

Title 30: Professions and Occupations

Part 1901: Authority and Practice

Part 1901 Chapter 1: Administration

Rule 1.1 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 Parts 1902 and 1903 of this title 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 Part 1901, Chapter 1, Rule 1.1, B above in this Section.
4. “Rules” shall mean all licensing guidelines adopted by the Board and contained herein.

Source: Miss. Code Ann. §§73-53-1, 73-53-3(a), 73-53-11(1)(c), 73-54-3, 73-54-5(g) and 73-54-11(1) (2008 & Supp. 2011).

Rule 1.2 BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE & 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

Board Chair: The Board shall select one (1) of its members to serve as Board Chair. This shall occur every four years or until the Chair's appointment expires, whichever occurs earlier. However, no person may serve as Chair of the Board for more than four (4) years.

Vice Chair: In the June meeting of each year, the board shall elect a member to serve as its vice chair and its secretary. These individuals will take office July 1st of the year in which they were elected.

Discipline Specific Committee Chair: Each Discipline Specific Committee will select one (1) of its members to serve as Chair of the Discipline Specific Committee during the term of his/her appointment. No person may serve as Chair of the Discipline Specific Committee for more than

two (2) years. The Discipline Specific Committee will deal with concerns specific to each discipline.

Actions of each Discipline Specific Committee will then be presented to the full Board for discussion and, if applicable, Board action.

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 with and supports all statutes 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:

1. Malfeasance in office;
2. Conviction of a felony or a crime of moral turpitude while in office; or
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.

Source: Miss. Code Ann. §§73-53-1, 73-53-8, 73-53-11, 73-54-3 and 73-54-11; Miss. Code Ann. §§25-41-13 and 25-43-2.104.

Rule 1.3 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.

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. Require each applicant for licensure (first time applicant in any licensure category) to complete, through the appropriate governmental authority or authorities as designated by the Board, a criminal history record information check. The Board shall be authorized to charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the Board in requesting and obtaining the criminal history records information on the applicant.

3. Obtain, through the appropriate governmental authority or authorities, a criminal history record information check and a check of the Mississippi Sex Offender Registry for each person applying for licensure. The board shall be authorized to charge and collect from the applicant or licensee, in addition to all other applicable fees and costs, such amount as may be incurred by the Board in requesting and obtaining the information required in this paragraph for the applicant or licensee.
4. 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.
5. Approve all examinations for licensure under the Act.
6. Have other such powers as may be required to carry out licensure requirements prescribed by law and by regulation.
7. 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.

D. Method of Operation

The Board follows the procedures required by Mississippi Code of 1972 (as amended) §25-43-2.104.

E. Oral Proceedings on Proposed Rules

1. **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.
2. **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.
3. **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).

4. **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.
5. **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.
6. **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.

7. **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; (iii) allow for rebuttal statements following all participants' comments; (iv) 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.

F. Declaratory Opinions

1. **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.

2. **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.

3. **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.

4. **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. 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 an 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.

5. **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.

6. **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.

7. **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.

8. **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.
9. **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.
10. **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.
11. **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.

12. **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.
13. **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.

G. Public Records Request

All public requests to inspect, copy or mechanically reproduce or obtain are production of any public record of the Mississippi State Board of Examiners for Social Workers and Marriage and Family Therapists (Board) must be submitted in writing to: the Executive Director, Mississippi State Board of Examiners for Social Workers and Marriage and Family Therapists, P.O. Box 4508, Jackson, Mississippi 39296-4508. This rule is not intended to apply to any record or other document, which is exempted or privileged under the provisions of the Mississippi Public Records Act.

The written request must be typed or clearly hand printed on a letter size piece of paper and must specify in detail the public record(s) sought. The request must include a description of the type of record, dates, title of a publication, and other information which may aid in locating the record. No verbal or telephone requests for records will be accepted.

Under the Public Records Act, documents that are exempt from public access to records include, but are not limited to, personnel records, appraisal records, attorney communications and work products of attorneys, academic records, third party confidential commercial or

financial information, licensure applications and examination records, and individual tax records.

Within seven (7) working days of the Board's receipt of a public records request, the Board shall review same and determine whether the records sought are exempt or privileged by law and shall either: i) produce the records; ii) allow access to records; iii) if the request is unclear or does not sufficiently identify the record sought, request clarification from the requestor; or iv) deny access to or production of the records sought. If the Board is unable to produce a public record by the seventh working day after the request is received, the Board will provide the requester with a written explanation stating that the record requested will be produced and specify the reason why the records cannot be produced within the seven-day period. Unless there is mutual agreement between the Board and the requester, the date for production of the requested record will be no later than fourteen (14) working days from the Board's receipt of the original public record request.

