

HOUSE BILL NO. 583

AN ACT TO REENACT SECTIONS 73-53-3, 73-53-8, 73-53-10, 73-53-11 AND 73-53-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDE DEFINITIONS FOR THE SOCIAL WORKER LICENSURE LAW, CREATE THE BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND FAMILY THERAPISTS, SET OUT THE POWERS OF THE BOARD, AND PRESCRIBE THE LICENSURE REQUIREMENTS FOR SOCIAL WORKERS, AND SECTIONS 73-54-1 THROUGH 73-54-39, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS; TO AMEND REENACTED SECTION 73-53-8, MISSISSIPPI CODE OF 1972, TO INFORM THE CODE PUBLISHER OF CERTAIN NONSUBSTANTIVE LANGUAGE THAT SHOULD BE REVISED; TO AMEND REENACTED SECTION 73-54-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE PRACTICE OF MARRIAGE AND FAMILY THERAPY; TO REPEAL SECTION 73-54-41, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE REPEAL OF THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Section 73-53-8, Mississippi Code of 1972, is reenacted and amended as follows:

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

(2) Of the social worker members of the board, two (2) must be licensed social workers, and four (4) must be licensed master social workers or licensed certified social workers or a combination thereof. The marriage and family therapist members of the board must be licensed marriage and family therapists. For at least two (2) years immediately preceding his or her appointment, each marriage and family therapist appointee must have been actively engaged as a marriage and family therapist in rendering professional services in marriage and family therapy, or in the education and training of master's, doctoral or post-doctoral students of marriage and family therapy, or in marriage and family therapy research, and during the two (2) years preceding his or her appointment, must have spent the majority of the time devoted to that activity in this state. The initial marriage and family therapist appointees shall be deemed to be and shall become licensed practicing marriage and family therapists immediately upon their appointment and qualification as members of the board. All subsequent marriage and family therapist appointees to the

board must be licensed marriage and family therapists before their appointment.

(3) The Governor shall appoint six (6) members of the board, four (4) of which shall be social workers and two (2) of which shall be marriage and family therapists, and the Lieutenant Governor shall appoint four (4) members of the board, two (2) of which shall be social workers and two (2) of which shall be marriage and family therapists. Social worker members of the board shall be appointed from nominations submitted by the Mississippi Chapter of the National Association of Social Workers, and marriage and family therapist members of the board shall be appointed from nominations submitted by the Mississippi Association for Marriage and Family Therapy. All appointments shall be made with the advice and consent of the Senate.

(4) The initial appointments to the board shall be made as follows: The Governor shall appoint one (1) social worker member for a term that expires on June 30, 1999, one (1) social worker member for a term that expires on June 30, 2001, two (2) social worker members for terms that expire on June 30, 2002, one (1) marriage and family therapist member for a term that expires on June 30, 1998, and one (1) marriage and family therapist member for a term that expires on June 30, 2000. The Lieutenant Governor shall appoint one (1) social worker member for a term that expires on June 30, 1998, one (1) social worker member for a term that expires on June 30, 2000, one (1) marriage and family therapist

member for a term that expires on June 30, 1999, and one (1) marriage and family therapist member of the board for a term that expires on June 30, 2001. After the expiration of the initial terms, all subsequent appointments shall be made by the original appointing authorities for terms of four (4) years from the expiration date of the previous term. Upon the expiration of his or her term of office, a board member shall continue to serve until his or her successor has been appointed and has qualified. No person may be appointed more than once to fill an unexpired term or more than two (2) consecutive full terms.

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

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

(7) The board shall select one (1) of its members to serve as chairman during the term of his or her appointment to the board. No person may serve as chairman for more than four (4) years. The board may remove any member of the board or the chairman from his or her position as chairman for (a) malfeasance in office, or (b) conviction of a felony or a crime of moral

turpitude while in office, or (c) failure to attend three (3) consecutive board meetings. However, no member may be removed until after a public hearing of the charges against him or her, and at least thirty (30) days' prior written notice to the accused member of the charges against him or her and of the date fixed for such hearing. No board member shall participate in any matter before the board in which he has a pecuniary interest, personal bias or other similar conflict of interest.

