

By: Representative White

To: Public Health and Human Services

HOUSE BILL NO. 894

1 AN ACT TO REENACT SECTIONS 73-53-3, 73-53-8, 73-53-10,
 2 73-53-11 AND 73-53-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
 3 DEFINITIONS FOR THE SOCIAL WORKER LICENSURE LAW, CREATE THE BOARD
 4 OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND FAMILY
 5 THERAPISTS, SET OUT THE POWERS OF THE BOARD, AND PRESCRIBE THE
 6 LICENSURE REQUIREMENTS FOR SOCIAL WORKERS, AND SECTIONS 73-54-1
 7 THROUGH 73-54-39, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
 8 LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS; TO
 9 AMEND SECTION 73-54-41, MISSISSIPPI CODE OF 1972, TO EXTEND THE
 10 DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED
 11 PURPOSES.

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

13 **SECTION 1.** Section 73-53-3, Mississippi Code of 1972, is
 14 reenacted as follows:

15 73-53-3. As used in this chapter:

16 (a) "Board" means the Board of Examiners for Social
 17 Workers and Marriage and Family Therapists created under Section
 18 73-53-8.

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



23 (c) "Master's social work practice" means the
24 application of social work theory, knowledge, methods and ethics
25 and the professional use of self to restore or enhance social,
26 psychosocial, or biopsychosocial functioning of individuals,
27 couples, families, groups, organizations and communities.
28 Master's social work practice includes the application of
29 specialized knowledge and advanced practice skills in the areas of
30 assessment, treatment planning, implementation and evaluation,
31 case management, information and referral, counseling,
32 supervision, consultation, education, research, advocacy,
33 community organization and the development, implementation, and
34 administration of policies, programs and activities. Under
35 supervision as provided in this chapter, the practice of master's
36 social work may include the practices reserved to clinical social
37 workers.

38 (d) "Macro social work practice" focuses on changing
39 larger systems, such as communities and organizations. It
40 encompasses a broad spectrum of practice, including planning,
41 program development, community organizing, policy analysis,
42 legislative advocacy, program evaluation, task-oriented group
43 work, community education, and human services management.

44 (e) "Clinical social work practice" means the
45 application of social work methods, knowledge, theory, and ethics
46 in the application of specialized clinical knowledge and advanced
47 clinical skill in areas of assessment, diagnosis, and treatment of



48 mental, emotional, and behavioral disorders, conditions, and
49 addictions. This involves the professional application of
50 psychotherapeutic and family systems theories and techniques in
51 the delivery of therapy services to those persons. Licensed
52 clinical social workers may provide evaluations consistent with
53 the scope of their education, training and experience, which shall
54 occur within the context of a therapeutic relationship.

55 (f) "Clinical supervision" means an interactional
56 professional relationship between a supervisor and a social worker
57 that provides evaluation and direction over the supervisee's
58 practice of clinical social work and promotes continued
59 development of the social worker's knowledge, skills, and
60 abilities to engage in the practice of clinical social work in an
61 ethical and competent manner. "Approved clinical supervisor"
62 means a licensed clinical social worker who has met the
63 qualifications to be a clinical supervisor as determined by the
64 board.

65 (g) "Supervision" means the professional relationship
66 between a supervisor and a social worker that provides evaluation
67 and direction over the services provided by the social worker and
68 promotes continued development of the social worker's knowledge,
69 skills and abilities to provide social work services in an ethical
70 and competent manner.

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



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

74 (j) "Advertise" means, but is not limited to, issuing
75 or causing to be distributed any card, sign or device to any
76 person; causing, permitting or allowing any sign or marking on or
77 in any building; broadcasting by radio, television, or the
78 Internet; or advertising by any other means designed to secure
79 public attention.

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

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

87 (m) "Continuing education" means education and training
88 that are oriented to maintain, improve or enhance social work
89 practice knowledge and skills at the post-baccalaureate level.
90 "Continuing education hour" means a sixty-minute clock hour of
91 instruction, not including breaks or meals.

92 **SECTION 2.** Section 73-53-8, Mississippi Code of 1972, is
93 reenacted as follows:

94 73-53-8. (1) There is created the Board of Examiners for
95 Social Workers and Marriage and Family Therapists to license and
96 regulate social workers and marriage and family therapists. The
97 board shall be composed of ten (10) members, six (6) of which



98 shall be social workers and four (4) of which shall be marriage
99 and family therapists.