When a request for information is made for documents furnished to the Board by a third party, the Board will give notice of the request to the third party as required by the Public Records Act. Such third party information will not be released without the prior written consent of the third party authorizing the release of the information and/or until the third party has been provided with notice of the public records request and an opportunity to seek a court order protecting such records from public review. No third party information will be released by the Board if the third party obtains a court order prohibiting the disclosure of such information.

When possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld from disclosure by the Board.

If the Board determines that the records requested are exempt or privileged under the law, the request shall be denied and the person making the request will be provided a statement of the specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three (3) years from the date such denials are made.

Public records of the Board are available for inspection and copying or reproduction during regular office hours (8:00 a.m. through 5:00 p.m., Monday through Friday) by appointment. All inspection, copying or mechanical reproduction of records must be done in the office of the Board. The time, place and manner of inspection and reproduction or copying will not be allowed to interfere with the official duties of the

Board. The Board will not allow its records to be taken from the Board office.

The requester must pay the Board in advance all reasonably estimated costs of searching, obtaining from storage, reviewing, shipping and/or duplicating the requested records. Such payment must be sufficient to cover the actual costs to the Board of complying with the public records request. There shall be a charge of \$1.00 per page for each copy. Copies printed on both sides (front and back) shall be considered as two (2) pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If the request involves notice being given to a third party, the cost of mailing such notice to the third party shall be charged to the requester. Cost of obtaining records from any state storage facilities and the search for the records shall be charged to the requester. If the actual cost of a public records request exceeds the estimated cost provided to the requester, the requester will be required to pay the Board the difference between the amounts paid in advance by the requester and the actual cost of supplying the record to the requester.

Payment by the public records requester must be made by money order or certified check.

The Board has also established a schedule of standard fees for frequently requested documents and information, directory or labels of licensees, and electronically accessible data. The schedule of standard documents and fees is set forth in Rule 4.3 Fees and Costs.

Source: Miss. Code Ann. §§73-53-8(11), 73-53-11, 73-54-11, 73-54-13 and 73-54-17 (Supp. 2011); Miss. Code Ann. §§ 25-43-2.103, 25-43-2.104 and 25-43-3.104 (Rev. 2010); Miss. Code Ann. 25-61-1 through 25-61-12 (Rev. 2010).

Rule 1.4 FISCAL SUPPORT OF THE 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 and in these rules. Fees for other Board services related to licensure may be set and collected in accordance with regulations in the appropriate Discipline Specific section of these Rules.

Source: Miss. Code Ann. §§73-53-11(1)(c) and (g), 73-53-10, 73-53-15, 73-54-11(1), and 73-54-27(1) (Supp. 2011).

Part 1901 Chapter 2: Character and Fitness

Rule 2.1 MORAL CHARACTER

A. General

1. As used under the Rules and Regulations of the Board of Examiners, “good moral character” means a pattern of behavior conforming to the profession’s ethical standards and behavior that indicates honesty and truthfulness, integrity, respect among the community for lawful behavior, respect for the rights of others, and obedience to the lawful directives of public officers or officials or persons charged with the enforcement of the law and showing an absence of moral turpitude.
2. Fitness for service as it relates to moral character must be verified by an appropriate background investigation.
3. A determination of good moral character shall be based on absence of acts that reflect moral turpitude and upon the consideration of all aspects of a person’s character as exemplified by his or her behavior and shall include, but not necessarily be limited to, consideration of the following:
 - a. Evidence, among other things, of having neither a conviction nor a plea of guilty or nolo contendere, probation, pretrial diversion or payment of any fine for a felony or a misdemeanor involving moral turpitude, regardless of whether the matter is under appeal by the applicant.
 - b. Disciplinary action taken against any professional license, registration or certification held by the applicant by applicable governmental authority of any state, territory or political subdivision of the United States or any other jurisdiction.
 - c. Whether an applicant has been guilty of conduct or practices in this state or elsewhere which would constitute grounds for disciplinary action under the Board’s laws, rules and/or regulations.
 - d. Civil lawsuits and administrative action bearing upon moral character such as fraud, misrepresentation, theft, assault and battery.