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

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

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

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

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

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

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

(2) All fees and any other monies received by the board shall be deposited in a special fund that is created in the State

Treasury and shall be used for the implementation and administration of this chapter and Sections 73-54-1 through 73-54-39 when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and shall be disbursed by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by a designated board member and staff member designated by the board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund.

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

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

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

(b) Recommend to the appropriate law enforcement official the bringing of civil actions to seek injunctions and other relief against individuals engaged in the unlicensed

practice of social work or marriage and family therapy for violations of this chapter or Sections 73-54-1 through 73-54-39;

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

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

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

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

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

(h) Issue subpoenas for the attendance and testimony of witnesses and the production of papers, records or other documentary evidence. Any member of the board may administer

oaths or affirmations to witnesses appearing before the board. If in any proceeding before the board any witness fails or refuses to attend upon subpoena issued by the board, refuses to testify, or refuses to produce any books and papers the production of which is called for by the subpoena, the attendance of that witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state;

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

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

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

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

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

- (n) Set criteria for continuing education;
- (o) Establish and collect fees for sustaining the necessary operation and expenses of the board;
- (p) Publish, at least annually, final disciplinary actions against licensees;
- (q) Report final disciplinary action taken against a licensee to other state or federal regulatory agencies and to a national disciplinary database recognized by the board or as required by law;
- (r) Share documents, materials, or other information, including confidential and privileged documents, materials, or information, received or maintained by the board with other state or federal agencies and with a national disciplinary database recognized by the board or as required by law, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;
- (s) Participate in or conduct performance audits;
- (t) Through its employees and/or representatives, enter and make inspections of any workplace or practice of a social worker or marriage and family therapist who is subject to investigation by the board in order to inspect and/or copy any record pertaining to clients or the practice of social work or marriage and family therapy under this chapter and/or Sections 73-54-1 through 73-54-39; and

(u) Conduct a criminal history records check on licensees whose licensure is subject to investigation by the board and on applicants for licensure. In order to determine the applicant's or licensee's suitability for licensing, the applicant or licensee shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant or licensee, as applicable, shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose. The department shall disseminate the results of the state check and the national check to the board for a suitability determination. The board shall be authorized to charge and collect from the applicant or licensee, in addition to all other applicable fees and costs, any amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant or licensee.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's or licensee's eligibility or

disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, without the written consent of the applicant or licensee or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

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

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

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

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

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

(i) Has a baccalaureate degree in social work from a college or university accredited by the Council on Social Work Education or Southern Association of Colleges and Schools and has

satisfactorily completed the Association for Social Work Boards (ASWB) examination for this license; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

73-54-3. Marriage and family therapy in the State of Mississippi is declared to be a professional practice that affects

the public safety and welfare and requires appropriate regulation and control in the public interest.

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

SECTION 8. Section 73-54-5, Mississippi Code of 1972, is reenacted and amended as follows:

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

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

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

(c) "Marriage and family therapy" means the rendering of professional therapy services to individuals, families or couples, singly or in groups, and involves the professional

application of psychotherapeutic and family systems theories and techniques in the delivery of therapy services to those persons.

(d) "Practice of marriage and family therapy" means the rendering of professional marriage and family therapy services to individuals, couples and families, singly or in groups, whether those services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise. This involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of therapy services to those persons. Licensed marriage and family therapists may use specialized clinical knowledge and advanced clinical skill in the areas of assessment, diagnosis, and the treatment of mental, emotional, and behavioral disorders, conditions, and addictions within a marriage and family therapy treatment context. This definition shall not be construed to include psychological evaluation or testing, including administering and interpreting psychological tests, such as intellectual, neuropsychological, advanced personality, and projective instruments, or the labeling of any test, report or procedure as psychological or as a psychological evaluation. The terms "assessment" and "treatment" shall not be construed to permit the performance of any act that marriage and family therapists are not educated and trained to perform. This shall not limit licensed marriage and family therapists in the use of assessment instruments for which they were trained to evaluate

individuals, couples and family members with regard to marriage and family functioning.

