

**SECTION A
GENERAL INFORMATION**

I. GENERAL

A. Purpose:

The purpose of these regulations is to set forth the minimum qualifications for those who wish to practice social work or marriage and family therapy under the statute. The rules outlined in this section apply to all applicants and licensees in these two disciplines. The rules in Section B and C also apply to all applicants and licensees as appropriate in their respective disciplines.

B. Legal Authority of the Board:

The Board of Examiners for Social Workers and Marriage and Family Therapists is authorized to promulgate these rules under and by virtue of Sections 73-53-1 through 73-54-39 of the Mississippi code of 1972, as amended.

C. Definitions:

1. "Board" shall mean the Board of Examiners for Social Workers and Marriage and Family Therapists.
2. *"Discipline Specific Committees" shall mean specialty committees, one comprised of members of the social work profession, and one comprised of the marriage and family therapy profession, to carry out the duties and responsibilities set out in the rules and regulations.*
3. "Act" means the legislative authority cited in point I-B above in this Section.
4. "Rules" shall mean all licensing guidelines adopted by the Board and contained herein.

II. BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE AND FAMILY THERAPISTS

A. Purpose and Composition:

The purpose of the Board of Examiners for Social Workers and Marriage and Family Therapists is to license and regulate social workers and marriage and family therapists.

The Board shall be composed of ten (10) members, six (6) of whom shall be social workers and four (4) of whom shall be marriage and family therapists. All board members must be licensed by their respective disciplines.

The purpose of each Discipline Specific Committee is to develop rules and regulations for the Board to promulgate that are necessary to license and regulate the professions.

Members of the Board from each specialty shall constitute a separate Discipline Specific Committee for their respective specialty.

B. Appointments:

The Governor and Lieutenant Governor will make appointments in accordance with the Act from nominations submitted by the Mississippi Chapter of the National Association of Social Workers and the Mississippi Association for Marriage and Family Therapy. Vacancies and new appointments will be filled in a like manner. All appointments shall be made with the advice and consent of the Senate.

Terms of each appointment shall be made in accordance with Section 73-53-8 of the Act. No person may be appointed more than once to fill an unexpired term or more than two (2) consecutive full terms.

C. Chair:

The Board shall select one (1) of its members to serve as chair during the term of his/her appointment to the Board.

Each specialty committee will select one (1) of its members to serve as chair during the term of his/her appointment. No person may serve as chair for more than four (4) years. The committees will deal with concerns specific to its discipline. Actions of each specialty committee will then be presented to the full Board for discussion and adoption.

D. Meetings:

The Board shall establish a regularly scheduled meeting date and, upon proper public notice, may call and conduct special meetings as necessary. No Board member shall participate in any matter before the Board in which he/she has a pecuniary interest, personal bias or other similar conflict of interest.

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.

E. ADA Acknowledgment:

The Board complies and supports all statues and mandates as set forth in the American's with Disabilities Act with regard to its regulatory responsibilities associated with licensees.

F. Disciplinary Action:

The Board may remove any member of the Board or the Chair from his/her position for:

6. Malfeasance in office
7. Conviction of a felony or a crime of moral turpitude while in office
3. Failure to attend three (3) consecutive Board meetings

No board member may be removed from his/her position until after a public hearing of the charges against him/her. At least thirty (30) days prior written notice must be given to the Board member detailing those charges indicating the date fixed for the hearing.

III. DUTIES AND POWERS OF THE BOARD

A. General:

The Board shall, upon referral from a Discipline Specific Committee, promulgate, administer and enforce the provisions of the Act, which shall from time to time include the adoption of such rules, regulations, and amendments as it may deem necessary to enable it to perform its duties. All rules and regulations shall be adopted in accordance with the Mississippi Administrative Procedures Law:

1. Rules may be revised periodically by the Board and all applicants and licensees are subject to the revised rules once adopted by the Board.
2. Applications received during a particular period of rules will be subject to and processed under those rules.
3. Disciplinary actions taken by the Board may be reported to professional associations and other entities when deemed necessary.
4. The Board will adhere to all State and Federal laws and regulations including, but not limited to, child support and other areas of enforcement.

B. Personnel:

The Board shall have the power to employ, subject to the approval of the Mississippi 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.

C. Licensure:

Upon recommendation of the Discipline Specific Committee, the Board shall:

1. Examine and pass on the qualifications of all applicants under the Act, initial or renewal and, **issue a license to each successful applicant or renewal applicant.**
2. Suspend and revoke licenses and impose penalties and sanctions upon licensees as prescribed by law and by regulation set forth specifically by each discipline, either social work or marriage and family therapy, as appropriate.
3. Approve all examinations for licensure under the Act.
4. Have other such powers as may be required to carry out licensure requirements prescribed by law and by regulation.
5. Conduct random audits to determine the accuracy of initial and renewal applications, continuing education reports and any other materials submitted to the Board by or on behalf of applicants or licensees.

IV. FISCAL SUPPORT OF BOARD

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..

Fees for initial application and renewal are set forth by the Act. Fees for other Board services related to licensure may be set and collected in accordance with regulations in the appropriate discipline section of these rules.

V. SCOPE OF PRACTICE PERMITTED BY LICENSURE

A. Level of Competency

The license to practice social work or marriage and family therapy does not permit the licensee to either offer or attempt to provide services which are beyond the level of competency they have attained through education, training, supervision or clinical experience, even *though* the service in question may be provided routinely by other licensed social workers or marriage and family therapists.

B. Responsibility of the Licensee

It is the legal and ethical responsibility of each licensed social worker and licensed marriage and family therapist to limit the scope of their practice to the parameters of the licensees competencies.

VI. STANDARDS OF CONDUCT

A. General:

Licensees subject to this Act shall conduct their activities, services and practice in accordance with the Act and any rules promulgated by the Board thereto. Licensees may be subject to disciplinary sanction enumerated in VIII below if the Board finds that a licensee is in violation of any of the standards of conduct delineated in this section.

B. Violations:

1. Negligence in the practice or performance of professional services or activities.
2. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in the course of professional services or activities.
3. Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same.
4. Being convicted of any crime which has a substantial relationship to the licensees activities and services or an essential element of which is

misstatement, fraud or dishonesty.

5. Being convicted of any crime which is a felony under the laws of this state or of the United States.
6. Engaging in or permitting the performance of unacceptable services personally or by assistants working under the licensee's supervision due to the licensee's deliberate or grossly negligent act or acts or failure to act, regardless of whether actual damage or damages to the public is established.
7. Continued practice although the licensee has become unfit to practice social work or marriage and family therapy due to: (i) failure to keep abreast of current professional theory or practice; or (ii) physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or (iii) addiction or severe dependency upon alcohol, drugs, or other substance which may endanger the public by impairing the licensee's ability to practice and which affects professional competence.
8. Having disciplinary action taken against the licensee's license in another state.
9. Engaging in differential, detrimental treatment against any person because of race, color, creed, sex, religion or national origin.
10. Engaging in lewd conduct in connection with professional services or activities.
11. Engaging in false or misleading advertising.
12. Contracting with, assisting or permitting unlicensed persons to perform services for which a license is required under this chapter.
13. Violation of any probationary requirements placed on a licensee by the Board.
14. Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee.
15. Charging excessive or unreasonable fees or engaging in unreasonable collection practices.

16. Any just and sufficient cause which renders a person unfit to practice social work or marriage and family therapy as determined by the Board but not limited to:
 - a. An adjudication of mental incompetence by a court of competent jurisdiction.
 - b. Practicing in a manner detrimental to the public health and welfare.
 - c. Revocation of a license by a licensing agency or certification by a certifying professional organization.
 - d. Any other violation of this chapter or the code of ethical standards of the National Association of Social Workers, the American Association for Marriage and Family Therapy or other ethical standards adopted by the Board under the provisions of this chapter.
17. Violation of any of the provisions of this Act or any rules or regulations of the Board adopted under the provisions of this Act.
18. Failure to notify the Board of the suspension, probation or revocation of any past or currently held license in Social Work, Marriage and Family Therapy or any other health care field, in this or any other state, disciplinary action taken against the licensee by any professional association.
or any licensing board or
19. Making false representations or impersonations or acting as a proxy for another person or allowing or aiding any person to impersonate in connection with any application, examination or renewal of a license,
him/her
or in any procedure relating to the Board, or in the practice of their profession.
20. Failure to maintain client records securely or to inform all employees of the confidentiality requirements. Client records or other confidential information may not be revealed except with expressed written consent or as mandated by law, except as specifically stated below. Client records must be maintained after the date of termination of the clinical relationship.

The Confidentiality requirement may be waived under the following conditions:

- a. When the clients communications reveal the contemplation of a crime or a harmful act to oneself or another person, or the licensee has ample reason to believe that such a behavior is highly probable;
 - b. When the licensee acquires information involving a minor or elderly person who was the victim or subject of a crime or abuse or neglect and the licensee includes the confidential information in a report filed with the appropriate person or agency as required by law;
 - c. When the licensee is required by law to testify in a court or administrative hearing concerning matters of adoption, adult abuse or neglect, child abuse or neglect, or other matters.
 - d. When a person waives the confidentiality privilege by bringing charges against or sues the licensee.
21. Payment of commissions, rebates or other forms of remuneration for referral of clients for professional services.
 22. Failure to report to clients all experimental forms of treatment or treatment modalities in which the licensee may not be proficient, before they are used with the client, explaining their potential benefits and risks of such treatment, to obtain the clients prior consent to the treatment, and failure to ensure that the welfare of the client is not compromised by any experiment, research procedure, or treatment modality.
 23. Failure **to make every effort** to avoid dual relationships with clients, former clients, supervisors, or supervisees that could compromise the well being or increase the risk of exploitation of clients or supervisees, or impair the objectivity and judgment of the client, supervisees, supervisor or licensee. This includes but is not limited to such activities as providing therapy to close friends, former sexual partners, employees or relatives, and engaging in business relationships with clients. Engaging in sexual intimacies with clients, former clients or current supervisors or supervisees is strictly prohibited. **Licensees must set clear, appropriate, and culturally sensitive boundaries when dual and multiple relationships are unavoidable.**

24. Failure to report to the appropriate board known or suspected violations of the laws and regulations governing the practices of mental health professionals.
26. Using a degree as a title to indicate a level of competency unless that degree was earned in their field of professional practice from an accredited college or university as defined in these regulations.
27. Failure of a therapist to inform a client of any conflict of interest, values, attitudes or biases between them that are sufficient to impair their professional relationship and to terminate the professional relationship when it no longer serves the clients needs or interests.
28. Failure of a therapist to prevent an individual or agency paying for their professional services on behalf of a client to exert undue influence over the therapists work performance and clinical judgement as it relates to that client.