- e. The applicant's prior history of unlicensed practice of a regulated profession in this state.
 - f. Conduct that violates any of the provisions in the code of ethical standards established by the National Association of Social Workers, the American Association of Marriage and Family Therapy and/or other standards adopted by the Board.
 - g. Conduct involving dishonesty, fraud, or attempted deception.
 - h. Conduct involving misrepresentation.
 - i. Conduct that would adversely reflect on a person's fitness to perform as a social worker or marriage and family therapist.
4. In determining a person's good moral character when there is evidence of the conduct described above in subsection 3 of this Rule, the Board will also consider the following factors:
- a. The nature of the criminal offense(s) or conduct which gave rise to the disciplinary, civil or administrative action.
 - b. The age of the applicant at the time of the criminal conviction(s) or conduct which gave rise to the disciplinary, civil or administrative action.
 - c. The number of criminal convictions or number of disciplinary, civil or administrative actions taken against the applicant.
 - d. The nature and severity of the sentence or sanction imposed for each criminal conviction that gave rise to the disciplinary, civil or administrative action.
 - e. Whether the probation period given in a conviction has been completed and fully satisfied to include fines, court costs, and other conditions of probation.
 - f. Whether restitution ordered by a court in a criminal conviction or civil judgments has been fully satisfied.
 - g. The date of the criminal conviction(s) or date of the disciplinary action. Whether more than ten (10) years have

elapsed from the satisfaction of the terms of any order, judgment, or restitution agreement relating to criminal, administrative or civil action unless the conduct is felonious in nature.

- h. The burden of demonstrating that the applicant possesses the good moral character required for licensure shall rest with the applicant.

Source: Miss. Code Ann. §§73-53-11(1)(c), 73-53-13(d)(ii), 73-54-11(1) and 73-54-13(a).

Rule 2.2 SCOPE OF PRACTICE

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. The Baccalaureate Social Worker (LSW) is prohibited from diagnosing, treating or conducting therapeutic groups or psychotherapy.

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 their competencies. Further, all licensees are required to inform the Board, through submission in writing on Board designated forms, of a change of address, name, and other identifying information.

Source: Miss. Code Ann. §§73-53-11(1)(c), (k), (m) and (3), 73-53-13, 73-54-11(1) and 73-54-17 (Supp. 2011).

Part 1901 Chapter 3: Standards and Procedural Rules

Rule 3.1 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 licensee's 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. 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, sexual orientation, 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. The licensee is required to adhere to the code of ethics of their specific discipline. The board declares that sexual or romantic encounters/relationships, whether physical or electronic, between a social worker/marriage and family therapist and a current client or former client or the client's immediate family members according to the third degree of kinship of the rules of civil law (including Step, Adoptive, Same-Sex, or Other Related Variations) are prohibited. Providing services to a former sexual / romantic partner is prohibited as well. The following relationships are the specific relationships to the third degree and are inclusive of the spouses or partners of each relation of each relationship:
 - i. Licensee
 - ii. Spouse/Partner of Licensee

- iii. Father/Mother of Licensee
- iv. Son/Daughter of Licensee
- v. Grandparents of Licensee
- vi. Grandchildren of Licensee
- vii. Aunt/Uncle of Licensee
- viii. First Cousin of Licensee
- ix. Nephew/Niece of Licensee
- x. Brother/Sister of Licensee
- xi. Great Grandparents of Licensee
- xii. Great Grandchildren of Licensee
- xiii. Great Uncle/Aunt of Licensee
- xiv. Second Cousin of Licensee
- xv. Children of First Cousin of Licensee
- xvi. Grand Nephew or Niece of of Licensee

Sexual Misconduct—any act of sexual intimacy, contact, exposure, gratification, abuse, exploitation or other sexual behavior with or in the presence of a client or any other individual related to the licensee’s practice of Social Work or Marriage & Family Therapy regardless of consent. Such conduct may be verbal, physical, visual, written or electronic, or it may consist of expressions of thoughts, feelings or gestures that are sexual or reasonably may be construed by a client or other individual as sexual or which may reasonably be interpreted as intended for the sexual arousal or gratification of the Social Worker/Marriage & Family Therapist, the client or another individual.

