17, Mississippi Code of 1972, is
592 amended as follows:



593 73-53-17. (1) Individuals licensed by the board shall
594 conduct their activities, services and practice in accordance with
595 the laws governing their professional practice and any rules
596 promulgated by the board. Licensees and applicants may be subject
597 to the exercise of the * * * sanctions enumerated in Section
598 73-53-23 if the board finds that a licensee or applicant has
599 committed any of the following:

600 (a) Negligence in the practice or performance of
601 professional services or activities;

602 (b) Engaging in dishonorable, unethical or
603 unprofessional conduct of a character likely to deceive, defraud
604 or harm the public in the course of professional services or
605 activities;

606 (c) Perpetrating or cooperating in fraud or material
607 deception in obtaining or renewing a license or attempting the
608 same;

609 (d) Violating the rules and regulations established by
610 the board;

611 (e) Violating the National Association of Social
612 Workers Code of Ethics or the American Association for Marriage
613 and Family Therapy Code of Ethics;

614 (f) Being convicted of any crime which has a
615 substantial relationship to the licensee's activities and services
616 or an essential element of which is misstatement, fraud or
617 dishonesty;

618 (g) Being convicted of any crime which is a felony
619 under the laws of this state or of the United States of America;

620 (h) Engaging in or permitting the performance of
621 unacceptable services personally * * * due to the licensee's
622 deliberate or grossly negligent act or acts or failure to act,
623 regardless of whether actual damage or damages to the public is
624 established, or assuming responsibility for another's work by



625 signing documents without personal knowledge of the work as
626 established by board rule;

627 (i) Continued practice although the licensee has become
628 unfit to practice social work due to: (i) failure to keep abreast
629 of current professional theory or practice; or (ii) physical or
630 mental disability; the entry of an order or judgment by a court of
631 competent jurisdiction that a licensee is in need of mental
632 treatment or is incompetent shall constitute mental disability; or
633 (iii) addiction or severe dependency upon alcohol or other drugs
634 which may endanger the public by impairing the licensee's ability
635 to practice;

636 (j) Continued practice although the individual failed
637 to renew and has a lapsed license;

638 (k) Having disciplinary action taken against the
639 licensee's license in another state;

640 (l) Making differential, detrimental treatment against
641 any person because of race, color, creed, sex, religion or
642 national origin;

643 (m) Engaging in lewd conduct in connection with
644 professional services or activities;

645 (n) Engaging in false or misleading advertising;

646 (o) Contracting, assisting or permitting unlicensed
647 persons to perform services for which a license is required under
648 this chapter;

649 (p) Violation of any probation requirements placed on a
650 licensee by the board;

651 (q) Revealing confidential information except as may be
652 required by law;

653 (r) Failing to inform clients of the fact that the
654 client no longer needs the services or professional assistance of
655 the licensee;

656 (s) Charging excessive or unreasonable fees or engaging
657 in unreasonable collection practices.



658 (2) The board may order a licensee to submit to a reasonable
659 physical or mental examination if the licensee's physical or
660 mental capacity to practice safely is at issue in a disciplinary
661 proceeding.

662 (3) Failure to comply with a board order to submit to a
663 physical or mental examination shall render a licensee subject to
664 the summary suspension procedures described in Section 73-53-23.

665 (4) In addition to the reasons specified in subsection (1)
666 of this section, the board shall be authorized to suspend the
667 license of any licensee for being out of compliance with an order
668 for support, as defined in Section 93-11-153. The procedure for
669 suspension of a license for being out of compliance with an order
670 for support, and the procedure for the reissuance or reinstatement
671 of a license suspended for that purpose, and the payment of any
672 fees for the reissuance or reinstatement of a license suspended
673 for that purpose, shall be governed by Section 93-11-157 or
674 93-11-163, as the case may be. If there is any conflict between
675 any provision of Section 93-11-157 or 93-11-163 and any provision
676 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
677 as the case may be, shall control.