VII. COMPLAINTS

A. General:

All complaints concerning a licensees business or professional practice shall be received, assigned a case number, and logged by the Board recording at a minimum the following information.

1. Name of Licensee(s)
2. Name of Complaining Party
3. Date of Complaint
4. Brief Statement of Complaint
5. Disposition.

B. Complaint Procedure:

1. Upon receipt of the information detailed in Section VI above, each complainant will be mailed an Official Complaint Form.

2. The Official Complaint Form must be fully completed by the complainant, signed, notarized, and returned to the Board by the return due date on the form.
3. Once the form is returned, it is assigned for review to a ***Discipline Specific Committee*** member representing the discipline against which the complaint has been made. This assignment for review is made by the Board Chair on a rotating basis of Board members and is for the purpose of determining the validity and appropriateness of the complaint in accordance with provisions discussed earlier under Section VI, Standards of Conduct.
4. After review, the ***Discipline Specific Committee*** member assigned to the complaint brings the matter before the Board with his/her recommendations.

action

- a. If it is recommended and approved by the Discipline Specific Committee that the complaint is without merit and that no action should be taken, the complainant is notified in writing by the Board Chair or his/her designee of the decision and why.
- b. If it is recommended and approved by Discipline Specific Committee vote that the complaint is valid and appropriate, the Board Chair assigns the matter for investigation.

The ***Discipline Specific Committee*** member involved in the review and responsible for making recommendations to the Board for a decision becomes a non-voting member in this process as well as any subsequent hearings or disciplinary actions regarding the complaint. Cases will be referred to by case number whenever possible.

VIII. INVESTIGATIONS

A. General:

All investigations will be conducted fairly and objectively, observing all rights of due process, confidentiality and individual right of response and defense.

B. Investigative Process:

Once the Disciplined Specific Committee has determined that a complaint is valid and an investigation is assigned the following steps will be taken:

1. The licensee against whom the complaint has been made will be notified, in writing, of the issues which are the basis of the complaint and in a manner specific enough to enable the licensee to defend against the charges.
2. The investigator will interview the complainant, the licensee and collateral contacts, and will review available records and documents necessary to gather facts relevant to the alleged violation.
3. Upon completion of the investigation, the investigator will file a detailed report of the investigative findings that will include a recommendation for dismissal or a hearing. However, the report will remain confidential and will be shared with board members only to the extent necessary for them to vote.
4. The Board upon referral recommendation from a Disciplined Specific Committee, will consider the recommendations and will vote on either dismissing the complaint or proceed to disciplinary sanctions. If the complaint is dismissed, the complainant and the licensee will be notified in writing by the Board Chair.

IX. DISCIPLINARY SANCTIONS

A. General:

The Board, upon recommendation of the Discipline Specific Committee, after a properly noticed and conducted due process hearing may, by majority vote, impose sanctions, singly or in combination, when it determines that violations have occurred and sanctions are in order. All decisions by the Board will be conveyed to the licensee, in writing, by the Board Chair.

B. Specific Sanctions:

1. Revocation of the license.
2. Suspension of the license, for any period of time.

3. Censure of the licensee.
4. Written reprimand to the licensee.
5. Imposition of a monetary penalty of not more than Two Hundred Dollars (\$200.00).
6. Placement of a licensee on probationary status and requirement that the licensee submit to any or all of the following:
 - a.. Regular reports to the board regarding matters which are the basis of probation.
 - b. Continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are probation.
 - c. Such other reasonable requirement or restrictions as are proper.
7. Refusal to renew a license.
8. Revocation of probation which has been granted previously and imposition of any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.
9. Suspension of license without a hearing with simultaneous filing of a formal complaint and notice for a hearing provided under this section if the Board finds that the continued practice in the profession would constitute an immediate danger to the public. If the Board summarily suspends a license under the provisions of this subsection, a hearing must begin within twenty (20) days after such suspension begins, unless continued at the request of the licensee.
10. Disposition of any formal complaint may be made by consent order or stipulation between the Board and the licensee.

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X. ADMINISTRATIVE HEARINGS PROCEDURE

A. Basis For Hearing:

Any person who feels he/she has been aggrieved by a decision regarding the initial application for licensure or renewal of licensure or other decision which adversely affects licensure status or practice shall have the right to an administrative hearing.

B. Notification:

Written notice will be provided on all decisions affecting licensure status. The notice will contain the reason for the Board's position and will provide instructions on how to request an administrative hearing, if desired, and the conditions under which it will be conducted. Upon receipt of notification the applicant/licensee will have fifteen (15) calendar days from the date of mailing, to request a hearing before the Board.

C. Hearing:

If requested in writing within the allotted time frame, a hearing will be convened. Individuals may represent themselves or be represented by an attorney and have witnesses present and relevant written documentation presented at the hearing. Subpoenas may be issued and all matters required by law must be observed.

The hearing shall be conducted by the full Board or by a quorum of Board members as specified by law. The Board Chair or a designated Hearing Officer, will act as moderator for the hearing and individual Board members may question the applicant/licensee and witnesses. The applicant/licensee or his/her representative may likewise question witnesses and present oral arguments on his/her behalf. An official record will be made of the proceedings and kept on file along with all other documents related to the hearing. Transcripts of the proceedings will be made available upon written request accompanied by payment of the cost of each original transcript or for each copy.

Within thirty (30) days of the hearing, or other such time frame as may be determined necessary, a vote of presiding Board members will determine the course of action to take. A simple majority vote will be required on the decision made, with the Board Chair voting in case of a tie. Written notification will be provided by the Board Chair of the findings of fact by the Board and a final decision on the issue before the Board.

XI. ADMINISTRATIVE RULES AS REQUIRED BY THE MISSISSIPPI ADMINISTRATIVE PROCEDURES LAW

V. METHOD OF OPERATION

[required by 25-43-2.104]

VI. ORAL PROCEEDINGS ON PROPOSED RULES

[suggested by 25-43-3.104(2)(d), not mandatory]

- G. Scope. This rule applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Board of Examiners for Social Workers and Marriage and Family Therapists pursuant to §25-43-3.104.
- H. When Oral Proceedings will be Scheduled on Proposed Rules. The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.
- I. Request Format. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board and signed by the requestor(s).
- J. Notification of Oral Proceeding. The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.
- K. Presiding Officer. The Commissioner or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.
- L. Public Presentations and Participation.
- (a) At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.
- (b) Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.
- (c) At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information

relating to their participation deemed appropriate by the presiding officer.

(d) The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

(e) Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.

(f) There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

M. Conduct of Oral Proceeding.

(a) Presiding officer. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall (i) call proceeding to order; (ii) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule; (iii) call on those individuals who have contacted the Board about speaking on or against the proposed rule; (iv) allow for rebuttal statements following all participants's comments; (v) adjourn the proceeding.

(b) Questions. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

(c) Physical and Documentary Submissions. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.

(d) Recording. The Board may record oral proceedings by stenographic or electronic means.

II. DECLARATORY OPINIONS

[required by 25-43-2.103(2)]

A. Scope. These rules set forth the Board of Examiners for Social Workers and Marriage and Family Therapists, hereinafter "Board," rules governing the form and content of requests for declaratory opinions, and the Board's procedures regarding the requests, as required by Mississippi Code § 25-43-2.103. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which

may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

- B. **Persons Who May Request Declaratory Opinions.** Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board by following the specified procedures. “Substantial interest in the subject matter” means: an individual, business, group or other entity that is directly affected by the Board’s administration of the laws within its primary jurisdiction. “Primary jurisdiction of the agency” means the agency has a constitutional or statutory grant of authority in the subject matter at issue.
- C. **Subjects Which May Be Addressed In Declaratory Opinions .** The Board will issue declaratory opinions regarding the applicability to specified facts of: (1) a statute administered or enforceable by the Board or (2) a rule promulgated by the Board.. The Board will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the agency.
- D. **Circumstances In which Declaratory Opinions Will Not Be Issued.** The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:
 - (a) lack of clarity concerning the question presented;
 - (b) there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
 - (c) the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
 - (d) the facts presented in the request are not sufficient to answer the question presented;
 - (e) the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
 - (f) the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;
 - (g) no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;

- (h) the question presented by the request concerns the legal validity of a statute or rule;
- (i) the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
- (j) no clear answer is determinable;
- (k) the question presented by the request involves the application of a criminal statute or a set of facts which may constitute a crime;
- (l) the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
- (m) The question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;
- (n) A similar request is pending before this agency or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such a opinion would constitute the unauthorized practice of law.
- (o) Where issuance of a declaratory opinion may adversely affect the interests of the State, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;
- (p) The question involves eligibility for a license, permit, certificate or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

E. Written Request Required. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board.

F. Where to Send Requests. All requests must be mailed, delivered or transmitted via facsimile to the Board. The request shall clearly state that it is a request for a declaratory opinion. No oral, telephone requests or email requests will be accepted for official opinions.

G. Name, Address and Signature of Requestor. Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.

H. Question Presented. Each request shall contain the following:

- (a) a clear and concise statement of all facts on which the opinion is requested;
- (b) a citation to the statute or rule at issue;
- (c) the question(s) sought to be answered in the opinion, stated clearly;
- (d) a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;
- (e) the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address and telephone number; and
- (f) a statement to show that the person seeking the opinion has a substantial interest in the subject matter.

I. Time for Board's Response. Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

- (a) issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;
- (b) decline to issue a declaratory opinion, stating the reasons for its action; or
- (c) agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request;

The forty-five (45) day period shall begin running on the first State of Mississippi business day on or after the request is received by the Board, whichever is sooner.

J. Opinion Not Final for Sixty Days. A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

K. Notice by Board to third parties. The Board may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from other persons, agencies or other entities other than the

requestor.

- L. Public Availability of Requests and Declaratory Opinions.** Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.
- M. Effect of a Declaratory Opinion.** The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

XII. PUBLIC RECORDS REQUEST

All written public records requests pursuant to the statute will be approved or denied in writing within fourteen (14) working days after the request is made.