Sexual misconduct by licensees is a form of behavior that adversely affects the public welfare and harms clients individually and collectively. Licensee sexual misconduct exploits the provider-client relationship, is a violation of the public trust, and is often known to cause harm, both mentally and physically, to the client, for an undeterminable amount of time. Regardless of whether sexual misconduct is viewed as emanating from an underlying form of impairment, it is a violation of the public’s trust. It should be noted that although an addictive disorder, mental disorder, sexual disorder, phase of life crisis may be a contributory circumstance, the board is still charged with taking appropriate steps to see that the public is protected.

Sexual misconduct is any sexual behavior or those that may be reasonably interpreted as sexual, including but not limited to:

- a. sexual intercourse, genital to genital contact;
 - b. oral to genital contact;
 - c. oral to anal contact, genital to anal contact;
 - d. kissing in a romantic or sexual manner;
 - e. touching breasts, genitals, or any sexualized body part;
 - f. encouraging or causing the client to perform any type of sexual behavior in the presence of the licensee/applicant or the licensee/applicant performing any type of sexual behavior while the client is present;
 - g. offering to provide practice-related services in exchange for sexual favors;
 - h. Sexual exploitation—means a pattern, practice, or scheme of conduct, which may include sexual contact that can reasonably be construed as being for the purposes of sexual arousal or gratification or sexual abuse of any person. The term does not include obtaining information about a client's sexual history within standard accepted practice while treating a sexual or marital dysfunction; and/or
 - i. Therapeutic deception—means a representation by a licensee/applicant that sexual contact with, or sexual exploitation by, the licensee is consistent with, or a part of, a client's or former client's counseling/service provision.
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, or any disciplinary action taken against the licensee by any licensing board or professional association.
 19. Making false representations or impersonations or acting as a proxy for another person or allowing or aiding any person to impersonate him/her in connection with any application, examination or renewal of a license, 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 client's 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 commission 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 comply with the ethical codes of the applicable profession (NASW or AAMFT) regarding 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. 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 client's 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 judgment as it relates to that client.

Source: Miss. Code Ann. §§73-53-11(1)(c), (j) and (k), 73-53-17, 73-54-11(1) and 73-54-29.

Rule 3.2 COMPLAINTS

A. General

This Rule sets out the procedures for making and processing complaints and/or inquiries against applicants for licensure and licensed social workers and marriage and family therapists where the complaints and/or inquiries are within the jurisdiction of the Mississippi State Board of Examiners for Social Workers and Marriage and Family Therapists (Board).

B. Filing of Complaints

Any person, firm, corporation, member of the Board or public officer may make a complaint to the Board. Complaints will be addressed by the Board upon receipt of a written, signed complaint, or upon the Board's own action.

1. Upon receipt of an inquiry, the Board's administrative staff will forward or advise the potential complainant how to obtain, a complaint form with instructions on how to file the complaint.

Except for complaints initiated by the Board, complaints must be submitted in writing under oath upon the official form prescribed by the Board. Only those complaints that are in writing will be formally addressed by the Board. The complaint must specify the statute or rule allegedly violated and must contain a statement of the acts or omissions constituting the alleged violation including the dates of said acts or omissions. Forms are available on the Board's website.

2. Anonymous complaints will not be investigated.
3. Voluntary surrender of license. If a licensee who is the subject of a Board investigation or disciplinary proceeding voluntarily surrenders his or her license, absent unusual circumstances as determined by the Board, the Board will not discontinue the investigation or disciplinary proceeding unless the licensee consents to entry of an order limiting or prohibiting his or her practice of social work and marriage and family therapy in Mississippi.

C. Procedures for Processing Complaints

1. Upon receipt of a written complaint, or upon the Board's own initiative if the Board has reasonable cause to believe the laws, rules and regulations governing social workers and/or marriage and family therapists are being violated, the Board's Executive Director shall:
 - a. Log in the date the complaint is received in the Board office;
 - b. Assign a complaint number and set up an individual complaint file. Complaint numbering shall begin in January of each year;
 - c. Determine whether the subject of the complaint is a licensed social worker, a marriage and family therapist or applicant or person otherwise within the jurisdiction of the Board;
 - d. Forward the complaint to the professional board member who has been designated to review the complaint; and
 - e. Send a letter to the complainant confirming receipt of the complaint.