678 **SECTION 11.** Section 73-53-19, Mississippi Code of 1972, is
679 amended as follows:

680 73-53-19. All complaints concerning a licensee's business or
681 professional practice shall be received by the board. Each
682 complaint received shall be logged, recording at a minimum the
683 following information: (a) licensee's name; (b) name of the
684 complaining party * * *; (c) date of complaint; (d) brief
685 statement of complaint; and (e) disposition.

686 **SECTION 12.** Section 73-53-21, Mississippi Code of 1972, is
687 amended as follows:

688 73-53-21. (1) Any person whose application for a license is
689 denied shall be entitled to a hearing before the board if he or
690 she submits a written request for a hearing to the board. The



691 board shall fix a time and place for the hearing and shall cause a
692 written copy of the reason for denial of the license, together
693 with a notice of the time and place fixed for the hearing to be
694 served on the applicant requesting the hearing.

695 (2) Following the investigative process, the board may file
696 formal charges against the licensee. Such formal complaint shall,
697 at a minimum, inform the licensee of the facts which are the basis
698 of the charge and which are specific enough to enable the licensee
699 to defend against the charges.

700 (3) Each licensee whose conduct is the subject of a formal
701 charge which seeks to impose disciplinary action against the
702 licensee shall be served notice of the formal charge at least
703 thirty (30) days before the date of the hearing, which hearing
704 shall be presided over by the board or the board's designee.

705 (4) Service shall be considered to have been given if the
706 notice was personally served on the licensee or applicant or if
707 the notice was sent by certified United States mail to the
708 licensee or applicant to the licensee's or applicant's last-known
709 address as listed of record with the board.

710 * * *

711 (5) The board or its designee shall hear evidence produced
712 in support of the formal charges and contrary evidence produced by
713 the licensee. At the conclusion of the hearing, the board shall
714 issue an order.

715 (6) All proceedings pursuant to this section are matters of
716 public record and shall be preserved pursuant to state law.

717 **SECTION 13.** Section 73-53-23, Mississippi Code of 1972, is
718 amended as follows:

719 73-53-23. (1) The board may impose any of the following
720 sanctions, singly or in combination, when it finds that a licensee
721 or applicant has committed any * * * offense:

722 (a) Revocation of the license;

723 (b) Suspension of the license, for any period of time;



724 (c) Censure the licensee;

725 (d) Issue a letter of reprimand to the licensee;

726 (e) Impose a monetary penalty in an amount not to
727 exceed Five Hundred Dollars (\$500.00) for the first violation, One
728 Thousand Dollars (\$1,000.00) for the second violation, and Five
729 Thousand Dollars (\$5,000.00) for the third and each subsequent
730 violation;

731 (f) Place a licensee on probationary status and require
732 the licensee to submit to any of the following: (i) report
733 regularly to the board upon matters which are the basis of
734 probation; (ii) continue to renew professional education until a
735 satisfactory degree of skill has been attained in those areas
736 which are basis of probation; or (iii) such other reasonable
737 requirement or restrictions as are proper;

738 (g) Refuse to issue or renew a license; * * *

739 (h) Revoke probation which has been granted and impose
740 any other disciplinary action in this subsection when the
741 requirements of probation have not been fulfilled or have been
742 violated;

743 (i) Restrict a license; and/or

744 (j) Accept a voluntary surrendering of a license based
745 on an order of consent from the board.

746 (2) The board may summarily suspend a license issued by the
747 board without a hearing simultaneously with the filing of a formal
748 complaint and notice for a hearing provided by this chapter and
749 Sections 73-54-1 through 73-54-39 pending proceedings before by
750 the board. If the board suspends summarily a license under the
751 provisions of this subsection, a hearing must begin within twenty
752 (20) days after such suspension begins, unless continued at the
753 request of the licensee.

754 (3) Disposition of any formal complaint may be made by
755 consent order or stipulation between the board and the licensee.