A document search will be done personally by individual, firm, or their representative requesting reproduction in the presence of the Board's staff personnel and/or a Board member. Each document will be marked for copying by the searcher. Actual reproduction will be made by the Board's staff and/or Board

member.

Some documents are exempt [Miss. Code Ann.25-61-9 and 25-61-11] as a privileged by law and are not available for inspection by the public. Examples are, but not limited to, personnel records, appraisals, attorney communications ad work products of attorneys, certain records compiled in the process of detecting and investigation any unlawful activity or alleged unlawful activity, licensure applications and examination records, records maintained by public hospitals, records the release of which would deprive one criminally accused of his/her constitutional right to a fair trial, accident reports.

All written public records request shall be forwarded immediately by the Board and/or staff to counsel for the Board for a determination of the availability of the requested information for inspection and duplication.

Cost of reproductions and certifications will be payable by the requesting individual, firm or their representative in advance of receipt of any requested documents Copying fee is \$1.00 per page.

SECTION B

REGULATIONS SPECIFIC TO SOCIAL WORKERS

(for additional information, see MS Code of 1972, Sections 73-54-1 et.seq.)

I. DEFINITIONS

- M. "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. It is the professional application of social work values, principles, skills, and knowledge directed to one or more of the following ends: helping people obtain tangible services; counseling or psychotherapy with individuals, families, and groups; helping communities or groups to provide and/or improve social and health services; engaging in consulting, research, and teaching relating to those ends and principles; and administering organizations and agencies engaging in such practice and participating in relevant legislative processes.

Social work practice is based on a specific body of knowledge and includes, but is not limited to, a special knowledge of social resources, social systems, human capabilities, and the part that past experiences play in determining present behavior. Social work practice is focused on the client's interaction with social systems and directed at helping people to achieve more adequate, satisfying, productive, and self-realizing social adjustments.

Social work practice includes, but is not restricted to, casework and the use of social work methodology of a non-medical nature with individuals, families, and groups and other measures to help people modify behavior or personal and family adjustment; providing information and referral services; explaining and interpreting the psycho-social aspects in the situation of individuals, families, or groups; helping communities to analyze social problems and human needs and the direct delivery of human services; and education and research related to the practice of social work. Engaging in activities which may overlap social work practice does not constitute social work practice.

- B. A Clinical Social Work Practice@ means the application of social work methods and values in diagnosis and treatment directed at enhancing, protecting, or restoring people=s capacity for social functioning, whether impaired by physical, environmental, or emotional factors.
- C. "Examination" means that test or other measurement which is endorsed and prescribed by the Association of Social Work Boards (ASWB.)
- D. A Association of Social Work Boards@ (ASWB) is the national Association of Social Work Boards.

- E. "Council on Social Work Education" (CSWE) is the national entity which accredits schools, departments, and programs of social work in higher education.
- F. "Board of Examiners for Social Workers and Marriage and Family Therapists" (BOE SW/MFT) is the legislatively authorized regulatory board for practitioners in the respective disciplines of social work and marriage and family therapy.

II. SOCIAL WORK LICENSES

A. Issuance of Licenses:

Professional licenses may be issued by the Board during any regular meeting at which there is a quorum present. Board staff may not issue licenses independently of Board action.

B. Types of License:

1. "LSW" (Licensed Social Worker) is the license held by an individual licensed to practice social work in the state of Mississippi at the baccalaureate level. (See Section VII-A: Guidelines of Practice LSW.)
2. "LMSW" (Licensed Master Social Worker) is the license held by an individual, with a masters or doctoral degree, who is licensed to practice social work in the state of Mississippi at the masters level. (See Section VII-B: Guidelines of Practice LMSW.)
3. "LCSW" (Licensed Certified Social Worker) is the license held by an individual who has fulfilled the requirements for LMSW and completed the requirements of the BOE SW/MFT for post-masters professional supervision. This individual is licensed at the certified level and may hold himself/herself out to the public as a "clinical social worker." (See Section VII-C: Guidelines of Practice LCSW.)

C. Status of License:

1. **Regular:** Licensee has met all requirements for licensure and has maintained the necessary requirements for his/her license.
2. **Probationary:** The probationary status is issued to a licensee who is is non-compliant with social work regulations, whether it be failure to acquire and verify continuing education (SWUs) or an appropriate end to a disciplinary procedure.

When probation is the result of a continuing education deficiency, probations will continue until the next regular renewal cycle.

No probationary license will be renewed unless all continuing education deficiencies are collected AND current renewal requirements are met. For example, if a probationer lacks 1.5 SWUs, the probationer would require 5.5 SWUs to renew at the next renewal cycle. **No licensee may go through a second renewal cycle without bringing all educational requirements up to date.**

3. **Inactive:** Upon written request and submission of the annual renewal application and renewal fee, the Board may grant inactive status to a licensee who:
 - a. Does not practice as a social worker for compensation in the State of Mississippi.
 - b. Does not hold himself or herself out as a social worker or by any title set out in these Regulations that is likely to cause public confusion.

Reasons for requesting inactive status must be sent to the Board in writing. The Board will consider the request and will notify the licensee of its decision in writing. If inactive status is granted, the continuing education requirement will be waived. Inactive status is limited to all or part of only one two year renewal period. Any extension of inactive status will be made at the discretion of the Board, based upon a licensee=s written request and justification. Request for inactive status shall be submitted at the licensee=s specified time for renewal. ***If the licensee fails to return to active status at the end of the renewal period and no extension is granted by the BOE, the license will be considered lapsed. The licensee must then meet all the educational and testing requirements of a new licensee.***

The regular active license and ID card must be surrendered to the Board within thirty days from the date of approval for inactive status. A return to active status will call for adherence to all rules and regulations for regular license as set forth in this document.

Disciplinary action will be taken against a licensee on inactive status who performs social work services for compensation or presents him/herself as a licensed social worker. One may continue to use academic indicators of degrees such as B.S.W., M.S.W., Ph.D., etc. Disciplinary action MAY include revocation of license for a period to be determined by the Board.

4. **Retired:** Licensees who are in good standing, may request retirement status designation from the Board. Retired, in this instance, means no longer receiving monetary compensation as a practitioner in the field of social work. Upon approval of such status, the licensee must surrender his/her regular license for a license bearing a status of "retired". ***The retiree must complete a signed affidavit of retirement as supplied by the BOE. The document should then be filed with the BOE. Note: Individuals, who hold licenses in this category, may not engage in social work practice for compensation.***

All relicensure requirements are waived for a "retired" license, but processing costs will be charged for issuing the Retired@ license. (See schedule in Section XI.) A licensee holding "retired" status must meet licensure requirements current at the time reinstatement is requested.

5. **Retiree Reinstatement:** Should a licensee's period of retirement exceed ***two (2) years***, retired licensees deciding to return to active practice in the field of social work must comply with the following:
- a. Submit an application for reinstatement to the MS BOE SW/MFT.
 - b. A request must be made in writing to the Board in order to return to active status. ***The request should include the following:***
 - 1. An explanation of the circumstances of the new practice setting;***
 - 2. A description of the practitioner's proposed duties;***
 - 3. A description of the agency's environment;***

If the request is granted, the retiree will be expected to earn the full number of SWU's (4) for the licensure period in question.

Note: Failure to complete all steps in the retiree reinstatement process will result in the surrender of the applicant's license.

6. **Denied:** The Board may deny an applicant a license or fail to renew a license for the following reasons, including but not limited to: unacceptable practice of the applicant; violation of the ethical code and/or standard of conduct; *current* (active) addiction to alcohol or drugs, other substances, or any other type of addiction; declaration of mental incompetence by the court or licensed qualified professional, pending disciplinary action; lack of appropriate social work degree; failure to renew license properly; probation broken by failure to acquire the continuing education hours required; or conviction of a felony.

7. **Reinstatement:** Licensees, who have had licenses revoked or denied, may apply for reinstatement by completing the following steps:
 - a. Making application for reinstatement
 - b. Paying all applicable costs
 - c. Providing documentation that previous infractions have been addressed/corrected, i.e., treatment for mental illness, alcohol and/or drug addiction or abuse or other substance addiction or type of abuse
 - d. If the revocation has lasted more than two years, a completely new application process is required, including retaking the exam.

III. REQUIREMENTS FOR LICENSURE

A. Prerequisite To Performance of Services:

All individuals not exempt from licensure are prohibited from performing services for compensation, for which licensure is required by these Regulations. They are also prohibited from holding themselves out to the public by any title or description of services set out in these Regulations or by any title or description of services likely to cause public confusion with any title or description of services set out in these Regulations.

B. General Requirements:

An applicant for social work licensure shall submit to the Board a notarized statement that he or she meets the following general requirements:

1. Is at least twenty-one (21) years of age
2. Is of good moral character, which is a continuing requirement for licensure
3. Is holding United States citizenship or status as a legal resident alien
4. Is free of conviction of a felony within the last ten (10) years
5. Is mentally competent with no decree of mental incompetence still standing in any court

6. Is currently free from dependency on alcohol or drugs, other substances or any other type of addiction; has no active declaration of mental incompetence by the court or licensed qualified professional; has no pending disciplinary action; does not lack an appropriate social work degree; has not failed to renew license properly; has not broken probation by failure to renew license properly; acquire required continuing education hours; has no conviction of a felony. Professional validation of this status may be required.

C. Specific Requirements:

Application shall be made on forms provided by the Board. Payment of licensure fees must be included with an initial licensure application and other supporting documentation as required. (See Schedule of Fees: Section XI.)