2. If the subject of the complaint is within the jurisdiction of the Board, the Executive Director shall send a copy of the complaint by mail to the licensee or applicant in question for his or her written comment. The subject of the complaint (the respondent) will be provided twenty (20) calendar days from the date of the Executive Director's letter or notice in which to file a written response to the complaint together with all documents and exhibits in support of his or her position on the complaint.
3. Requests for the licensee or applicant's response to a complaint shall be considered properly served by the Executive Director when sent to the licensee or applicant's last known address of record at the Board's office. It is the responsibility of the licensee or applicant to keep the Board informed of his or her current address.
4. At the discretion of the Complaint Committee (investigating Board member and Executive Director) in consultation with Board council, the complainant may be given an opportunity to review and comment upon the response of the licensee or applicant.
5. The Executive Director may grant a reasonable request for extension of time within which a licensee or applicant or affected party may respond to a complaint and/or within which a complainant may comment upon response of the licensee or applicant.

D. Complaint Committee Process

The Executive Director and the investigating Board member will comprise the Complaint Committee and will review the complaints filed in accordance with this Rule.

1. The investigating Board member will review the complaint and meet with the Executive Director and such other personnel as needed.
2. If the allegations in the complaint raise an issue addressed by the Board's laws, rules and/or regulations, the Complaint Committee will recommend a course of action regarding investigation of the complaint.
3. If the Complaint Committee determines that further assistance is needed, the Committee may retain the services of experts, consultants, or private investigators to assist in the investigations

of complaints. At any point in its investigation of a complaint, the Complaint Committee may, at its discretion, assign the matter to an expert, consultant or private investigator for review and investigation.

4. The purpose of the investigation is to gather further data regarding the complaint and to verify facts surrounding the complaint. All complaints, unless dismissed for lack of jurisdiction, will be investigated. Investigations may include, but not be limited to: writing letters seeking further information; making phone calls; making onsite visits; and requesting pertinent documents.
5. The Complaint Committee shall oversee the investigation of the complaint.
6. The expert, consultant, or private investigator and/or Complaint Committee shall review and investigate the complaint and prepare a report concerning the complaint. The report shall contain a statement of the allegations, a statement of the facts, and an analysis of the complaint including a description of the circumstances surrounding the complaint, the records reviewed, the witnesses interviewed, and a statement of the expert, private investigator, consultant or Complaint Committee.
7. If the Complaint Committee determines that the Board does not have jurisdiction, both the Complainant and the licensee, applicant or affected party will be notified in writing by certified letter. The letter will explain why the case cannot be accepted for investigation and/or action by the Board or it may state that the complaint can be referred to another agency. The letter will come from the Board and may be signed by the Board chair, the investigating Board member, the Executive Director or other Board designee.
8. To facilitate the disposition of a complaint, the Board or Complaint Committee may provide any person with the opportunity to attend an informal conference, or to appear at a regular meeting of the Board, at any time prior to the Board entering any order with respect to the complaint. Statements made at any informal conference may not be introduced at any subsequent hearing before the Board on the merits of the complaint without the consent of all parties to the hearing.

E. Review by the Full Board

1. A case summary including the alleged violations of the Board's laws, rules and/or regulations will be presented to the Board by the Complaint Committee along with recommendation(s) for disposition of the complaint. Reasonable attempts will be made to not disclose the identity of the licensee or applicant and the complainant by the Complaint Committee until the matter comes before the Board for hearing or final resolution.
2. The investigating Board member shall not vote on the decision regarding the disposition of the complaint and shall not participate in any adjudicatory or administrative hearing before the Board against the applicant or licensee arising out of the Complaint Committee's investigation.
3. The Board's review shall include the case summary presented by the Complaint Committee and determine if reasonable cause exists to issue a notice of contemplated action or notice of hearing and complaint. If the Board determines that there is not reasonable cause for the issuance of a notice of contemplated action or notice of hearing and complaint, a certified letter from the Board will be sent within thirty (30) calendar days of the Board's decision to the complainant and the licensee or applicant. The letter will set forth the Board's action and reason for its decision.
4. If the Board determines that there is reasonable cause to believe that the licensee or applicant has violated the Board's laws, rules, and/or regulations, the Board may cause a notice of contemplated action or notice of hearing and complaint to be issued for the licensee or applicant.
5. Following the issuance of a notice of contemplated action or notice of hearing and complaint, the Board may authorize the Complaint Committee to confer with the applicant or licensee for the purpose of seeking settlement of the complaint. Such settlement will be subject to approval by the Board, must be with the consent of the applicant or licensee, and must (among other things) include a knowing and intentional waiver by the applicant or the licensee of his or her rights to an administrative hearing and of the Board's ability to act as arbiter in an administrative hearing should settlement fail.