100 (2) Of the social worker members of the board, two (2) must
101 be licensed social workers, and four (4) must be licensed master
102 social workers or licensed certified social workers or a
103 combination thereof. The marriage and family therapist members of
104 the board must be licensed marriage and family therapists. For at
105 least two (2) years immediately preceding his or her appointment,
106 each marriage and family therapist appointee must have been
107 actively engaged as a marriage and family therapist in rendering
108 professional services in marriage and family therapy, or in the
109 education and training of master's, doctoral or post-doctoral
110 students of marriage and family therapy, or in marriage and family
111 therapy research, and during the two (2) years preceding his or
112 her appointment, must have spent the majority of the time devoted
113 to that activity in this state. The initial marriage and family
114 therapist appointees shall be deemed to be and shall become
115 licensed practicing marriage and family therapists immediately
116 upon their appointment and qualification as members of the board.
117 All subsequent marriage and family therapist appointees to the
118 board must be licensed marriage and family therapists before their
119 appointment.

120 (3) The Governor shall appoint six (6) members of the board,
121 four (4) of which shall be social workers and two (2) of which
122 shall be marriage and family therapists, and the Lieutenant



123 Governor shall appoint four (4) members of the board, two (2) of
124 which shall be social workers and two (2) of which shall be
125 marriage and family therapists. Social worker members of the
126 board shall be appointed from nominations submitted by the
127 Mississippi Chapter of the National Association of Social Workers,
128 and marriage and family therapist members of the board shall be
129 appointed from nominations submitted by the Mississippi
130 Association for Marriage and Family Therapy. All appointments
131 shall be made with the advice and consent of the Senate.

132 (4) The initial appointments to the board shall be made as
133 follows: The Governor shall appoint one (1) social worker member
134 for a term that expires on June 30, 1999, one (1) social worker
135 member for a term that expires on June 30, 2001, two (2) social
136 worker members for terms that expire on June 30, 2002, one (1)
137 marriage and family therapist member for a term that expires on
138 June 30, 1998, and one (1) marriage and family therapist member
139 for a term that expires on June 30, 2000. The Lieutenant Governor
140 shall appoint one (1) social worker member for a term that expires
141 on June 30, 1998, one (1) social worker member for a term that
142 expires on June 30, 2000, one (1) marriage and family therapist
143 member for a term that expires on June 30, 1999, and one (1)
144 marriage and family therapist member of the board for a term that
145 expires on June 30, 2001. After the expiration of the initial
146 terms, all subsequent appointments shall be made by the original
147 appointing authorities for terms of four (4) years from the



148 expiration date of the previous term. Upon the expiration of his
149 or her term of office, a board member shall continue to serve
150 until his or her successor has been appointed and has qualified.
151 No person may be appointed more than once to fill an unexpired
152 term or more than two (2) consecutive full terms.

153 (5) Any vacancy on the board before the expiration of a term
154 shall be filled by appointment of the original appointing
155 authority for the remainder of the unexpired term. Appointments
156 to fill vacancies shall be made from nominations submitted by the
157 appropriate organization as specified in subsection (2) of this
158 section for the position being filled.

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

162 (7) The board shall select one (1) of its members to serve
163 as chairman during the term of his or her appointment to the
164 board. No person may serve as chairman for more than four (4)
165 years. The board may remove any member of the board or the
166 chairman from his or her position as chairman for (a) malfeasance
167 in office, or (b) conviction of a felony or a crime of moral
168 turpitude while in office, or (c) failure to attend three (3)
169 consecutive board meetings. However, no member may be removed
170 until after a public hearing of the charges against him or her,
171 and at least thirty (30) days' prior written notice to the accused
172 member of the charges against him or her and of the date fixed for



173 such hearing. No board member shall participate in any matter
174 before the board in which he has a pecuniary interest, personal
175 bias or other similar conflict of interest.

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

180 (9) Four (4) social worker members and three (3) marriage
181 and family therapist members of the board shall constitute a
182 quorum of the board. In making its decisions and taking actions
183 affecting the members of one (1) of the professions regulated by
184 the board, the board shall consider the recommendations of the
185 board members who are members of that profession. If the board is
186 unable to have a quorum present at a regularly scheduled meeting
187 location, the board may allow other members to participate in the
188 meeting by telephone or other electronic means. In the case of an
189 administrative hearing, when recusals from the process are
190 necessary, a quorum may consist of a simple majority of six (6)
191 members.

192 (10) The principal office of the board shall be in the City
193 of Jackson, but the board may act and exercise all of its powers
194 at any other place. The board shall adopt an official seal, which
195 shall be judicially noticed and which shall be affixed to all
196 licenses issued by the board.