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

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

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

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

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

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

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

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

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

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

"marriage and family therapy intern," "family therapy intern" or others, clearly indicating such training status.

(2) Nothing in this chapter shall prevent licensed or certified members of other professional groups as defined by their board, including, but not limited to, physicians, psychologists, clinical nurse specialists, clinical social workers, licensed professional counselors, or duly ordained ministers or clergy while functioning in their ministerial capacity, from doing or advertising that they perform work of a marriage and family therapy nature consistent with the accepted standards of their respective professions.

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

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

73-54-11. (1) The board shall administer and enforce the provisions of this chapter. The board shall from time to time adopt such rules and regulations and such amendments thereof and supplements thereto as it may deem necessary to enable it to perform its duties under, and to carry into effect the provisions of, this chapter. Such rules and regulations shall be adopted in

accordance with the Mississippi Administrative Procedures Law (Section 25-43-1 et seq.).

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

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

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

- (a) Is of good moral character;
- (b) Has not engaged or is not engaged in any practice or conduct which would be a ground for refusing to issue a license under Section 73-54-29 or Section 73-53-17;
- (c) Is qualified for licensure pursuant to the requirements of this chapter; and
- (d) Is at least twenty-one (21) years of age.

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

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

(a) Meets educational and experience qualifications as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

73-54-23. The board shall issue a license by examination of credentials to any applicant licensed or certified as a marriage and family therapist in another state that has such requirements for the license or certificate that the board is of the opinion

that the applicant is competent to engage in the practice of marriage and family therapy in this state, provided that the applicant submits an application on forms prescribed by the board, has passed the national Examination in Marital and Family Therapy, and pays the original licensure fee prescribed by Section 73-54-25. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

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

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

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

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

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

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

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

73-54-29. Licensees subject to this chapter shall conduct their activities, services and practice in accordance with this chapter and any rules promulgated under this chapter. Licensees may be subject to the exercise of the disciplinary sanctions enumerated in Section 73-53-23 if the board finds that a licensee

is guilty of any of the actions listed in Section 73-53-17(1) or is guilty of any of the following:

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

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

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

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

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

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

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

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

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

73-54-31. (1) The board shall conduct its hearings and disciplinary proceedings in accordance with the provisions of Sections 73-53-17 through 73-53-27, this section and rules and regulations adopted by the board. Any person may be heard by the board in person or by attorney. Every vote and official act of the board shall be entered of record. Executive sessions may be used when discussing individual applicants or for any other purposes allowed by Section 25-41-7. All other hearings and rule-making proceedings shall be open to the public as provided in the Open Meetings Act (Section 25-41-1 et seq.). A record shall be made of every hearing before the board.

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

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

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

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

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

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

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

(a) In the course of formally reporting, conferring or consulting with administrative superiors, colleagues, consultants,

or supervisors, who share professional responsibility, in which instance all receipts of the information are similarly bound to regard the communications as privileged; or

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

or

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

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

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

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

SECTION 23. Section 73-54-41, Mississippi Code of 1972, which provides for the repeal of Sections 73-53-3, 73-53-8,

or supervisors, who share professional responsibility, in which instance all receipts of the information are similarly bound to regard the communications as privileged; or

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

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

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

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

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

73-54-41. Sections 73-54-1 through 73-54-39, and Sections 73-53-3 73-53-8, 73-53-10, 73-53-11 and 73-53-13, shall stand repealed on July 1, * * * 2018.

SECTION 24. This act shall take effect and be in force from and after July 1, 2014.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 10, 2014


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 5, 2014


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

3/17/2014

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