A. Administrative Hearings

1. Pursuant to Chapters 53 and 54 of Title 73 of the Mississippi Code of 1972, as amended, every licensee or applicant shall be afforded

notice and an opportunity to be heard before the Board when the Board has cause to believe that he or she has violated any of the laws, rules, or regulations of the Board.

2. The Board's Executive Director's duties shall include:
 - a. Issuing a notice of hearing and complaint or notice of contemplated action in the case.
 - b. Executing notices, scheduling orders, subpoenas, and other routine procedural documents that facilitate the conduct of the administrative proceedings.
 - c. Maintaining the official record of all papers and pleadings filed with the Board in any matter.
 - d. Preparing, certifying and filing with the appellate court the record of the case on appeal or review.
3. All hearings shall be conducted by the Board or by a hearing officer designated by the Board.
4. If a hearing officer is designated to hear a case, the hearing officer shall have authority to decide pre-hearing matters, preside over the hearing, and direct post hearing matters in accordance with the requirements of the case in a manner that ensures due process and an efficient and orderly hearing and resolution of the case. If a hearing officer is not designated to hear the case or if the hearing officer is unavailable or unable to proceed, the Board chair or other designee of the Board shall have the authority to decide pre-hearing or preliminary matters.
5. The original of any papers, pleadings or other documents shall be filed with the Board office. Copies must be sent to the hearing officer and attorneys or parties of record.
6. The hearing officer or designee of the Board shall issue appropriate orders to control the course of the proceedings.
7. The hearing officer or the Board designee may order the filing of briefs or other documents and may set oral argument on any matter.
8. No more than two (2) continuances of the hearing will be granted without the approval of the Board for good cause shown.

9. No proposed settlement, consent agreement, voluntary surrender of a license, or other proposal for the resolution of a pending disciplinary case shall be effective unless approved by the Board and executed by the Board and the licensee or applicant. The hearing officer or Board shall have the authority to seek information from the administrative prosecutor and the licensee or applicant concerning circumstances of the case relevant to a consideration of a proposed settlement or clarification of the proposed terms and conditions. No Board member is presumed to be biased and shall not be excused from participating in the adjudication and deliberation of a case based solely on the reason that the member considered a proposed settlement, consent agreement, or other proposal for resolution of a pending disciplinary or licensure case.
10. A proposal to settle a matter shall not stay the proceedings or vacate the hearing date unless otherwise ordered by the hearing officer or the Board designee upon the filing of a timely motion for continuance.
11. At the conclusion of the hearing, a final decision and order shall be entered by the Board. A Board member hearing officer, the Board chair, or designated Board member shall have the authority to sign the written decision of the Board.
12. The Board Executive Director shall serve the decision of the Board on the licensee or applicant.
13. If a license is restricted, suspended or revoked by the Board, the licensee shall immediately surrender his or her license to the Board as directed by the Board or Board designee.
14. If the licensee's scope of practice is restricted or limited or otherwise conditioned, the license may reflect such restriction, limitation or condition.

Source: Miss. Code Ann. §§73-53-11(1)(c), (f), (h) and (k), 73-53-19, 73-53-21, 73-53-27, 73-54-11(1), 73-54-31 and 73-54-33.

Rule 3.3 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 basis of 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. Disposition of any formal complaint may be made by consent order or stipulation between the Board and the licensee.

C. 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.

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 or extraordinary conditions.

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.

Source: Miss. Code Ann. §§73-53-11(1)(c), (e) and (k), 73-53-23, 73-54-11(1) and 73-54-29 (Supp. 2011).

Rule 3.4 Military Licensure:

A. Pursuant to MS Code Ann. Section 73-50-1, the Board of Examiners for Social Workers and Marriage & Family Therapists is authorized to issue an expedited license to a military-trained applicant or spouse applicant to allow the applicant to lawfully practice social work or marriage & family therapy in Mississippi. In order to receive the expedited license, the following requirements must be satisfied:

1. Complete an application for the appropriate license and submit it to the Board in the manner prescribed by the Board with a recent passport type photograph.
2. Submit documentation that applicant or spouse has been awarded a military occupational specialty.
3. Submit evidence that the applicant either (i) is currently on active duty with medical corps or (ii) has separated honorably from the military within the 6 months prior to the time of application.
4. Submit verification of a completed licensing examination as described in these rules.
5. Have two references submit letters regarding applicant's performance in the practice of social work or marriage & family therapy.