756 (4) The board may reinstate any licensee to good standing
757 under this chapter if * * * the board is satisfied that the
758 applicant's renewed practice is in the public interest. The
759 procedure for the reinstatement of a license that is suspended for
760 being out of compliance with an order for support, as defined in
761 Section 93-11-153, shall be governed by Section 93-11-157 or
762 93-11-163, as the case may be.

763 (5) The board shall seek to achieve consistency in the
764 application of the foregoing sanctions, and significant departure
765 from prior decisions involving similar conduct shall be explained
766 by the board.

767 (6) In addition to any other power that it has, the board
768 may issue an advisory letter to a licensee if it finds that the
769 information received in complaint for an investigation does not
770 merit disciplinary action against the licensee.

771 (7) The board may also assess and levy upon any licensee or
772 applicant for licensure the costs incurred or expended by the
773 board in the investigation and prosecution of any licensure or
774 disciplinary action, including, but not limited to, the cost of
775 process service, court reports, expert witness, investigators, and
776 attorney fees.

777 **SECTION 14.** Section 73-53-25, Mississippi Code of 1972, is
778 amended as follows:

779 73-53-25. Any person aggrieved by a decision of the Board of
780 Examiners for Social Workers and Marriage and Family Therapists
781 shall have the right to appeal therefrom to the circuit court of
782 the county of the residence of the aggrieved party or to the
783 Circuit Court of the First Judicial District of Hinds County in
784 the manner provided by law for appeals from administrative
785 decisions. Actions taken by the board in suspending a license
786 when required by Section 93-11-157 or 93-11-163 are not actions
787 from which an appeal may be taken under this section. Any appeal
788 of a license suspension that is required by Section 93-11-157 or



789 93-11-163 shall be taken in accordance with the appeal procedure
790 specified in Section 93-11-157 or 93-11-163, as the case may be,
791 rather than the procedure specified in this section.

792 **SECTION 15.** Section 73-53-27, Mississippi Code of 1972, is
793 amended as follows:

794 73-53-27. * * *

795 (1) The board has the power to take testimony either orally
796 or by deposition, or both, with the same fees and mileage and in
797 the same manner as is prescribed by law for judicial proceedings
798 in civil cases. Any member of the board or its designee has the
799 power to administer oaths at any hearing which the board is
800 authorized by law to conduct.

801 (2) The board * * * shall provide a stenographer to take
802 down the testimony and preserve a record of all proceedings at the
803 hearing of any case in which a license may be revoked, suspended,
804 placed on probationary status, or other disciplinary action taken
805 with regard thereto. The notice of hearing, complaint and all
806 other documents in the nature of pleadings and written motions
807 filed in the proceedings, the recording of testimony, the report
808 of the board, and the orders of the board constitute the record of
809 such proceedings. The board shall furnish a transcript of such
810 record to any person interested in such hearing upon payment of
811 the cost of each original transcript or for each copy.

812 (3) Upon the suspension or revocation of a license issued
813 under Section 73-53-13, a licensee shall be required to surrender
814 the license to the board, and upon failure to do so the board
815 shall have the right to seize the same.

816 * * *

817 **SECTION 16.** Section 73-53-29, Mississippi Code of 1972, is
818 reenacted as follows:

819 73-53-29. No licensee under this chapter or an employee of a
820 licensee may disclose any information which was acquired from
821 clients or persons consulting with the licensee and which was



822 provided in order to allow the licensee to render professional
823 services, except:

824 (a) With the written consent of the person(s) or, in
825 the case of death or disability, of the individual's personal
826 representative, or person authorized to sue, or the beneficiary of
827 an insurance policy on an individual's life, health or physical
828 condition; or

829 (b) Communications that reveal the contemplation of a
830 crime or a harmful act; or

831 (c) When the licensee acquires information involving a
832 minor who was a victim or subject of a crime, the licensee may be
833 required to testify fully in an examination, trial or other
834 proceeding in which the commission of such a crime is a subject of
835 inquiry; or

836 (d) When a person waives the privilege by bringing
837 charges against the licensee; or

838 (e) When the licensee is called upon to testify in
839 court or administrative hearings concerning matters of adoption,
840 adult abuse, child abuse, child neglect or other matters
841 pertaining to the welfare of clients of the licensee; or

842 (f) When the licensee is collaborating or consulting
843 with professional colleagues or an administrative superior on
844 behalf of the client.