197 (11) The board is authorized to employ, subject to the
198 approval of the State Personnel Board, an executive director and
199 such attorneys, experts and other employees as it may, from time
200 to time, find necessary for the proper performance of its duties
201 and for which the necessary funds are available, and to set the
202 salary of the executive director, subject to the approval of the
203 State Personnel Board.

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

209 **SECTION 3.** Section 73-53-10, Mississippi Code of 1972, is
210 reenacted as follows:

211 73-53-10. (1) No appropriations from the State General Fund
212 shall be used to operate the board. The board shall be supported
213 by fees collected for license application and renewal and/or other
214 monies raised by the board.

215 (2) All fees and any other monies received by the board
216 shall be deposited in a special fund that is created in the State
217 Treasury and shall be used for the implementation and
218 administration of this chapter and Sections 73-54-1 through
219 73-54-39 when appropriated by the Legislature for such purpose.
220 The monies in the special fund shall be subject to all provisions
221 of the state budget laws that are applicable to special fund



222 agencies, and shall be disbursed by the State Treasurer only upon
223 warrants issued by the State Fiscal Officer upon requisitions
224 signed by a designated board member and staff member designated by
225 the board. Any interest earned on this special fund shall be
226 credited by the State Treasurer to the fund and shall not be paid
227 into the State General Fund. Any unexpended monies remaining in
228 the special fund at the end of a fiscal year shall not lapse into
229 the State General Fund.

230 **SECTION 4.** Section 73-53-11, Mississippi Code of 1972, is
231 reenacted as follows:

232 73-53-11. (1) In addition to the duties set forth elsewhere
233 in this chapter and in Sections 73-54-1 through 73-54-39, the
234 board is authorized to:

235 (a) Review the quality and availability of social work
236 services provided in this state and make recommendations for
237 change to the Legislature;

238 (b) Recommend to the appropriate law enforcement
239 official the bringing of civil actions to seek injunctions and
240 other relief against individuals engaged in the unlicensed
241 practice of social work or marriage and family therapy for
242 violations of this chapter or Sections 73-54-1 through 73-54-39;

243 (c) Adopt, amend or repeal any rules or regulations
244 necessary to carry out the purposes of this chapter and Sections
245 73-54-1 through 73-54-39 and the duties and responsibilities of
246 the board;



247 (d) Examine and determine the qualifications and
248 fitness of applicants for licenses to practice social work and
249 marriage and family therapy in this state and prepare or approve
250 and conduct all examinations of applicants for licensure;

251 (e) Issue, renew, deny, suspend or revoke licenses to
252 practice social work and marriage and family therapy in this state
253 or otherwise discipline individuals licensed by the board;

254 (f) Investigate alleged or suspected violations of the
255 provisions of this chapter and Sections 73-54-1 through 73-54-39
256 or other laws of this state pertaining to social work and marriage
257 and family therapy and any rules and regulations adopted by the
258 board;

259 (g) Establish reasonable fees for application for
260 examination, certificates of licensure and renewal, and other
261 services provided by the board, not to exceed the amounts
262 specified in Section 73-53-15;

263 (h) Issue subpoenas for the attendance and testimony of
264 witnesses and the production of papers, records or other
265 documentary evidence. Any member of the board may administer
266 oaths or affirmations to witnesses appearing before the board. If
267 in any proceeding before the board any witness fails or refuses to
268 attend upon subpoena issued by the board, refuses to testify, or
269 refuses to produce any books and papers the production of which is
270 called for by the subpoena, the attendance of that witness and the
271 giving of his testimony and the production of the books and papers



272 shall be enforced by any court of competent jurisdiction of this
273 state in the manner provided for the enforcement of attendance and
274 testimony of witnesses in civil cases in the courts of this state;

275 (i) Maintain an office and employ or retain appropriate
276 personnel to carry out the powers and duties of the board;

277 (j) Adopt a code of ethics for licensed social workers
278 that includes the current National Association of Social Workers
279 Code of Ethics, and a code of ethics for licensed marriage and
280 family therapists that includes the American Association for
281 Marriage and Family Therapy Code of Ethics.