1. An applicant for LSW designation must submit the following for review, per directions from the Board:
 - a. Initial application
 - b. Verification of a baccalaureate degree in social work from a college or university accredited by Council on Social Work Education) (CSWE) or Southern Association of Colleges and Schools (SACS).
 - c. Examination results from the ASWB basic exam
 - d. Full licensure fee (See Section XI.)
2. An applicant for LMSW designation must submit for review, per directions from the Board:
 - a. Initial application
 - b. Verification of a master's degree from a school of social work accredited by the Council on Social Work Education (CSWE) or a doctorate in social work (D.S.W. or Ph.D)
 - c. Examination results from the ASWB intermediate exam

- d. Full licensure fee (See Section XI.)
3. An applicant for LCSW designation must be a current LMSW in good standing, as verified by Board files, and must submit for review per directions from the Board:
- a. Initial application
 - b. Supervision Plan and Contract for Supervision as outlined by the MS Board of Examiners for Social Workers in the LMSW Guide for Supervision
 - c. Four evaluations (1 approximately every six months for 24 months) not to exceed 30 months for the supervision process to be completed
 - d. Termination of Supervision Contract
 - e. Three character/professional references from persons in current professional contact with applicant; references may be from disciplines related to social work, but one must be from a LCSW other than the applicants supervisor.
 - f. Applicable fees: No additional licensure fee is required, if upgrading from LMSW status in good standing.
 - g. Examination results from the ASWB exam either clinical or advanced.

Note: All licensees are required to inform the Board, through the submission of a Change of Status Form, in the event of a change of address, name, and etc.

4. **Licensure by Reciprocity:**

Applicants for licensure by reciprocity who hold a valid license from another state may be eligible for licensure in Mississippi with the stipulation that:

- a. The examination completed for licensure is the same examination endorsed or prescribed by the Association of Social Work Boards (ASWB) for particular level requested.
- b. The applicant has a comparable license or registration from another state or territory of the United States that imposes qualifications equal to or greater than the requirements of the Board of Examiners. Exams administered by individual states are not considered equal. (See {a} above.)
- c. Applicants, who have complaints pending against them in another state, will not be granted a Mississippi license until such complaints are resolved to the satisfaction of the Board.

D. Abandonment of Application:

An application for licensure as a LSW or a LMSW shall be considered abandoned if the ASWB exam has not been attempted within six (6) months from the date on which the application was filed. An application for licensure as a LCSW shall be considered abandoned if the ASWB exam has not been attempted within six (6) months from the date on which termination of supervision was approved by the Board of Examiners. Any subsequent application shall be treated as a new application.

E. Exemptions from Licensure:

No provision in the law or these Regulations shall be construed to:

1. Prevent individuals licensed or certified by this state, whose activities overlap with the practice of social work, from carrying out the functions covered by their respective licenses or certificates, or to prevent duly ordained or licensed members of the clergy from carrying out the functions for which they have been trained, provided that such clergy or individuals shall not hold themselves out to the public by any title set out in these Regulations.
2. Apply to or in any way interfere with any office, officer, agency, or employee of the United States, while such office, officer, agency, or employee is engaging in the performance of official duties within the course and scope of such employment or duties.
3. Apply to or in any way interfere with an individual who performs services described by these Regulations solely for the benefit of a member of that individual's immediate family without compensation.

4. Apply to or in any way interfere with the activities and services of a student while pursuing a course of professional education qualifying as education under these Regulations, if these activities or services constitute a part of such student's supervised course of study and such activities are supervised by a individual licensed under these Regulations.

IV. PROFESSIONAL SUPERVISION REQUIREMENTS FOR LCSW LICENSURE

A. Purpose:

Professional supervision for the LCSW candidate is intended to enhance professional development and competency and equip the applicant for autonomous practice.

B. Prior Approval:

All plans of professional post-masters supervision must be approved by the Board prior to the beginning of said supervision, i.e., no retroactive approval of professional supervision will be granted.

C. Approval Procedure:

LMSW's wishing to apply for LCSW status must submit for Board review:

1. Application and processing costs (See Schedule: Section XI.)
2. LMSW license in good standing as evidenced in Board files
3. A Plan of Supervision which meets all points required by the Board (See Section IV -E.) and the Outline for the Plan for Supervision provided by the Board
4. In the submitted Plan for Supervision, all points must be covered in sufficient detail for *review* by the Social Work Credentials Committee *and subsequent Board authorization*.

D. Supervisor's Qualifications and Responsibilities:

1. Supervision must be provided by an LCSW holding Board certification.
2. Certification as a Supervisor requires a minimum of two years of verifiable practice at the LCSW level, submission of an application for supervisory designation, and authorization per directions from the Board, and payment of the required processing costs (*See Schedule: Section XI*).

3. The Supervisor must maintain his/her license as a LCSW in accordance with licensure laws of the State of Mississippi.
4. It shall be considered unethical for an LCSW without clinical expertise to supervise a LMSW candidate seeking to become a clinician
5. No plan of supervision will be approved if the contracted supervisor is supervising more than 5 (five) licensed master's social workers who are in pursuit of the LCSW licensure designation.

E. The Supervisory Experience:

1. Supervision must occur within an agency, institution, or group practice setting. A LMSW practicing independently of an agency, institution, or group practice setting will be practicing outside Board regulations, will not be considered a candidate for LCSW supervision, and will face disciplinary action.
2. The supervision application and experience to be approved by the Board must include the following:
 - a. A contractual agreement between social worker and supervisor
 - b. A Plan of Supervision, approved by the Board. Plan outline provided by the Board.
 - c. A minimum of one hour per week face to face supervision for a minimum period of twenty-four (24) months, for a minimum total of one hundred (100) hours. This period of supervision may not exceed thirty (30) months.
 - d. Evaluations should document personal growth and improvement in specific areas from one period to another. Written evaluations from the supervisor should be submitted to the Board for review at six month intervals. A copy is to be maintained in the supervisor's file for a period of three calendar years.
3. The applicant seeking LCSW designation must submit with the final evaluation forms, three (3) form letters of reference from appropriate professionals which indicate that applicants conduct is congruent with social work law and ethics and that there are no violations of standards of practice as set forth in the statute and the regulations. Appropriate forms are available from the Board.

F. How to Change Supervisors:

1. If it is necessary to terminate with one supervisor and contract with another, for any reason, the terminating supervisor is responsible for completing a current evaluation form and a Termination of Supervision Form. The documents are to be forwarded to the Board for review within *thirty (30)* days of the termination by the supervisee.
2. The Board shall review the file along with the termination contract and make a determination as to the completion or non-completion of supervision to this date.
3. In the event of a change of supervisors, the outgoing supervisor shall submit a Termination of Supervision form on which the supervisor shall verify the total number of supervised hours. If supervision is to be continued with another supervisor, a new application, supervisory contract, and any revisions necessary to the plan are required.
4. Upon completion of all requirements, the LCSW applicant will be eligible to take his/her choice of the administrative or clinical ASWB exam.
5. Applicants, who do not pass the ASWB exam on first attempt, should refer to Section V.D.2: Frequency of Examinations.

V. EXAMINATIONS

A. Applications for Exams:

1. Student Applications:

Baccalaureate social work majors, who have been certified as having already attained senior standing, in colleges or universities accredited by Council on Social Work Education and/or Southern Association of Colleges and Schools in accordance to the standards of the particular college or university, may apply to take the licensure exam. Certification must be provided by the social work program director on forms provided by the Board. Verification of the social work degree is necessary before the license can be issued.

Graduate MSW students, who have been certified as being in the final year of the program, in colleges or universities accredited by Council on Social Work Education, and certified by the director of the social work program, may apply to take the licensure exam. Certification must be provided on forms provided by the Board. Verification of the social work degree is necessary before the license can be issued.

Students in social work doctoral programs in colleges or universities accredited by Council of Social Work Education may take the exam in the final year of school, if not already licensed with the LMSW. Verification of the social work degree is necessary before the license can be issued.

2. Applications from Degreed Persons:

Persons holding a degree in social work from institutions as specified in MS Code annotated, 1972, Sections 73-54-1 et.seq. may apply to take the basic exam at any time following graduation. Verification of Degree form must be submitted with the application for license.

B. Application Process:

After receipt of the application form, the verification of education form, and applicable processing cost, the candidate will be sent a Candidate Handbook. All necessary information about application for the examination is contained in the Handbook, along with a 1-800 number for information and registration.

C. Cost of Exams:

Cost is determined by ASWB and the testing service. The Candidate Handbook will contain all information about costs. Testing costs are paid directly to ASWB at the time of registration.

D. Frequency of Examinations:

The Board will accept the exam score from its designee, the Association of Social Work Boards and its subcontractors, which schedule the exam weekly.

Licensed Social Worker (Basic) and Licensed Master Social Worker (Intermediate): Applicants for LSW and LMSW licenses may take the exam every ninety (90) days and as many times as necessary to attain a passing score.

Licensed Certified Social Worker (Clinical or Advanced): Applicants for LCSW status may take the exam every ninety (90) days and as many times as necessary to attain a passing score. However, the applicant may continue to practice under the LMSW license provided all requirements for renewal have been met.

Note: Applicants that fail to pass the specified exam for their applied for level of licensure, after 2 (*two*) years will be required to reapply for licensure with all applicable fees being requested.

E. Examination Levels:

1. LSW applicants are examined at the BASIC level.
2. LMSW applicants are examined at the INTERMEDIATE level.
3. LCSW applicants are examined at the ADVANCED or CLINICAL level.

F. Scores:

1. Official notice of examination scores will be made to the Board by ASWB. Applicants will be notified of scores at the exam site.
2. A minimum score of 70 is necessary to pass the exam at each of the three levels of licensure - LSW, LMSW, LCSW.
3. The Board reserves the right to accept the decision of the testing service regarding the validity of any test score or scores.

Note: Licensee's are encouraged to check the status of their application to ensure applications are being processed accordingly.

VI. PROFESSIONAL IDENTIFICATION

A. Titles and Abbreviations:

Persons issued a license to practice social work in Mississippi may use the title as appropriate to each level of licensure: "Licensed Social Worker", "Licensed Master Social Worker", "Licensed Certified Social Worker", and "Clinical Social Worker". Academic titles such as B.S.W. "M.S.W, M.S.S.W, "D.S.W." and Ph.D denote academic degrees and not licensure.

B. Production and Display of License:

A person issued a license to practice social work by the Board of Examiners will be issued a licensure ID card which should be in his/her possession at all times. The certificate of licensure shall be displayed at all times in the licensee's place or places of practice. Duplicates are available from the Board. (See Schedule: Section XI.)

VII. GUIDELINES OF PRACTICE (See also MS Code Annotated, 1972, Sections 73-54- 1 et seq.)

It is the legal and ethical responsibility of each licensed social worker to limit the scope of professional practice to the parameters of the licensee's competencies. Client systems for all levels of licensure may be individuals, groups, families, organizations, and communities.