845 **SECTION 17.** Section 73-53-31, Mississippi Code of 1972, is
846 reenacted as follows:

847 73-53-31. Whenever any law, regulation or policy of the
848 State of Mississippi or any agency, department, institution or
849 political subdivision of the state authorizes or allows a licensed
850 marriage and family therapist as defined in Section 73-54-5 to
851 perform services that are within the lawful scope of practice of
852 marriage and family therapy as defined in Section 73-54-5, those
853 services may also be performed by a licensed certified/clinical



854 social worker to the extent that those services are within the
855 lawful scope of clinical social work practice.

856 **SECTION 18.** Section 73-54-1, Mississippi Code of 1972, is
857 reenacted as follows:

858 73-54-1. This chapter shall be known and may be cited as the
859 "Marriage and Family Therapy Licensure Act of 1997."

860 **SECTION 19.** Section 73-54-3, Mississippi Code of 1972, is
861 reenacted as follows:

862 73-54-3. Marriage and family therapy in the State of
863 Mississippi is declared to be a professional practice that affects
864 the public safety and welfare and requires appropriate regulation
865 and control in the public interest.

866 It is the purpose of this chapter to establish a regulatory
867 agency, a structure, and procedures that will ensure that the
868 public is protected from unprofessional, improper, unauthorized
869 and unqualified practice of marriage and family therapy. This
870 chapter shall be liberally construed to carry out these policies
871 and purposes.

872 **SECTION 20.** Section 73-54-5, Mississippi Code of 1972, is
873 reenacted and amended as follows:

874 73-54-5. As used in this chapter and in Section 73-53-8,
875 unless the context clearly requires a different meaning:

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

880 (b) "Licensed marriage and family therapy associate"
881 means a person to whom a marriage and family therapy associate
882 license has been issued under this chapter and Section 73-53-8,
883 which license is in force and not suspended or revoked as of the
884 particular time in question.

885 (c) "Marriage and family therapy" means the rendering
886 of professional therapy services to individuals, families or



887 couples, singly or in groups, and involves the professional
888 application of psychotherapeutic and family systems theories and
889 techniques in the delivery of therapy services to those persons.

890 (d) "Practice of marriage and family therapy" means the
891 rendering of professional marriage and family therapy services to
892 individuals, couples and families, singly or in groups, whether
893 those services are offered directly to the general public or
894 through organizations, either public or private, for a fee,
895 monetary or otherwise.

896 (e) "Advertise" means, but is not limited to, issuing
897 or causing to be distributed any card, sign or device to any
898 person; causing, permitting or allowing any sign or marking on or
899 in any building; broadcasting by radio or television; or
900 advertising on the Internet or by any other means designed to
901 secure public attention.

902 (f) "Use a title or description of" means to hold
903 oneself out to the public as having a particular status by means
904 of stating it on signs, mailboxes, address plates, stationery,
905 announcements, calling cards, the Internet or other instruments of
906 professional identification.

907 (g) "Board" means the Board of Examiners for Social
908 Workers and Marriage and Family Therapists created by Section
909 73-53-8.

910 (h) "Institution of higher education" means any
911 regionally accredited institution of higher learning in the United
912 States that offers a master's or doctoral degree; for foreign
913 universities, this term means an institution of higher education
914 accredited by a legal agency of that country that is satisfactory
915 to the board.