282 (k) Regulate the practice of social work and marriage
283 and family therapy by interpreting and enforcing this chapter and
284 Sections 73-54-1 through 73-54-39;

285 (l) Provide for the examination and supervision
286 requirements for social workers and marriage and family
287 therapists;

288 (m) Establish mechanisms for assessing the continuing
289 professional competence of social workers and marriage and family
290 therapists;

291 (n) Set criteria for continuing education;

292 (o) Establish and collect fees for sustaining the
293 necessary operation and expenses of the board;

294 (p) Publish, at least annually, final disciplinary
295 actions against licensees;



296 (q) Report final disciplinary action taken against a
297 licensee to other state or federal regulatory agencies and to a
298 national disciplinary database recognized by the board or as
299 required by law;

300 (r) Share documents, materials, or other information,
301 including confidential and privileged documents, materials, or
302 information, received or maintained by the board with other state
303 or federal agencies and with a national disciplinary database
304 recognized by the board or as required by law, provided that the
305 recipient agrees to maintain the confidentiality and privileged
306 status of the document, material, or other information;

307 (s) Participate in or conduct performance audits;

308 (t) Through its employees and/or representatives, enter
309 and make inspections of any workplace or practice of a social
310 worker or marriage and family therapist who is subject to
311 investigation by the board in order to inspect and/or copy any
312 record pertaining to clients or the practice of social work or
313 marriage and family therapy under this chapter and/or Sections
314 73-54-1 through 73-54-39; and

315 (u) Conduct a criminal history records check on
316 licensees whose licensure is subject to investigation by the board
317 and on applicants for licensure. In order to determine the
318 applicant's or licensee's suitability for licensing, the applicant
319 or licensee shall undergo a fingerprint-based criminal history
320 records check of the Mississippi central criminal database and the



321 Federal Bureau of Investigation criminal history database. Each
322 applicant or licensee, as applicable, shall submit a full set of
323 the applicant's fingerprints in a form and manner prescribed by
324 the board, which shall be forwarded to the Mississippi Department
325 of Public Safety (department) and the Federal Bureau of
326 Investigation Identification Division for this purpose. The
327 department shall disseminate the results of the state check and
328 the national check to the board for a suitability determination.
329 The board shall be authorized to charge and collect from the
330 applicant or licensee, in addition to all other applicable fees
331 and costs, any amount as may be incurred by the board in
332 requesting and obtaining state and national criminal history
333 records information on the applicant or licensee.

334 Any and all state or national criminal history records
335 information obtained by the board that is not already a matter of
336 public record shall be deemed nonpublic and confidential
337 information restricted to the exclusive use of the board, its
338 members, officers, investigators, agents and attorneys in
339 evaluating the applicant's or licensee's eligibility or
340 disqualification for licensure, and shall be exempt from the
341 Mississippi Public Records Act of 1983. Except when introduced
342 into evidence in a hearing before the board to determine
343 licensure, no such information or records related thereto shall,
344 without the written consent of the applicant or licensee or by



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

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

349 (3) The powers and duties enumerated in this section are
350 granted for the purpose of enabling the board to safeguard the
351 public health, safety and welfare against unqualified or
352 incompetent practitioners of social work or marriage and family
353 therapy, and are to be liberally construed to accomplish this
354 objective.

355 **SECTION 5.** Section 73-53-13, Mississippi Code of 1972, is
356 reenacted as follows:

357 73-53-13. The board shall issue the appropriate license to
358 applicants who meet the qualifications of this section.

359 (a) A license as a "licensed social worker" shall be
360 issued to an applicant who demonstrates to the satisfaction of the
361 board that he or she meets the following qualifications:

362 (i) Has a baccalaureate degree in social work from
363 a college or university accredited by the Council on Social Work
364 Education or Southern Association of Colleges and Schools and has
365 satisfactorily completed the Association for Social Work Boards
366 (ASWB) examination for this license; or

367 (ii) Has a comparable license or registration from
368 another state or territory of the United States of America that



369 imposes qualifications substantially similar to those of this
370 chapter.

371 (b) A license as a "licensed master's social worker"
372 shall be issued to an applicant who demonstrates to the
373 satisfaction of the board that he or she meets the following
374 qualifications:

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

378 (ii) Has satisfactorily completed the ASWB
379 examination for this license; or

380 (iii) Has a comparable license or registration
381 from another state or territory of the United States of America
382 that imposes qualifications substantially similar to those of this
383 chapter.

384 (c) A license as a "licensed certified social worker"
385 shall be issued to an applicant who demonstrates to the
386 satisfaction of the board that he or she meets the following
387 qualifications:

388 (i) Is licensed under this section as a "master's
389 social worker"; and

390 (ii) Has twenty-four (24) months of professional
391 supervision and clinical or macro social work practice experience
392 acceptable to the board, under appropriate supervision; and



393 (iii) Has satisfactorily completed the ASWB
394 examination for this license; or
395 (iv) Has a comparable license or registration from
396 another state or territory of the United States of America that
397 imposes qualifications substantially similar to those of this
398 chapter.