A. Licensed Social Worker (LSW):

The entry level of social work practice usually includes a wide range of direct services under the supervision of a Licensed Master Social Worker or other qualified professional. The LSW generally provides basic problem solving interventions. Professional tasks may include data gathering, assessment, planning and contracting, various generalist interventive methodologies, and evaluation of own practice. LSWs should not provide clinical social work services, psychotherapy, nor engage in autonomous practice.

B. Licensed Master Social Worker (LMSW):

The LMSW usually provides a wide range of services both direct and indirect. Scope of practice includes but is not limited to: providing assessment and treatment services of a psycho-social nature pertaining to personality adjustment, behavior problems, interpersonal functioning or deinstitutionalization. These duties should be performed under the supervision of an experienced LMSW, a Licensed Certified Social Worker (LCSW) or other qualified professional such as a psychiatrist or Ph.D. level clinical psychologist. (Supervision of a LMSW for LCSW certification can only be provided by a LCSW as specified in Section IV). LMSWs must not provide unsupervised clinical services and autonomous practice.

C. Licensed Certified Social Worker (LCSW):

The LCSW shall be qualified to function independently and shall demonstrate special knowledge and skill in his/her practice areas.

The LCSW is expected to demonstrate skill in the application of various social work theories and interventive methodologies, including psychotherapy. The LCSW may also demonstrate skill in supervision and management.

The LCSW specializing in clinical practice may independently engage in the use of a variety of psychotherapeutic techniques. The clinician is legally and ethically bound to practice only in the parameters of his/her expertise.

VIII. RENEWAL OF SOCIAL WORK LICENSE:

A. Biennial renewal of licenses:

1. Odd numbered licenses are due for renewal in odd numbered years.
2. Even numbered licenses are due for renewal in even numbered years.
3. LSWs renew in September.
4. LMSWs and LCSWs renew in April.

B. Requirements for Renewal:

1. Submission of a renewal application which will be sent from the Board approximately six (6) weeks prior to renewal date.
2. Submission of a list of continuing education credits, with a notarized statement that this list is true and correct, and original proof of same is available for inspection, if licensee is chosen for audit. (See IX-D below for more information *concerning* continuing education credits.)
3. Submission of the required renewal fee (See Schedule: Section XI.)

C. Determination of Submission Date:

The postmark will determine the date the application was submitted. Renewals not postmarked by required date will result in a lapsed license.

D. Reinstatement of Lapsed License:

1. General Instructions:

A lapsed license may be reinstated by the Board, at its discretion, by the submission of a reinstatement application, payment of the renewal costs, and submission of the required continuing education hours, provided said application for reinstatement is made within six months after its last expiration date. All applicants for reinstatement must meet qualifications and guidelines which exist at the time the application for reinstatement is made. (*Grandfathered or provisional licenses which have lapsed will not be reinstated unless one has the appropriate degree in social work, and meets current licensing regulations, including having passed the ASWB exam.*)

Note: After two years, all lapsed status licensees, with the exception of grandfathered non-social work degreed LSWs as noted above will be considered new applicants and will be

required to take the appropriate exam(s).

2. **Specific to Lapsed LCSWs:**

LCSWs with a lapse of any duration will be required to submit three current letters of reference when renewal is requested, along with meeting the qualifications and guidelines which exist at the time the application for reinstatement is made.

IX. CONTINUING EDUCATION

A. Philosophy:

Continuing education means instruction and learning which fosters the enhancement of general or specialized social work practice, values, knowledge, and skills.

B. Definitions:

1. SWUs (Social Work Units) are defined as training hours offered by a designated provider of continuing education. One (1) SWU is equivalent to ten training hours. Designated providers must hold approved standing with the MS Chapter of the National Association of Social Workers, (MS Chapter of NASW) and all offerings by a designated provider, or approved pursuant to Section IX-E, are accepted for SWU credit. Any structure/organized training for purposes of continuing education as defined above, offered by designated providers, or approved pursuant to Section IX, will be approved.
2. A TRAINING HOUR means one 50-minute period of organized learning experience approved for social workers continuing education.
3. DESIGNATED PROVIDERS are organizations or institutions determined by the Board to meet the standards for continuing education. These groups hold standing approval for providing continuing education as determined by the MS Chapter of NASW, unless removed from this status by this entity. All offerings by a designated provider, or approved pursuant to Section IX, are accepted for SWU credit. The Mississippi BOE of SW/MFT will maintain the most *current* list of designated providers as *supplied* by the MS NASW Chapter.

MS NASW shall make available a list of designated providers and a description of their status upon *written* request. *Entities seeking designated provider status must be filed in writing with the Continuing Education*

Committee of MS Chapter of NASW. MS NASW will review and approve or deny said applications.

Any certificate submitted for proof of attendance at a continuing education offering must state that the program was sponsored/co-sponsored or approved by (a) a pre-approved provider, or (b) approved by the MS Chapter, National Association of Social Workers.

C. Designated Provider Application Process:

Application for designated provider status must be made *in writing* to MS Chapter of NASW. MS NASW will review the application and inform the applicant of its decision. Designated providers will be required to renew every *three (3) years*. *Once a group has been granted designated provider status, the BOE requires that records substantiating organizational offerings be kept on file for at least three (3) years. Random audits will be conducted by the MBOE at its discretion.*

Records for retention purposes will be required to include the following:

- 1. Verification of attendance for attendees;*
- 2. Copies of respective program offerings;*
- 3. Copies of speakers biographies, resume's and/or vitae;*

The application process for agencies or organizations requesting Designated Provider status is stated below:

1. Completion of an application form which requests:
 - a. Agency's mission statement
 - b. Agency's statement of its values and ethics
 - c. Statement that the agency will abide by the standards for continuing education for agencies
 - d. Statement the agency will abide by the standards for educational offerings

2. The following agencies/organizations would be exempt from payment of fees and would not be required to submit application:
 - a. Any agency or organization approved by the national NASW
 - b. American Association for Marriage and Family Therapy and divisions of
 - c. CSWE accredited schools of social work
 - d. International Federation of Social Workers, and the International Federation of Schools of Social Work

- e. Designated social work organizations
- f. At the time of renewal, at the beginning of each cycle designated providers shall provide a list and description of all approved offerings held in the past two years.

Note: Designated providers can lose their approval status, for a period to be determined by MS NASW, if there is non-adherence to any of the NASW Standards for Continuing Professional Education and/or NASW Code of Ethics. *In turn, due process of a hearing will be afforded said designated providers on an as needed basis.*

D. Continuing Education Requirements for Renewal:

The equivalent of four (4) SWUs is required for each renewal period. The applicant will submit a listing of that period's credits with a notarized statement that the list is true and correct. (See Section VIII, B.2)

1. LSWs will not submit continuing education at the first renewal.
2. LMSWs holding no previous license will not submit at the first renewal. LMSWs upgrading from LSW will submit at the first renewal period.
3. LCSWs will submit at first renewal as they are upgrading from LMSW status.
4. Carryover: Only one (1) social work unit (*10 training hours*) may be carried over from one renewal to the next. That SWU or the ten training hours must have been obtained within the six months immediately prior to the current renewal date.
5. Probationary Status: See Section II, C-2.

E. Acceptable Formats for Continuing Education

Continuing education offerings must consist of subjects relevant to social work practice and not related to the specific administrative procedures of any single agency or organization.

All offerings, except those from designated providers, must be pre-approved PRIOR to the offering. For information about pre-approval, see Section IV-E. Acceptable ways of acquiring continuing education credits include the following:

1. Academic courses taken from a regionally accredited college or university, related to the licensee's social work practice *shall be considered unacceptable method for accumulating continuing education hours*. Each course must be

approved individually unless from a CSWE accredited school. One undergraduate academic semester hour successfully completed (a grade of "C" or better) shall be equivalent to 1 SWU. One graduate academic semester hour successfully completed (a grade of "B" or better) shall be equivalent to 1.5 SWU. 0.5 SWU may be received for auditing an approved academic course.

2. Instructors teaching a class at a CSWE accredited school of social work may submit documentation to be calculated at 1 SWU per hour of class credit. This approval will only be honored for classes taught the first time only.
3. Continuing Education programs sponsored or approved by organizations listed in Section IX-B shall be considered an acceptable mode of acquiring continuing education hours.
4. Workshops, institutes, conferences, or other continuing education programs sponsored by official national, regional, state social work or social welfare related organizations shall be considered an acceptable mode of acquiring continuing education hours. Note: Sponsoring organizations are responsible for obtaining approval for credit PRIOR TO conducting the activity. (SEE SECTION IX-F.)
5. Staff Development: Approved public or private agency staff development programs that contribute to the enhancement of social work practice, skills, or knowledge and are not primarily procedural or administrative, shall be considered an acceptable format for acquiring continuing education credits. (See information about prior approval, Section IX-F.)
6. Individual Activities: Activities planned by an individual working independently, or workshops and presentations not under the auspices of any organized agency. These activities will be considered only if not sponsored by a designated provider. Both the activity and the credit must be approved by MS NASW in advance. No more than two (2) SWUs may be accrued in a given licensure renewal period, as a result of individual activities.
 - a. Publication of Professional Social Work Paper: The initial publication shall be acceptable for two (2) SWUs. Presentation of a professional social work paper for the first time at an

approved professional conference shall be acceptable for 0.5 SWU or twice the approved SWUs for the session, provided the written paper is submitted with the request.

- b. **Presenter:** Participation as the sole presenter, leader, or teacher of an approved workshop or conference shall be acceptable for three times the approved SWUs for the session.
- c. **Panelist:** Participation as a panel member for an approved workshop or conference shall be acceptable for two times the approved SWUs for the session.
- d. **Facilitator:** Facilitating, moderating, or presiding over an approved workshop or conference shall be acceptable for the approved SWUs for the session.
- e. **Self-Directed Learning Projects and/or Internet (Online) Learning**
Courses: Approval for Internet Learning Courses can only be granted after completion of the course and proof of successful completion of post-test, course examination, and/or evaluation from the online course provider. (*See Appendix.*)

Self-directed learning projects are projects intended to increase knowledge and shall be documented by means of a paper, annotated bibliography, etc. Projects intended to increase skill development shall be documented by means of audio or audiovisual tapes. Credit for self-directed learning projects may be granted provided the project is completed and approved PRIOR TO the current license expiration date. Projects not completed and approved by the license expiration date can be considered for the licensee's next renewal period. Self-directed learning project proposals should be submitted nine months prior to the expiration date of licensure to allow sufficient time for review, project completion and approval. Reading a book, preparing a paper in a graduate course, case, or consultation shall not meet the requirements for this activity. No more than two (2) SWUs may be accrued per renewal period as a result of self-directed learning projects.

