

By: Representatives White, Sykes, Gibbs  
(72nd), Holloway

To: Public Health and Human  
Services

HOUSE BILL NO. 988

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 REPEAL SECTION 73-54-41, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
10 FOR THE REPEAL OF THOSE 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,  
805 which repeals Sections 73-54-1 through 73-54-39, 73-53-3, 73-53-8,  
806 73-53-10, 73-53-11 and 73-53-13, Mississippi Code of 1972,  
807 providing for the licensure and regulation of marriage and family  
808 therapists, definitions for the social worker licensure statutes  
809 and licensure requirements for social workers, and creation of the  
810 Board of Examiners for Social Workers and Marriage and Family  
811 Therapists, is repealed.



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