399 (d) In addition to the above qualifications, an
400 applicant for any of the above licenses must prove to the board's
401 satisfaction:

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

403 (ii) Good moral character, which is a continuing
404 requirement for licensure, and

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

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

409 Conviction, as used in this subparagraph, includes a deferred
410 conviction, deferred prosecution, deferred sentence, finding or
411 verdict of guilt, an admission of guilty, or a plea of nolo
412 contendere, and

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

416 (vi) Freedom from dependency on alcohol or drugs,
417 and



418 (vii) Complete criminal history records check,
419 including a fingerprint and an acceptable sex offender check, by
420 appropriate governmental authorities as prescribed by the board.

421 (e) Only individuals licensed as "certified social
422 workers" shall be permitted to call themselves "clinical social
423 workers."

424 The issuance of a license by reciprocity to a
425 military-trained applicant or military spouse shall be subject to
426 the provisions of Section 73-50-1.

427 Each application or filing made under this section shall
428 include the social security number(s) of the applicant in
429 accordance with Section 93-11-64.

430 **SECTION 6.** Section 73-54-1, Mississippi Code of 1972, is
431 reenacted as follows:

432 73-54-1. This chapter shall be known and may be cited as the
433 "Marriage and Family Therapy Licensure Act of 1997."

434 **SECTION 7.** Section 73-54-3, Mississippi Code of 1972, is
435 reenacted as follows:

436 73-54-3. Marriage and family therapy in the State of
437 Mississippi is declared to be a professional practice that affects
438 the public safety and welfare and requires appropriate regulation
439 and control in the public interest.

440 It is the purpose of this chapter to establish a regulatory
441 agency, a structure, and procedures that will ensure that the
442 public is protected from unprofessional, improper, unauthorized



443 and unqualified practice of marriage and family therapy. This
444 chapter shall be liberally construed to carry out these policies
445 and purposes.

446 **SECTION 8.** Section 73-54-5, Mississippi Code of 1972, is
447 reenacted as follows:

448 73-54-5. As used in this chapter and in Section 73-53-8,
449 unless the context clearly requires a different meaning:

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

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

459 (c) "Marriage and family therapy" means the rendering
460 of professional therapy services to individuals, families or
461 couples, singly or in groups, and involves the professional
462 application of psychotherapeutic and family systems theories and
463 techniques in the delivery of therapy services to those persons.

464 (d) "Practice of marriage and family therapy" means the
465 rendering of professional marriage and family therapy services to
466 individuals, couples and families, singly or in groups, whether
467 those services are offered directly to the general public or



468 through organizations, either public or private, for a fee,
469 monetary or otherwise. This involves the professional application
470 of psychotherapeutic and family systems theories and techniques in
471 the delivery of therapy services to those persons. Licensed
472 marriage and family therapists may use specialized clinical
473 knowledge and advanced clinical skill in the areas of assessment,
474 diagnosis, and the treatment of mental, emotional, and behavioral
475 disorders, conditions, and addictions within a marriage and family
476 therapy treatment context. This definition shall not be construed
477 to include psychological evaluation or testing, including
478 administering and interpreting psychological tests, such as
479 intellectual, neuropsychological, advanced personality, and
480 projective instruments, or the labeling of any test, report or
481 procedure as psychological or as a psychological evaluation. The
482 terms "assessment" and "treatment" shall not be construed to
483 permit the performance of any act that marriage and family
484 therapists are not educated and trained to perform. This shall
485 not limit licensed marriage and family therapists in the use of
486 assessment instruments for which they were trained to evaluate
487 individuals, couples and family members with regard to marriage
488 and family functioning.

489 (e) "Advertise" means, but is not limited to, issuing
490 or causing to be distributed any card, sign or device to any
491 person; causing, permitting or allowing any sign or marking on or
492 in any building; broadcasting by radio or television; or



493 advertising on the Internet or by any other means designed to
494 secure public attention.

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

500 (g) "Board" means the Board of Examiners for Social
501 Workers and Marriage and Family Therapists created by Section
502 73-53-8.

503 (h) "Institution of higher education" means any
504 regionally accredited institution of higher learning in the United
505 States that offers a master's or doctoral degree; for foreign
506 universities, this term means an institution of higher education
507 accredited by a legal agency of that country that is satisfactory
508 to the board.

509 (i) "Examination" means the test or exam endorsed or
510 prescribed by the Association for Marital and Family Therapy
511 Regulatory Boards.