916 (i) "Examination" means the test or exam endorsed or
917 prescribed by the Association for Marital and Family Therapy
918 Regulatory Boards.



919 (j) "Person" means any individual, firm, corporation,
920 partnership, organization or body politic.

921 **SECTION 21.** Section 73-54-7, Mississippi Code of 1972, is
922 reenacted and amended as follows:

923 73-54-7. A person who does not hold a valid and current
924 license issued by the board shall not practice marriage and family
925 therapy, nor advertise the performance of such practice. Except
926 as specifically exempted in Section 73-54-9, beginning September
927 1, 1997, any person who represents himself or herself by the title
928 or description "marital or marriage therapist," "licensed marital
929 or marriage and family therapist," or any other name, style or
930 description denoting that the person is a marriage and family
931 therapist or marriage and family counselor without having first
932 complied with the provisions of this chapter shall be guilty of a
933 misdemeanor and, upon conviction thereof, shall be punished by a
934 fine of not less than Five Hundred Dollars (\$500.00) nor more than
935 One Thousand Dollars (\$1,000.00) for each offense.

936 **SECTION 22.** Section 73-54-9, Mississippi Code of 1972, is
937 reenacted and amended as follows:

938 73-54-9. (1) A person shall be exempt from the requirements
939 of this chapter if the person is a marriage and family therapy
940 intern or person preparing for the practice of marriage and family
941 therapy under qualified supervision in a training institution or
942 facility or supervisory arrangement recognized and approved by the
943 board, provided he or she is designated by such titles as
944 "marriage and family therapy intern," * * * "family therapy
945 intern," or others, clearly indicating such training status.

946 (2) Nothing in this chapter shall prevent licensed or
947 certified members of other professional groups as defined by their
948 board, including, but not limited to, physicians, psychologists,
949 clinical nurse specialists, clinical social workers, licensed
950 professional counselors, or duly ordained ministers or clergy
951 while functioning in their ministerial capacity, from doing or



952 advertising that they perform work of a marriage and family
953 therapy nature consistent with the accepted standards of their
954 respective professions.

955 (3) Nothing in this chapter shall be construed as permitting
956 licensed marriage and family therapists to engage in the practice
957 of psychology. Marriage and family therapists may provide testing
958 consistent with the scope of their education, training and
959 experience. Testing shall occur within the context of a
960 therapeutic relationship.

961 **SECTION 23.** Section 73-54-11, Mississippi Code of 1972, is
962 reenacted and amended as follows:

963 73-54-11. (1) The board shall administer and enforce the
964 provisions of this chapter. The board shall from time to time
965 adopt such rules and regulations and such amendments thereof and
966 supplements thereto as it may deem necessary to enable it to
967 perform its duties under, and to carry into effect the provisions
968 of, this chapter. Such rules and regulations shall be adopted in
969 accordance with the Mississippi Administrative Procedures Law
970 (Section 25-43-1 et seq.).

971 (2) The board shall examine and pass on the qualifications
972 of all applicants under this chapter, and shall issue a license to
973 each successful applicant therefor, attesting to his or her
974 professional qualifications to be a marriage and family therapist
975 or marriage and family therapy associate.

976 **SECTION 24.** Section 73-54-13, Mississippi Code of 1972, is
977 reenacted and amended as follows:

978 73-54-13. Each person desiring to obtain a license as
979 a * * * marriage and family therapist or marriage and family
980 therapy associate shall make application thereof to the board in
981 such manner as the board prescribes and with required application
982 fees and shall furnish evidence satisfactory to the board that he
983 or she:

984 (a) Is of good moral character;



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

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

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

991 **SECTION 25.** Section 73-54-17, Mississippi Code of 1972, is
992 reenacted and amended as follows:

993 73-54-17. (1) Any person who applies for a marriage and
994 family therapy license after September 1, 2000, shall be issued a
995 license by the board if he or she meets the qualifications set
996 forth in Section 73-54-13, and submits the required application
997 fees, and provides satisfactory evidence to the board that he or
998 she * * * meets educational and experience qualifications as
999 follows:

1000 (a) Holds a master's degree or doctoral degree in
1001 marriage and family therapy from an institution of higher
1002 education in a program that is accredited by the Commission on
1003 Accreditation for Marriage and Family Therapy Education (COAMFTE),
1004 or that was in COAMFTE candidacy status at the time of graduation
1005 and subsequently received COAMFTE accreditation;

1006 (b) Following the receipt of the first qualifying
1007 degree, has at least two (2) years of supervised experience in
1008 marriage and family therapy, or its equivalent, acceptable to the
1009 board * * *;

1010 (c) Has completed at least one hundred (100) hours of
1011 supervision following receipt of the first qualifying degree of
1012 marriage and family therapy, as defined by the board; * * *

1013 (d) Passes the national Examination in Marital and
1014 Family Therapy prescribed by the Association for Marital and
1015 Family Therapy Regulatory Boards; and

1016 (e) Has been successfully cleared through a criminal
1017 history/record information check, including a fingerprint and an



1018 acceptable sex offender check, by appropriate governmental
1019 authorities as prescribed by the board.

1020 (2) Any person who applies for a marriage and family therapy
1021 associate license after September 1, 2011, shall be issued said
1022 license by the board for a period of twenty-four (24) months and
1023 may be renewed biennially for a period not to exceed a total of
1024 forty-eight (48) months, if the applicant meets the qualifications
1025 set forth in Section 73-54-13, submits the required application
1026 fees, and provides satisfactory evidence to the board that he or
1027 she:

1028 (a) Holds a master's degree or doctoral degree in
1029 marriage and family therapy from an institution of higher
1030 education in a program that is accredited by the Commission on
1031 Accreditation for Marriage and Family Therapy Education (COAMFTE),
1032 or that was in COAMFTE candidacy status at the time of graduation
1033 and subsequently received COAMFTE accreditation;

1034 (b) Completed a clinical practicum that consisted of a
1035 minimum of five hundred (500) client contract hours and one
1036 hundred (100) hours of clinical supervision prior to receipt of
1037 the qualifying degree;

1038 (c) Passes the national Examination in Marital and
1039 Family Therapy described by the Association for Marital and Family
1040 Therapy Regulatory Boards;

1041 (d) Provides all professional services under the
1042 supervision of a qualified supervisor in accordance with a
1043 supervision contract approved by the board; and

1044 (e) Has been successfully cleared through a criminal
1045 history record/information check, including a fingerprint and an
1046 acceptable sex offender check, by appropriate governmental
1047 authorities as prescribed by the board.

1048 **SECTION 26.** Section 73-54-19, Mississippi Code of 1972, is
1049 reenacted and amended as follows:



1050 73-54-19. (1) The board shall administer the national
1051 examination at least once a year at a time and place designated by
1052 the board.

1053 (2) An applicant shall be required to pass the national
1054 Examination of Marital and Family Therapy prescribed by the
1055 Association of Marital and Family Therapy Regulatory Boards.

1056 (3) The cost of the examination and the cost of
1057 administering the examination, in addition to all other fees
1058 associated with the examination, shall be paid by the applicant at
1059 the time of application.

1060 **SECTION 27.** Section 73-54-23, Mississippi Code of 1972, is
1061 reenacted and amended as follows:

1062 73-54-23. The board shall issue a license by examination of
1063 credentials to any applicant licensed or certified as a marriage
1064 and family therapist in another state that has such requirements
1065 for the license or certificate that the board is of the opinion
1066 that the applicant is competent to engage in the practice of
1067 marriage and family therapy in this state, provided that the
1068 applicant submits an application on forms prescribed by the board,
1069 has passed the national Examination in Marital and Family Therapy,
1070 and pays the original licensure fee prescribed by Section
1071 73-54-25.