6. Submit verification that at least two (2) of the past five (5) years preceding the date of submission of the application applicant has engaged in the active practice of social work or marriage & family therapy.

7. Submit certification that applicant has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice social work or marriage & family therapy in any jurisdiction at the time the act was committed.

8. Submit fingerprints for state and national criminal history background checks.

9. Submit licensure fees prescribed by the Board.

B. All relevant experience of a military service member in the discharge of official duties or, for a military spouse, all relevant experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in the practice of social work as required under subsection A or B of this section.

C. A nonresident licensed under this section shall be entitled to the same rights and subject to the same obligations as required of a resident licensed by the Board.

D. The Board may issue a temporary practice permit to a military-trained applicant or military spouse licensed in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection A or B of this section if that jurisdiction has licensure standards substantially equivalent to the standards for licensure of the Board. The military-trained applicant or military spouse may practice under the temporary permit until a license is granted or until a notice to deny a license is issued in accordance with rules adopted by the Board.

Source: Miss. Code Ann. §§73-53-11(1)(c), (e) and (k), 73-53-23, 73-54-11(1), 73-54-29, and 73-50-1

Title 30: Professions and Occupations

Part 1902: RULES AND REGULATIONS FOR SOCIAL WORKERS

Part 1902 Chapter 1: General Provisions

Rule 1.1 DEFINITIONS

- A. "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. Clinical Social Work Practice means the application of social work methods and values in diagnosis and treatment and prevention of psychosocial dysfunction disability or impairment including emotional, mental, and behavioral disorders. It is directed at enhancing, protecting, or restoring people's capacity for social functioning, whether impaired by physical, environmental, or emotional factors. Clinical social work has a primary focus on the mental, emotional and behavioral well-being of

individuals, couples, families and groups. It centers on a holistic approach to psychotherapy and the client's relationship with his or her environment as essential to treatment planning.

- C. "Macro social work practice" focuses on changing larger systems, such as communities and organizations. It encompasses a broad spectrum of practice, including planning, program development, community organizing, policy analysis, legislative advocacy, program evaluation, task-oriented group work, community education, and human services management.
- D. "Examination" means that test or other measurement which is endorsed and prescribed by the Association of Social Work Boards (ASWB.)
- E. "Association of Social Work Boards (ASWB)" is the national Association of Social Work Boards.
- F. "Council on Social Work Education" (CSWE) is the national entity which accredits schools, departments, and programs of social work in higher education.
- G. "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.
- H. "Psychotherapy" is a specialized, formal interaction between a social worker or other mental health professional and a client (either individual, couple, family or group) in which a therapeutic relationship is established to help resolve symptoms of mental disorder, psychosocial stress, relationship problems and difficulties in coping in the social environment.

Source: Miss. Code Ann. §§73-53-3 and 73-53-11(1)(c) and (k) (Supp. 2011).

Part 1902 Chapter 2: Licenses and the Licensing Process

Rule 2.1 Types of Social Work Licenses

- A. "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. (Part 1902, Chapter 3, Rule 3.2, A: Guidelines of Practice LSW.)
- B. "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 Part 1902, Chapter 3, Rule 3.2, A: Guidelines of Practice LMSW.)

- C. "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. From and after 7/1/2020, only a licensed certified social worker who has completed clinical supervision and taken the ASWB clinical exam may hold himself/herself out to the public as a "clinical social worker." A licensed certified social worker who have completed supervision and taken the ASWB advanced exam shall not present themselves as a "clinical social worker." All LCSWs licensed prior to 7/1/2020, may continue to practice and hold out as LCSWs (Macro & Clinical). (See Part 1902, Rule 3.2, C: Guidelines of Practice, LCSW.)

Source: Miss. Code Ann. §§73-53-3, 73-53-11(1)(c) and (k) and 73-53-13.

Rule 2.2 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 meet the following general requirements:

1. Is at least twenty-one (21) years of age;
2. Is of good moral character, as defined in these Rules and Regulations;
3. Has on file a fingerprint criminal history information record check acceptable to the Board.
4. Has on file a Mississippi Sex Offender Registry check acceptable to the Board;
5. Holds United States citizenship or status as a legal resident alien;

6. Is free of conviction of a felony related to the practice of social work within the last ten (10) years;
7. Is mentally competent with no decree of mental incompetence still standing in any court;
8. Is currently free from dependency on alcohol or drugs, other substances or any other type of addiction;
9. Has no pending disciplinary action;
10. Has an acceptable social work degree for level of licensure requested.