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

514 **SECTION 9.** Section 73-54-7, Mississippi Code of 1972, is
515 reenacted as follows:

516 73-54-7. A person who does not hold a valid and current
517 license issued by the board shall not practice marriage and family



518 therapy, nor advertise the performance of that practice. Except
519 as specifically exempted in Section 73-54-9, beginning September
520 1, 1997, any person who represents himself or herself by the title
521 or description "marital or marriage therapist," "licensed marital
522 or marriage and family therapist," or any other name, style or
523 description denoting that the person is a marriage and family
524 therapist or marriage and family counselor without having first
525 complied with the provisions of this chapter shall be guilty of a
526 misdemeanor and, upon conviction thereof, shall be punished by a
527 fine of not less than Five Hundred Dollars (\$500.00) nor more than
528 One Thousand Dollars (\$1,000.00) for each offense.

529 **SECTION 10.** Section 73-54-9, Mississippi Code of 1972, is
530 reenacted as follows:

531 73-54-9. (1) A person shall be exempt from the requirements
532 of this chapter if the person is a marriage and family therapy
533 intern or person preparing for the practice of marriage and family
534 therapy under qualified supervision in a training institution or
535 facility or supervisory arrangement recognized and approved by the
536 board, provided he or she is designated by such titles as
537 "marriage and family therapy intern," "family therapy intern" or
538 others, clearly indicating such training status.

539 (2) Nothing in this chapter shall prevent licensed or
540 certified members of other professional groups as defined by their
541 board, including, but not limited to, physicians, psychologists,
542 clinical nurse specialists, clinical social workers, licensed



543 professional counselors, or duly ordained ministers or clergy
544 while functioning in their ministerial capacity, from doing or
545 advertising that they perform work of a marriage and family
546 therapy nature consistent with the accepted standards of their
547 respective professions.

548 (3) Nothing in this chapter shall be construed as permitting
549 licensed marriage and family therapists to engage in the practice
550 of psychology. Marriage and family therapists may provide testing
551 consistent with the scope of their education, training and
552 experience. Testing shall occur within the context of a
553 therapeutic relationship.

554 **SECTION 11.** Section 73-54-11, Mississippi Code of 1972, is
555 reenacted as follows:

556 73-54-11. (1) The board shall administer and enforce the
557 provisions of this chapter. The board shall from time to time
558 adopt such rules and regulations and such amendments thereof and
559 supplements thereto as it may deem necessary to enable it to
560 perform its duties under, and to carry into effect the provisions
561 of, this chapter. Such rules and regulations shall be adopted in
562 accordance with the Mississippi Administrative Procedures Law
563 (Section 25-43-1 et seq.).

564 (2) The board shall examine and pass on the qualifications
565 of all applicants under this chapter, and shall issue a license to
566 each successful applicant therefor, attesting to his or her



567 professional qualifications to be a marriage and family therapist
568 or marriage and family therapy associate.

569 **SECTION 12.** Section 73-54-13, Mississippi Code of 1972, is
570 reenacted as follows:

571 73-54-13. Each person desiring to obtain a license as
572 a marriage and family therapist or marriage and family therapy
573 associate shall make application thereof to the board in such
574 manner as the board prescribes and with required application fees
575 and shall furnish evidence satisfactory to the board that he or
576 she:

577 (a) Is of good moral character;

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

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

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

584 **SECTION 13.** Section 73-54-17, Mississippi Code of 1972, is
585 reenacted as follows:

586 73-54-17. (1) Any person who applies for a marriage and
587 family therapy license after September 1, 2000, shall be issued
588 that license by the board if he or she meets the qualifications
589 set forth in Section 73-54-13, and submits the required
590 application fees, and provides satisfactory evidence to the board
591 that he or she:



592 (a) Meets educational and experience qualifications as
593 follows:

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

600 (ii) Following the receipt of the first qualifying
601 degree, has at least two (2) years of supervised experience in
602 marriage and family therapy, or its equivalent, acceptable to the
603 board; and

604 (iii) Has completed at least one hundred (100)
605 hours of marriage and family therapy supervision following receipt
606 of the first qualifying degree, as defined by the board; and

607 (b) Passes the national Examination in Marital and
608 Family Therapy prescribed by the Association for Marital and
609 Family Therapy Regulatory Boards; and

610 (c) Has been successfully cleared through a criminal
611 history records check, including a fingerprint and an acceptable
612 sex offender check, by appropriate governmental authorities as
613 prescribed by the board.