F. Approval Procedures for Continuing Education:

- 1. Application for prior approval of workshops, staff development,

individual activity, self directed learning projects, or other categories requiring prior approval must be made, in writing, to the MS Chapter of the National Association of Social Workers. The MS NASW will review and approve all continuing education activities, except for those of the designated providers, or those approved or sponsored as indicated in section B above.) All applications for said approval should be sent *thirty (30) days* PRIOR TO the offering to the following address:

Continuing Education Committee
Mississippi Chapter-NASW
430 Bounds Street, Suite G-1
Jackson, MS 39206
(601) 981-8359
naswms@aol.com

Licensees should contact the above organization for specifics about applications submitted for approval.

Note: No Retroactive Approvals will be considered by MS NASW subsequent to any provider offering!

G. Reporting Procedures for Continuing Education:

1. Sponsor Responsibility: It is the responsibility of each organization or sponsor of continuing education to provide the attendee with a written statement, verification, or certificate of attendance, which verifies the completion of the continuing education offering. This verification must include the following:
 - a. Name of attendee
 - b. Name of offering
 - c. Date of offering
 - d. Designated provider name as approved by the Board
 - e. Location of offering
 - f. Signature of organizer/sponsor or designee
 - g. Amount of approved continuing education credit awarded

Issuance of the verification should be provided at the conclusion of an offering. lists/rosters/receipts will not be accepted by the Board as verification of attendance.

1. Licensee Responsibility: It is the sole responsibility of the licensee to provide proof of participation in approved continuing education to the Board.
2. Sponsor Responsibility: It is the responsibility of the sponsor to ensure the attendance of attendees at all conference sessions when credit is being requested.
3. If a certificate of attendance is not provided by the sponsor, a licensee may use a form to be provided by the Board to verify attendance, provided it is submitted with all required supporting documents.
4. A notarized statement of having completed continuing education requirements shall only be submitted at the time of renewal with the renewal application and the applicable costs. (See Sections IX-B and IX-D for more detail.)
5. The Board may request verification of the credits submitted, including information regarding content, certification, and attendance from either the sponsoring entity of a CE offering or the respective licensee. It is the responsibility of the licensee to obtain records to substantiate credits. Failure to substantiate credits submitted or to submit documentation of insufficient continuing education credits will result in refusal by the Board to renew a license.

H. Random Audit of Continuing Education Documents (SWUs):

Approximately sixty days following each renewal deadline, the Board will conduct a random audit of continuing education documents. Audited licensees will be required to submit original certificates of continuing education within thirty (30) days of the request. No photocopies of documents will be accepted. Licensees found to be fraudulent in reporting will be given opportunity for a hearing before the Board. Licensees determined to be negligent may be sanctioned accordingly.

I. Re-evaluation of Continuing Education:

A licensee who feels that evidence of continuing education was appraised incorrectly, may make a written request for re-evaluation. Verbal requests will not be honored.

X. REVOCAATION, SUSPENSION, AND DENIAL OF LICENSE

- A. **Standards of Ethical Conduct** (*See also Section 73-53-17 ff, MS Code Annotated, 1972.*)

1. The social worker's primary responsibility is to clients.
2. The social worker must respect the privacy of clients and hold in confidence all information obtained in the course of professional services except as required by law.
3. Social work fees must be fair, reasonable, considerate, and commensurate with the services performed.
4. The social worker must uphold and advance the values, ethics, knowledge, and mission of the profession.
5. The social worker must assist the profession in making social services available to the general public.
6. The social worker must strive to become and remain proficient in professional practice.
7. The social worker must distinguish clearly between statements and actions made as a private individual and those made as a representative of the social work profession.
8. The social worker must not practice beyond the parameters of his/her competencies.
9. The social worker must retain ultimate responsibility for the quality and extent of the services he/she performs.
10. The social worker must not exploit professional relationships for personal gain.
11. The social worker engaged in research must protect participants from unwarranted physical or mental discomfort, distress, harm, danger, or deprivation.

B. Summary Suspension:

The Board may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that the health, safety, or welfare of the general public is in immediate danger.

If the Board suspends summarily a license under the provisions of this subsection, a hearing must begin as soon as practically possible after such a suspension begins, unless continued at the request of the licensee.

The Board may order a licensee to submit to a reasonable physical or mental examination, if the licensee's physical or mental capacity to practice safely is an issue in a disciplinary proceeding. All licensees consent to this procedure as a condition of licensure.

Failure to comply with a Board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described above.

XI. FEES and COSTS

A. Method of Payment (*NON-REFUNDABLE*):

All fees and costs are to be paid by check or money order to the Board, with the appropriate form or request attached, unless otherwise specified. All fees and costs are *non-refundable*.

B. Schedule of Costs and Fees:

Initial License Fee: LSW (two years)	\$ 70.00
Initial License Fee: MSW & LCSW (two years)	\$ 100.00
Upgrade from LSW to LMSW	\$ 30.00
Upgrade from LMSW to LCSW, exam cost only	
Copying fee (not more than a \$1.00 per page)	\$ 1.00
Renewal Fee:	
LSW	\$ 70.00
LMSW	\$ 100.00
LCSW	\$ 100.00

Administrative/Processing Costs:

Inactive status (plus renewal cost).....	\$ 35.00
Retired status	\$ 35.00
Reinstatement (plus renewal cost)	\$ 35.00
Duplicate license card or seal.....	\$ 5.00
Replacement license	\$ 25.00
Certification to become LCSW Supervisor ...	\$ 50.00
Supervision of LCSW candidates	\$ 75.00
Label-ready licensee address lists	\$ 30.00
Address lists on diskette (all groups)	\$ 15.00
Labels	\$ 70.00

C. Examination Fee:

Fees for examination are to be paid directly to the appropriate testing organization. (See Section V and The Candidate Handbook.)

Amended: July 12, 2002 Effective: August 12, 2002

**SECTION C
RULES AND REGULATIONS SPECIFIC TO
MARRIAGE AND FAMILY THERAPISTS**

I. GENERAL

- A. The rules and regulations pertaining to marriage and family therapists include all items in section A and section C of these rules and regulations.
- B. The Board may revise the rules and regulations from time to time as the Board deems necessary.
- C. Once new or revised rules and regulations are adopted by the Board, the Board and all applicants and licensees must operate under the new rules and regulations. However, persons with completed applications for licensure on file at the time new rules and regulations are adopted by the Board, will be licensed under the rules in effect on the date their completed application was received by the Board.

II. DEFINITIONS

- A. “Marriage and Family Therapy” means the professional application of psychotherapeutic and family systems theories and techniques in the delivery of therapy services to individuals, families, or couples, either singly or in groups.
- B. “Practice of Marriage and Family Therapy” means the rendering of professional marriage and family therapy services, 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 assessment, *diagnosis*, identification, evaluation and treatment of emotional problems and conditions, whether cognitive, affective, or behavioral, resolving interpersonal and interpersonal conflicts, and attempting to change perception, attitudes, and behaviors, all within the context of marital and family systems. Marriage and Family therapy includes, without being limited to, individual, group, couple, sexual, family and divorce therapy. It involves an applied understanding of the dynamics of marriage and family systems, including individual psycho dynamics, the use of assessment instruments that evaluate individuals, couples and family members with regard to marriage and family functioning, and the use of psychotherapy and counseling.
- C. “Code of Ethics” means the current Code of Ethics of the American Association for Marriage and Family Therapy.
- D. “AAMFT” means the American Association for Marriage and Family Therapy.
- E. “COAMFTE” means the Commission on Accreditation for Marriage and Family Therapy Education.
- F. “Good Moral Character” means the applicant is held in high regard with reference to personal behavior, professional behavior and professional ethics.

III. MARRIAGE AND FAMILY THERAPY LICENSES

- A. **Type of License:** Licensed Marriage and Family Therapist (LMFT) is the license granted to an individual who has met and maintained all the qualifications necessary for licensure and the renewal of the license.
- B. **Status of License**
 - 1. **Active or in Good Standing:** When the licensee has met and maintained all the qualifications necessary for licensure, has renewed the license before the September 30 expiration date, has paid all fees and administrative costs on time, and there are no disciplinary actions against the licensee.
 - 2. **Denied:** When the Board determines that the applicant does not meet the requirement for licensure, or the board has substantial evidence that the applicant has violated the standards of conduct of the Code of Ethics or that

the applicant is not of good moral character, or the applicant has not corrected the application deficiencies stated to the applicant in writing within the time allowed.

3. Revoked or Suspended: The Board may revoke or suspend a license on grounds set forth in these regulations. The person may not practice marriage and family therapy during the time the license is revoked or suspended unless the licensee qualifies to be excluded from licensure as a marriage and family therapist. The board may, at its option, reinstate the license when the conditions for reinstatement, if any are allowed by the Board, have been met, and the reinstatement process is followed.
4. Lapsed: Licensees who fail to renew their license biennially before or during September of the appropriate year, shall have their licenses lapsed. A licensee may not practice marriage and family therapy during the time their license is lapsed. The license may be reinstated within a two year period by following the reinstatement process. A license that has lapsed for more than two (2) years cannot be renewed or reinstated. The licensee must apply for a new license under the requirements, set forth in the rules and regulations that are in effect at the time the new application is received by the Board.
5. Inactive: Licensed Marriage and Family Therapists, who notify the Board, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Board in writing of the intention to resume active practice.

C. Reinstatement of License

1. **General Requirements for Reinstatement**
 - a. All conditions related to the suspension or revocation of the license have been cured, and all requirements or disciplinary actions of the Board have been met or resolved to the satisfaction of the Board.
 - b. No fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation, suspension, or disciplinary action by the Board.
 - c. The former licensee verifies, by submitting to the Board a notarized affidavit, that they have not engaged in the practice of marriage and family therapy in this state or any other state, or used a title denoting marriage and family therapist qualifications since the expiration, suspension or revocation of their license, unless they qualify for exclusion from licensure as a marriage and family therapist, or they

hold a valid license issued by another state and their practice was confined to the state which issued the license.