1072 **SECTION 28.** Section 73-54-27, Mississippi Code of 1972, is
1073 reenacted and amended as follows:

1074 73-54-27. (1) Except as provided in Section 33-1-39,
1075 licenses issued under this chapter shall be valid for two (2)
1076 years and must be renewed biennially * * *, with the renewal fee
1077 being determined by the board but not to exceed Two Hundred Fifty
1078 Dollars (\$250.00).

1079 (2) The license of any marriage and family therapist or
1080 marriage and family therapy associate who fails to renew
1081 biennially by the license expiration date shall lapse; the failure
1082 to renew the license shall not deprive the marriage and family



1083 therapist or marriage and family therapy associate of the right of
1084 renewal thereafter. Such lapsed license may be renewed within a
1085 period of two (2) years after such lapse upon payment of all fees
1086 in arrears.

1087 (3) A marriage and family therapist wishing to renew a
1088 license that has been lapsed for more than two (2) years shall be
1089 required to reapply for licensure.

1090 * * *

1091 (4) The board shall require each licensed marriage and
1092 family therapist and marriage and family therapy associate to
1093 participate in approved continuing education activities in order
1094 to renew a license issued under this chapter.

1095 (5) Any licensed marriage and family therapist who notifies
1096 the board, in writing on forms prescribed by the board, may place
1097 his/her license on inactive status and shall be excused from the
1098 payment of renewal fees until the person notifies the board in
1099 writing of the intention to resume active practice. Any licensed
1100 marriage and family therapist requesting his/her license to be
1101 changed from inactive to active status shall be required to pay
1102 the current fee and shall also demonstrate compliance with
1103 continuing education requirements as defined by the board.
1104 Licensed marriage and family therapy associates are not eligible
1105 for inactive status.

1106 **SECTION 29.** Section 73-54-29, Mississippi Code of 1972, is
1107 reenacted and amended as follows:

1108 73-54-29. Licensees subject to this chapter shall conduct
1109 their activities, services and practice in accordance with this
1110 chapter and any rules promulgated under this chapter. Licensees
1111 may be subject to the exercise of the disciplinary sanctions
1112 enumerated in Section 73-53-23 if the board finds that a licensee
1113 is guilty of any of the actions listed in Section 73-53-17(1) or
1114 is guilty of any of the following:



1115 (a) Violation of any provision of this chapter or any
1116 rules or regulations of the board adopted under the provisions of
1117 this chapter.

1118 (b) Other just and sufficient cause which renders a
1119 person unfit to practice marriage and family therapy as determined
1120 by the board but not limited to:

1121 (i) Habitual use of alcohol or drugs to an extent
1122 that affects professional competence;

1123 (ii) Adjudication as being mentally incompetent by
1124 a court of competent jurisdiction;

1125 (iii) Practicing in a manner detrimental to the
1126 public health and welfare;

1127 (iv) Revocation of a license or certification by a
1128 licensing agency or by a certifying professional
1129 organization; * * *

1130 (v) Any other violation of this chapter or the
1131 code of ethical standards of the American Association for Marriage
1132 and Family Therapy or other ethical standards adopted by the board
1133 under the provisions of this chapter; or

1134 (vi) Continued practice although the individual
1135 failed to renew and has a lapsed license.

1136 **SECTION 30.** Section 73-54-31, Mississippi Code of 1972, is
1137 reenacted as follows:

1138 73-54-31. (1) The board shall conduct its hearings and
1139 disciplinary proceedings in accordance with the provisions of
1140 Sections 73-53-17 through 73-53-27, this section and rules and
1141 regulations adopted by the board. Any person may be heard by the
1142 board in person or by attorney. Every vote and official act of
1143 the board shall be entered of record. Executive sessions may be
1144 used when discussing individual applicants or for any other
1145 purposes allowed by Section 25-41-7. All other hearings and
1146 rule-making proceedings shall be open to the public as provided in



1147 the Open Meetings Act (Section 25-41-1 et seq.). A record shall
1148 be made of every hearing before the board.