614 (2) Any person who applies for a marriage and family therapy
615 associate license after September 1, 2011, shall be issued that
616 license by the board for a period of twenty-four (24) months,



617 which may be renewed biennially for a period not to exceed a total
618 of forty-eight (48) months, if the applicant meets the
619 qualifications set forth in Section 73-54-13, submits the required
620 application fees, and provides satisfactory evidence to the board
621 that he or she:

622 (a) Holds a master's degree or doctoral degree in
623 marriage and family therapy from an institution of higher
624 education in a program that is accredited by the Commission on
625 Accreditation for Marriage and Family Therapy Education (COAMFTE),
626 or that was in COAMFTE candidacy status at the time of graduation
627 and subsequently received COAMFTE accreditation;

628 (b) Completed a clinical practicum that consisted of a
629 minimum of five hundred (500) client contact hours and one hundred
630 (100) hours of clinical supervision before receipt of the
631 qualifying degree;

632 (c) Passes the national Examination in Marital and
633 Family Therapy prescribed by the Association for Marital and
634 Family Therapy Regulatory Boards;

635 (d) Provides all professional services under the
636 supervision of a qualified supervisor in accordance with a
637 supervision contract approved by the board; and

638 (e) Has been successfully cleared through a criminal
639 history records check, including a fingerprint and an acceptable
640 sex offender check, by appropriate governmental authorities as
641 prescribed by the board.



642 **SECTION 14.** Section 73-54-19, Mississippi Code of 1972, is
643 reenacted as follows:

644 73-54-19. (1) The board shall administer the national
645 examination at least once a year at a time and place designated by
646 the board.

647 (2) An applicant shall be required to pass the national
648 Examination of Marital and Family Therapy prescribed by the
649 Association for Marital and Family Therapy Regulatory Boards.

650 (3) The cost of the examination and the cost of
651 administering the examination, in addition to all other fees
652 associated with the examination, shall be paid by the applicant at
653 the time of application.

654 **SECTION 15.** Section 73-54-23, Mississippi Code of 1972, is
655 reenacted as follows:

656 73-54-23. The board shall issue a license by examination of
657 credentials to any applicant licensed or certified as a marriage
658 and family therapist in another state that has such requirements
659 for the license or certificate that the board is of the opinion
660 that the applicant is competent to engage in the practice of
661 marriage and family therapy in this state, provided that the
662 applicant submits an application on forms prescribed by the board,
663 has passed the national Examination in Marital and Family Therapy,
664 and pays the original licensure fee prescribed by Section
665 73-54-25. The issuance of a license by reciprocity to a



666 military-trained applicant or military spouse shall be subject to
667 the provisions of Section 73-50-1.

668 **SECTION 16.** Section 73-54-27, Mississippi Code of 1972, is
669 reenacted as follows:

670 73-54-27. (1) Except as provided in Section 33-1-39,
671 licenses issued under this chapter shall be valid for two (2)
672 years and must be renewed biennially, with the renewal fee being
673 determined by the board but not to exceed Three Hundred Fifty
674 Dollars (\$350.00).

675 (2) The license of any marriage and family therapist or
676 marriage and family therapy associate who fails to renew
677 biennially by the license expiration date shall lapse; the failure
678 to renew the license shall not deprive the marriage and family
679 therapist or marriage and family therapy associate of the right of
680 renewal thereafter. Such lapsed license may be renewed within a
681 period of two (2) years after such lapse upon payment of all fees
682 in arrears.

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

686 (4) The board shall require each licensed marriage and
687 family therapist and marriage and family therapy associate to
688 participate in approved continuing education activities in order
689 to renew a license issued under this chapter.



690 (5) Any licensed marriage and family therapist who notifies
691 the board, in writing on forms prescribed by the board, may place
692 his or her license on inactive status and shall be excused from
693 the payment of renewal fees until the person notifies the board in
694 writing of the intention to resume active practice. Any licensed
695 marriage and family therapist requesting his or her license to be
696 changed from inactive to active status shall be required to pay
697 the current fee and shall also demonstrate compliance with
698 continuing education requirements as defined by the board.
699 Licensed marriage and family therapy associates are not eligible
700 for inactive status.

701 **SECTION 17.** Section 73-54-29, Mississippi Code of 1972, is
702 reenacted as follows:

703 73-54-29. Licensees subject to this chapter shall conduct
704 their activities, services and practice in accordance with this
705 chapter and any rules promulgated under this chapter. Licensees
706 may be subject to the exercise of the disciplinary sanctions
707 enumerated in Section 73-53-23 if the board finds that a licensee
708 is guilty of any of the actions listed in Section 73-53-17(1) or
709 is guilty of any of the following:

710 (a) Violation of any provision of this chapter or any
711 rules or regulations of the board adopted under the provisions of
712 this chapter.