2. **Reinstatement Application Process**

- a. The former licensee must submit to the Board a completed application for reinstatement on a form obtained from the Board, with all supporting documents attached.
- b. The former licensee includes a letter with the application for reinstatement explaining the reasons for applying for reinstatement.
- c. The former licensee provides evidence of having obtained acceptable continuing education to meet the requirements for the two (2) year period prior restoration.
- d. The former licensee pays the renewal costs due for the lapsed license (*if reinstating a lapsed license*), the reinstatement costs, and any other related costs of the Board.

IV. **REQUIREMENTS FOR LICENSURE AS A MARRIAGE AND FAMILY THERAPIST**

A. **General Requirements**

An applicant for licensure as a marriage and family therapist shall submit to the Board, verified under oath, written evidence in form and content satisfactory to the Board, that the applicant:

1. Is of good moral character;
2. Has not engaged in any practice or conduct which violates the standards of conduct set forth in these regulations;
3. Meets all the qualifications required for licensure including, but not limited to, education and experience, physical and mental abilities and has no addiction to or dependency upon alcohol, drugs, or other agent which may endanger the public or impair their ability or professional competence;
4. Has not acquired by deception or fraud, the education, experience, professional references or any other qualifying factor used as a basis for licensure;
5. Does not have any previous or pending, complaints or disciplinary actions against them by any professional association or state of jurisdiction which have not been resolved to the satisfaction of the Board. It is the responsibility of the applicant to inform the Board if such items exist or

have existed, and the Board may delay action on the licensure application until the complaints or disciplinary actions have been resolved and verified in writing to the satisfaction of the Board. If an applicant fails to reveal to the Board knowledge of previous or pending complaints or disciplinary actions, and the Board grants a license, the license will be revoked and the licensee will be disciplined by the Board;

6. Is at least twenty-one (21) years of age;

B. Specific Requirements for Licensure

1. Education: Holds a masters or doctoral degree with a major in marriage and family therapy, from a college or university accredited by a regional accrediting body and a COAMFTE accredited marriage and family therapy program; or holds a masters or doctoral degree from a college or university accredited by a regional accrediting body and a program with candidacy status by COAMFTE which subsequently received COAMFTE accreditation. An official transcript from the educational institution must be sent directly to the Board by the institution.
2. Clinical Experience: Two years of documented clinical experience following the first qualifying *graduate* degree in the practice of marriage and family therapy under supervision acceptable to the Board. ***During the two years of experience, applicant must complete a minimum of 1,000 client contact hours.*** All documentation of both the clinical experience and the supervision as requested in the application process must be sent by the agency or supervisor directly to the Board.
3. Supervision:
 - a. Must complete 200 hours of marriage and family therapy. A minimum of 100 hours of the 200 hours of supervision must be individual supervision. At least 100 of these 200 hours must occur following receipt of the first qualifying *graduate* degree.
 - b. Up to one year of a COAMFTE approved doctoral internship may be counted toward the required two years of post graduate supervised clinical experience.
 - c. Up to 100 hours of clinical supervision accumulated during graduate training may be counted toward the required 200 hours of clinical supervision.
 - d. At least 100 hours of the 200 hours of clinical supervision must be completed with an AAMFT approved supervisor.

- e. The other 100 hours of the clinical supervision shall have been received as part of a practicum or internship experience and/or from an individual(s) who, at the time the supervision took place, was a licensed marriage and family therapist, licensed psychologist, licensed certified social worker, licensed professional counselor, clinical nurse specialist, or psychiatrist with 5 years experience in his/her discipline *and training in marriage and family therapy as determined by the Discipline Specific Committee.*
- f. Supervision means the direct clinical review, for the purposes of training or teaching by a supervisor, of the applicants interaction with a client. The purpose of supervision shall be to promote the development of the individuals clinical skills.
- g. Supervision is a face to face meeting with a supervisor, usually in periods of approximately one hour each. The learning process is sustained and intense. Appointments are scheduled on a regular basis. Supervision focuses on the raw data from a supervisees continuing clinical practice which is available to the supervisor through a combination of direct live observation, co-therapy, written clinical notes, audio and video recordings and live supervision. It is a process clearly distinguishable from personal psychotherapy and is conducted in order to serve professional goals. Acceptable modes of supervision are as follows:
 - 1. individual supervision shall mean a maximum of two (2) supervisees meeting with one supervisor.
 - 2. group supervision shall mean a maximum of six (6) supervisees meeting with one supervisor.
- h. The following is not acceptable marriage and family supervision: peer supervision; supervision by current or former family members or any other person with whom the nature of the personal relationship prevents, or makes difficult, the establishment of a professional supervisory relationship; administrative supervision; a primarily didactic process wherein techniques or procedures are taught in a group setting, classroom, workshop seminar, staff development, orientation to a field or program or role-playing of family relationships as a substitute for current clinical practice in an appropriate clinical situation.

4. **Examinations**

The examination for licensing marriage and family therapist shall be the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) Examination in Marital and Family Therapy.

a. **Application Process**

1. An applicant for examination shall file an application, on forms supplied by the Board, at least 90 days prior to an examination date. The application shall include verification that the applicant has completed an COAMFTE accredited masters or doctoral program in marriage and family therapy.
2. An applicant may not be licensed without the required examination.

b. **Frequency of Examinations**

1. The passing score on the examination shall be the passing score of the testing entity.
2. Applicants who fails the examination may take the examination as many times as necessary, to attain a passing score.

c. **Cost of Examination**

Cost is dependent upon the fees charged by the testing service. The current fee is list in the application material.

C. **Application Requirements for Licensure**

Applicants should submit to the Board the following items:

1. The original signed, notarized and completed application form;
2. Official transcripts of graduate education mailed directly to the Board by the institution(s);
3. Documentation of both the clinical experience and the supervision, mailed directly to the Board by the agency and/or supervisor;
4. Three letters of professional reference from licensed mental health professionals who have known the applicant for at least one year, sent directly to the Board. The persons documenting the clinical experience and supervision may NOT be used for the letters of professional reference;

5. Recent picture of the applicant;
6. *Examination results from the AMFTRB exam;*
7. The non-refundable application fee.

D. Licensure by Reciprocity or Endorsement

The Board may issue a license as a licensed marriage and family therapist, without the required examination, to an applicant licensed under the laws of another state if the requirements for licensure in that state are, on the date of licensure, substantially equal to the requirements of the Mississippi Board of Examiners.

Applicants who have complaints pending against them in another state will not be granted a Mississippi license until such complaints are resolved to the satisfaction of the Mississippi Board of Examiners.

1. Requirements for reciprocity or endorsement
 - a. The original signed, notarized, and completed application form;
 - b. Licensure verification form(s) mailed directly to the Board from the state or jurisdiction in which the current license(s) is/are held;
 - c. Official transcripts of graduate education mailed directly to the Board by the institution(s);
 - d. A recent picture of the applicant;
 - e. The non-refundable application fee.

V. THE APPLICATION PROCESS

A. Making the Application for Licensure:

1. The applicant should request an official application packet for licensure as a marriage and family therapist, and a copy of the current rules and regulations regarding licensure from the Board.
2. Additional copies of the required forms may be made as needed.
3. It is the responsibility of the applicant to see that all forms, supporting documents, references, fees, transcripts, etc. are completed, signed and notarized as required and sent to the Board in a timely manner.

4. The Board will not consider an application as having been submitted until all forms, documentation, references, fees, transcripts, etc. have been received by the Board.
5. Inaccurate information or misrepresentation of facts on any form submitted to the board may result in a denial of licensure or revocation of the license at a later date.

B. Board Consideration of Licensure Applications:

1. The Board will consider all applications under the rules and regulations for licensure that are in effect on the date the application was received by the Board.
2. The Board will consider the applications when all related items are in the file. If the Board approves the application, the applicant will be notified in writing. If the application is not approved, the applicant will be notified in writing of the reason(s).
3. If the application is approved, the board will notify the applicant of the amount of the initial license fee that is due, depending on the time during the year when the application was approved. The license fee must be paid in full before the license is issued.
4. Once the license fee is paid in full, the Board will assign a license number and issue the applicant an official certificate. The person is now officially licensed.

C. Disposition of Incomplete or Deficient Applications:

1. Removal of Deficiencies:

If a preliminary review of the application by the Board reveals that the application is incomplete or has a minor deficiency, the applicant will be notified in writing. The applicant will be given six (6) months from the date of the first notice to remedy the problem while the application is held on active status by the Board. Applicants may, at the discretion of the Board, be granted one additional extension, not to exceed six (6) months, for unusual extenuating circumstances upon a written request, with full explanation of circumstances, submitted to the Board before the expiration of the initial six months extension.

2. Abandoned Applications:

- a. Incomplete application on file for more than six (6) months from the date the first material was received from the applicant, or applications that have not been completed or made sufficient during the extended time granted by the board, will be declared abandoned by the Board and will be given no further consideration.
- b. Once an application for licensure is approved by the Board, the applicant will have 60 days from the date of the notification of approval to pay the initial license fee. If the initial license fee is not received within 60 days, the application will be declared abandoned by the Board.

3. Submission of New Application:

Once an application has been declared abandoned by the Board, the applicant may submit a completely new application for licensure under the rules and regulations in effect at the time the new application is submitted. Likewise, the application fee must accompany the application and all other associated costs must be paid.

VI. RENEWAL OF MARRIAGE AND FAMILY THERAPY LICENSE

- a. Expiration Date: All licenses expire on September 30 of the second year of the initial license and all future two year renewal terms. All licenses not renewed on or before September 30 of the appropriate year will lapse. The Board will not assume responsibility for late renewal applications delayed or lost in the mail.
- b. Renewal Term of Two Years: All renewals will be for a full two year term beginning October 1 and ending September 30.
- c. Courtesy Notice of Renewal: The Board will attempt to send a courtesy reminder of renewal and a renewal application to all licensees at the latest address of record on file with the Board. It is the responsibility of the licensee to maintain an accurate address in their file by sending promptly to the Board a signed notice of any change of address.
- d. Completed Application for Renewal: The Board cannot act on an application for renewal until it is complete with all the supporting documents, continuing education summary and the renewal fee.
- e. Renewal Fee: the renewal fee covers the two year term, and must be paid in full with the renewal application and supporting documentation and no later than the expiration date of the license.