1149 (2) For the purposes of Sections 73-53-17 through 73-53-27
1150 and this section, the board shall have the power to require by
1151 subpoena the attendance and testimony of witnesses and the
1152 production of all books, papers and documents relating to any
1153 matter under investigation. Subpoenas shall be issued by the
1154 board upon application by any party to a proceeding before the
1155 board and a showing of general relevance and reasonable scope.
1156 For noncompliance with a subpoena, the board may apply to the
1157 circuit court for an order requiring the person subpoenaed to
1158 appear before the board and testify and produce books, papers or
1159 documents if so ordered. Failure to obey such order of the court
1160 may be punished by the court as contempt.

1161 **SECTION 31.** Section 73-54-33, Mississippi Code of 1972, is
1162 reenacted as follows:

1163 73-54-33. In any proceeding before the board involving the
1164 granting, suspension or revocation of a license or in other
1165 proceedings in which expert testimony relating to the practice of
1166 marriage and family therapy is necessary, the board may hear
1167 evidence from a qualified expert witness or witnesses selected by
1168 parties.

1169 **SECTION 32.** Section 73-54-35, Mississippi Code of 1972, is
1170 reenacted as follows:

1171 73-54-35. As an additional remedy to those authorized in
1172 Section 73-53-23, the board may proceed in the circuit court to
1173 enjoin and restrain any unlicensed person from violating any
1174 provision of this chapter. The board shall not be required to
1175 post bond to such proceeding.

1176 **SECTION 33.** Section 73-54-37, Mississippi Code of 1972, is
1177 reenacted and amended as follows:

1178 73-54-37. No person licensed under this chapter as a
1179 marriage and family therapist or marriage and family therapy



1180 associate, in the course of formally reporting, conferring or
1181 consulting with administrative superiors, colleagues, consultants,
1182 employees, associates or supervisors, who share professional
1183 responsibility, shall be required to disclose any information
1184 which he may have acquired in rendering marriage and family
1185 therapy services, except:

1186 (a) In the course of formally reporting, conferring or
1187 consulting with administrative superiors, colleagues, consultants,
1188 or supervisors, who share professional responsibility, in which
1189 instance all receipts of the information are similarly bound to
1190 regard the communications as privileged; or

1191 (b) With written consent from the client or, in the
1192 case of death or disability, or in case of the minor, with the
1193 written consent of his or her parent, legal guardian or
1194 conservator, or other person authorized by the court to file suit;
1195 or

1196 (c) When a communication reveals the contemplation of
1197 a * * * harmful act, or intent to commit suicide; or

1198 (d) When a person waives the privilege by bringing
1199 charges against a licensed marriage and family therapist or
1200 marriage and family therapy associate for breach of privileged
1201 communication, or any other charge.

1202 **SECTION 34.** Section 73-54-39, Mississippi Code of 1972, is
1203 reenacted and amended as follows:

1204 73-54-39. If both parties to a marriage have obtained
1205 marriage and family therapy by a licensed marriage and family
1206 therapist or marriage and family therapy associate, the therapist
1207 or therapy associate shall not be competent to testify in an
1208 alimony, custody or divorce action concerning information acquired
1209 in the course of the therapeutic relationship.

1210 **SECTION 35.** Sections 73-54-15 and 73-54-25, Mississippi Code
1211 of 1972, which provides qualifications for license applicants



1212 prior to September 1, 2000, and prescribe application fees to be
1213 charged by the board are hereby repealed.

1214 **SECTION 36.** Section 73-54-41, which is the automatic
1215 repealer on the Marriage and Family Therapy Licensure Act and
1216 which create and empower the Board of Examiners for Social Workers
1217 and Marriage and Family Therapists, is hereby repealed.

1218 **SECTION 37.** This act shall take effect and be in force from
1219 and after July 1, 2011.