713 (b) Other just and sufficient cause which renders a
714 person unfit to practice marriage and family therapy as determined
715 by the board, but not limited to:

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

718 (ii) Adjudication as being mentally incompetent by
719 a court of competent jurisdiction;

720 (iii) Practicing in a manner detrimental to the
721 public health and welfare;

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

724 (v) Any other violation of this chapter or the
725 code of ethical standards of the American Association for Marriage
726 and Family Therapy or other ethical standards adopted by the board
727 under the provisions of this chapter; or

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

730 **SECTION 18.** Section 73-54-31, Mississippi Code of 1972, is
731 reenacted as follows:

732 73-54-31. (1) The board shall conduct its hearings and
733 disciplinary proceedings in accordance with the provisions of
734 Sections 73-53-17 through 73-53-27, this section and rules and
735 regulations adopted by the board. Any person may be heard by the
736 board in person or by attorney. Every vote and official act of
737 the board shall be entered of record. Executive sessions may be



738 used when discussing individual applicants or for any other
739 purposes allowed by Section 25-41-7. All other hearings and
740 rule-making proceedings shall be open to the public as provided in
741 the Open Meetings Act (Section 25-41-1 et seq.). A record shall
742 be made of every hearing before the board.

743 (2) For the purposes of Sections 73-53-17 through 73-53-27
744 and this section, the board shall have the power to require by
745 subpoena the attendance and testimony of witnesses and the
746 production of all books, papers and documents relating to any
747 matter under investigation. Subpoenas shall be issued by the
748 board upon application by any party to a proceeding before the
749 board and a showing of general relevance and reasonable scope.
750 For noncompliance with a subpoena, the board may apply to the
751 circuit court for an order requiring the person subpoenaed to
752 appear before the board and testify and produce books, papers or
753 documents if so ordered. Failure to obey such order of the court
754 may be punished by the court as contempt.

755 **SECTION 19.** Section 73-54-33, Mississippi Code of 1972, is
756 reenacted as follows:

757 73-54-33. In any proceeding before the board involving the
758 granting, suspension or revocation of a license or in other
759 proceedings in which expert testimony relating to the practice of
760 marriage and family therapy is necessary, the board may hear
761 evidence from a qualified expert witness or witnesses selected by
762 parties.



763 **SECTION 20.** Section 73-54-35, Mississippi Code of 1972, is
764 reenacted as follows:

765 73-54-35. As an additional remedy to those authorized in
766 Section 73-53-23, the board may proceed in the circuit court to
767 enjoin and restrain any unlicensed person from violating any
768 provision of this chapter. The board shall not be required to
769 post bond to such proceeding.

770 **SECTION 21.** Section 73-54-37, Mississippi Code of 1972, is
771 reenacted as follows:

772 73-54-37. No person licensed under this chapter as a
773 marriage and family therapist or marriage and family therapy
774 associate, in the course of formally reporting, conferring or
775 consulting with administrative superiors, colleagues, consultants,
776 employees, associates or supervisors, who share professional
777 responsibility, shall be required to disclose any information
778 which he may have acquired in rendering marriage and family
779 therapy services, except:

780 (a) In the course of formally reporting, conferring or
781 consulting with administrative superiors, colleagues, consultants,
782 or supervisors, who share professional responsibility, in which
783 instance all receipts of the information are similarly bound to
784 regard the communications as privileged; or

785 (b) With written consent from the client or, in the
786 case of death or disability, or in case of the minor, with the
787 written consent of his or her parent, legal guardian or



788 conservator, or other person authorized by the court to file suit;
789 or

790 (c) When a communication reveals the contemplation of
791 a harmful act, or intent to commit suicide; or

792 (d) When a person waives the privilege by bringing
793 charges against a licensed marriage and family therapist or
794 marriage and family therapy associate for breach of privileged
795 communication, or any other charge.

796 **SECTION 22.** Section 73-54-39, Mississippi Code of 1972, is
797 reenacted as follows:

798 73-54-39. If both parties to a marriage have obtained
799 marriage and family therapy by a licensed marriage and family
800 therapist or marriage and family therapy associate, the therapist
801 or therapy associate shall not be competent to testify in an
802 alimony, custody or divorce action concerning information acquired
803 in the course of the therapeutic relationship.

804 **SECTION 23.** Section 73-54-41, Mississippi Code of 1972, is
805 amended as follows:

806 73-54-41. Sections 73-54-1 through 73-54-39, and Sections
807 73-53-3, 73-53-8, 73-53-10, 73-53-11 and 73-53-13, shall stand
808 repealed on July 1, * * * 2021.

809 **SECTION 24.** This act shall take effect and be in force from
810 and after July 1, 2018.