- f. Responsibility of License for Renewal: It is the responsibility of the licensee to obtain a renewal application packet from the board, to obtain the required continuing education with verification, and to see that their license is renewed on time. Failure to receive a notice of renewal does not absolve the licensee of their responsibility to renew the license before the expiration date. Practice under an expired licence is prohibited. It is, likewise, a misdemeanor punishable by law.
- g. Inactive Renewals: Anyone returning from inactive status must meet the *continuing education* requirements for the immediate two years prior to the application for renewal.

VII. CONTINUING EDUCATION

A. Philosophy:

Continuing education means education or training which fosters the enhancement of generalized and specialized marriage and family therapy practice, values, knowledge and skills.

B. Definitions:

1. A *continuing* education hour equals 50-60 minutes.
2. Designated Providers are organizations or institutions that meet the Board’s standards for offering continuing education. These groups hold standing approval for providing continuing education as determined by the Board, unless removed from this status by the Board. Offerings relevant to the practice of marriage and family therapy by a designator provider, or approved pursuant to Section IV-E, are accepted for continuing education credit.

In all instances, offerings will be accepted if sponsored by or approved by the following entities:

List of Designated Providers

Mississippi Board of Examiners for Social Workers and Marriage and Family Therapists or a licensing/cer

tificati
on
board
in any
jurisdi
ction
which
regula
tes
marria
ge and
family
therap
y

Regionally accredited Universities and Colleges and departments thereof
American Association for Marriage and Family Therapy and divisions thereof
(Accepts offerings approved or sponsored by)
National Association of Social Workers and any state chapters thereof
American Psychiatric Association and state association thereof
American Psychological Association and state associations thereof
American Association of Nurses and divisions thereof
American Counseling Association
American Association of Pastoral Counselors
Mississippi Department of Mental Health

3. Application for designated provider status must be made in writing to the Board. The Board will review the application and inform the applicant of its decision.
- C. Requirements: All licensed marriage and family therapists must complete thirty-five (35) hours of continuing education during every two (2) year license period. Four (4) out of the 35 must be in professional ethics. It is the responsibility of the licensee to determine in advance that the continuing education activity is acceptable to the Board. *No continuing education hours are required for the first renewal period.*
- D. Acceptable Formats for Continuing Education: Continuing education hours must be relevant to the theory and practice of marriage and family therapy and not related to the specific administrative procedures of any single agency or organization.

All offerings except those from designated providers must be approved PRIOR to the offering. For information about preapproval, see *Section VII-E*.

1. Workshops, institutes, conferences;
2. Successful completion (grade B or better), from a regionally accredited college/university, of a graduate course related to the practice of marriage and family therapy. One (1) academic semester hour shall be equivalent to 10 hours of continuing education hours.
3. Independent Study - A maximum of five (5) of the 35 hours may be acquired through approved independent study activities related to marriage and family therapy. Continuing education hours in ethics cannot be obtained through any form of independent study.

Acceptable independent activities include:

- a. Teaching in a graduate school of marriage and family therapy. Credit will be applied at the rate of one (1) hour for every credit hour taught. Credit is earned only for the first time taught.
- b. Presenter/instructor of an approved workshop offering. Credit will be applied at the rate of one (1) hour for every hour presented. Credit is earned only for the first presentation of the program.
- c. Publication of a professional paper (1 hour) or book (10 hours) dealing with marriage and family therapy.
- d. Independent study earned through home study programs designed by accredited colleges/universities and approved providers.

E. Application procedure for non-designated providers of continuing education including independent study

Applications for continuing education hours for conferences, workshops or other categories requiring prior approval must be made, in writing, to the Mississippi Association for Marriage and Family Therapy. The Association reviews and approves all continuing education activities, except for those of the designated providers and approved sponsors as indicated in Section B above. Applications for said approval should be sent to the following address:

NO RETROACTIVE APPROVALS WILL BE MADE.

Continuing Education Committee, MAMFT

P.O. Box 4508
Jackson, MS 39296-4508
601-987-6806
1-888-895-3482 - Instate Only

Contact the above organization for application forms or questions about the procedure.

F. Documenting and Reporting:

1. Record Keeping: The licensee shall maintain for four (4) years their own records and official verification of the continuing education they have completed. The Board will not maintain continuing education files for the licensees.
2. Reporting Continuing Education: The continuing education hours will be reported once every two years as part of the license renewal process. No continuing education hours are required for the first renewal period.
3. Sponsor Responsibility: It is the responsibility of each organization or sponsor of continuing education to provide the attendee with a written statement, verification, or certificate of attendance or CEU certificate which verifies completion of the offering. This verification must include:
 - a. Name of attendee
 - b. Name of offering
 - c. Date of offering
 - d. Designated provider name as approved by the Board
 - e. Signature of organizer/sponsor or designee
 - f. Amount of continuing education hours/CEUs awarded
4. Licensee Responsibility: It is the responsibility of the licensee to obtain a certificate, transcript or other official document from the approved provider showing the appropriate information. If a certificate is not provided by the sponsor, a licensee may use a form, to be provided by the Board, to verify attendance provider it is submitted with all required supporting documents.
5. The supporting documentation verifying the continuing education should be kept by the licensee and not sent to the Board unless the Board makes a request in writing for the documentation as a part of the audit process.

G. Random Audit of Continuing Education Documents

1. The Board may randomly audit a fixed percentage of the continuing education reports accompanying the renewal applications. Licensees whose reports are audited will be required to provide a copy of the official documentation of their continuing education activities. If a licensee fails to provide the Board in a timely manner (not to exceed thirty {30} days following the time they are notified of the audit) with official documentation of the total hours listed on their renewal application, the renewal application will not be approved and the license will lapse.
2. If, during the audit, the Board disqualifies any of the documented continuing education hours and the licensee does not have sufficient acceptable hours remaining for that renewal period, the Board, at its discretion, may renew the license under the conditions that the continuing education hours will be obtained within six (6) months of the notice of deficiency. Continuing education hours acquired to meet the deficiency may not be applied to any other renewal period. If the licensee does not rectify the deficiency within that six (6) month period, the license will be subject to revocation for failure to comply with the continuing education requirements.

H. Waiver of Continuing Education:

The Board may grant a waiver for up to one-half of the thirty-five (35) hours of continuing education required for any two year renewal period, if it can be shown to the Board that the ability to comply was beyond the capabilities of the licensee, i.e., severe illness, disability, residence abroad or other reasonable cause. The license must state in a written request for waiver that they did not practice marriage and family therapy during the portion of the renewal period for which the waiver is requested. Such request for waiver must be accompanied by written documentation acceptable by the Board.

IX. PROFESSIONAL IDENTIFICATION AS A MARRIAGE AND FAMILY THERAPIST

- A. **Titles and Abbreviations:** Persons licensed to practice marriage and family therapy in Mississippi may use the title “Licensed Marriage and Family Therapist and they may use the letters LMFT as a professional identification following their name as it appears on the license.
- B. **Display of License:** The certificate of licensure issued by the Board and the current verification of renewal, shall be displayed at all times in the licensee’s place of practice. Official duplicates of the license may be obtained from the board if more than one copy is needed.
- C. **Change in Name:** It is the responsibility of the licensee to notify the Board promptly, no later than 30 days following the change of name, of any change in their name and to request a new certificate of licensure showing the appropriate

name. All requests for a name changed must be made in writing, signed and notarized, and accompanied by a certified copy of the legal document which changed the name, and the appropriate fee or administrative cost. Licensees will be in violation of the standards of practice if they practice using a name different from the one appearing on their license certificate, and will be subject to disciplinary action by the Board.

X. FEES AND ADMINISTRATIVE COSTS FOR LICENSED MARRIAGE AND FAMILY THERAPIST

A. Philosophy: The Board receives no financial appropriation from the State to underwrite the costs of providing the licensure services. The Board is very sensitive to controlling costs, but fees and administrative costs are necessary for licensure to exist.

B. The Fee Schedule is as follows:

- 1. Application for licensure fee, non-refundable \$ 150.00
- 2. Initial license fee, covers two (2) years \$ 200.00
(May be prorated for first year, see below)
- 3. Renewal fee, for two years \$ 200.00
- 4. The Board may charge administrative costs as follows:
 - a. Duplicate license \$ 25.00
 - b. Replace lost license \$ 25.00
 - c. Reinstatement (plus renewal cost) \$ 35.00
 - d. Label-ready license address lists \$ 30.00
 - e. Licensee address lists on diskette \$ 15.00
 - f. Copying fee (not more than \$1.00 per page)

C. General Rules Regarding Fees and Administrative Costs:

- 1. Fees and administrative costs are payable by cash (paid in person at the Board office only), check or money order, made payable to the Board of Examiners for SW/MFT.
- 2. Invalid or returned checks may result in the denial or suspension of the license.
- 3. The Board will not issue or renew a license until all outstanding fees and administrative costs have been paid.
- 4. The application fee must accompany the completed application, and is non-refundable.

5. When the Board notifies an applicant that their license application has been approved, the initial license fee (prorated for the first year, if applicable) must be paid in full before the license can be issued.
6. The renewal fee must be paid on or before September 30 of the second year the license is in effect (the expiration date). The full renewal fee for two years must accompany the renewal application.

D. Proration of the First Year Portion of Initial License Fee:

Since all licenses have an expiration date of September 30, the initial license period may be less than two (2) full years, depending on the date the application was approved by the Board. The first years portion of the initial two (2) year fee may be prorated and billed in the following manner:

1. License applications approved between October 1 and March 31 will require the full initial license fee for the first two years.
2. For license applications approved between April 1 and September 30, the first years portion of the initial two (2) years will be reduced by one half, for a total initial license fee of (*currently*) \$150.00

E. Responsibility of the Applicant or Licensee:

It is the responsibility of the applicant or licensee to see that their license fees and renewal fees are paid in a timely manner. Failure to receive a notice of renewal or payment due from the board does not relieve the person of their responsibility to pay the fees before the deadline. The Board assumes no responsibility for fees that are lost in the mail, arrive late or otherwise do not reach the Board on time.

F. Adjustment of Fee Scale:

The Board may increase the fees at the discretion of the Board, within the limits provided by State Statute.

Amended: July 12, 2002 Effective: August 12, 2002