C. Specific Requirements

Application shall be made on forms provided by the Board and available on the Board's website. Payment of application fees must be included with an initial licensure application and other supporting documentation as required. (See Schedule of Fees: Part 1902, Chapter 4, Rule 4.3, B)

1. **LSW Level**: An applicant for LSW designation must submit the following to the Board:
 - a. An 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. A current fingerprint criminal history record information check conducted by the appropriate governmental authority or authorities within one-hundred eighty (180) days of the completed application. This criminal history record information check must be received by the Board directly from the appropriate governmental authority or authorities, not from the applicant;
 - d. An acceptable Sex Offender Registry check conducted by the Board;
 - e. Passing scores on the examination from the ASWB basic exam;
 - f. Full licensure fee (See Part 1902, Chapter 4, Rule 4.3, B).

2. **LMSW Level:** An applicant for LMSW designation must submit the following to the Board:
 - a. An 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. A current fingerprint criminal history record information check conducted by the appropriate governmental authority or authorities within one-hundred eighty (180) days of the completed application. This criminal history record information check must be received by the Board directly from the appropriate governmental authority or authorities, not from the applicant;
 - d. An acceptable Sex Offender Registry check conducted by the Board;
 - e. Passing scores on the examination from the ASWB intermediate exam;
 - f. Full licensure fee (Part 1902, Chapter 4, Rule 4.3, B).

3. **LCSW Level:** An applicant for LCSW designation must be a current LMSW in good standing who has completed the Supervision process as outlined in Part 1902, Chapter 2, Rule 2.3 as verified by Board records, and must submit to the Board:
 - a. An Initial application for LCSW license;
 - 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 thirty-six (36) months for the supervision process to be completed;
 - d. Termination of Supervision Contract;
 - e. A current fingerprint criminal history record information check conducted by the appropriate governmental authority or authorities within one-hundred eighty (180) days of the

completed application. This criminal history record information check must be received by the Board directly from the appropriate governmental authority or authorities, not from the applicant;

- f. An acceptable Sex Offender Registry check conducted by the Board;
- g. Three acceptable letters of professional reference from licensed mental health professionals who have known the applicant for at least one year within the supervision period, sent directly to the board by the professional. The persons documenting the clinical experience and supervision may NOT be used for the letters of professional reference, but at least one (1) must be from a an LCSW other than the applicant's supervisor;
- h. Passing scores on the applicable ASWB examination;

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

4. Licensure by Reciprocity/Endorsement:

Applicants for licensure by reciprocity/endorsement who hold a valid license from another state may be eligible for licensure in Mississippi provided:

- a. The examination completed for licensure is the same examination endorsed or prescribed by the Association of Social Work Boards (ASWB) for the license level for which reciprocity/endorsement is being requested.
- b. The applicant has a comparable license in good standing or registration from another state or territory of the United States that imposes qualifications equal to or greater than the current requirements of the Mississippi Board of Examiners. Exams administered by individual states are not considered equal.
- c. Applicants, who have complaints or disciplinary action 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. The applicant has the required degree for licensure according to the current Rules and Regulations 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 received by the Board.

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 and the applicant was approved to take the ASWB exam at the Clinical or Advanced level.

Any subsequent application shall be treated as a new application with all applicable fees.

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 an individual licensed under these Regulations.

Source: Miss. Code Ann. §§73-53-1, 73-53-5, 73-53-7(1), 73-53-11(1)(c),(d), (k), (l), (u) and (3), 73-53-13 and 73-53-15(2) and (6).

Rule 2.3 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. Supervision means the direct review, for the purpose of training or teaching by a supervisor, of the supervisee's interaction with a client or client system. The purpose of supervision shall be to promote the development of the supervisee's social work skills. Supervision occurs through multiple methods, including live supervision, video/audiotape review and case report. It must be a process clearly distinguishable from personal psychotherapy and is conducted in order to serve professional goals.

Interactions which do not constitute supervision include: 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; or a primarily didactic process wherein techniques or procedures are taught in a group setting, classroom, seminar, staff development, orientation or role-playing as a substitute for current social work practice.

B. Prior Approval

All plans for professional post-Master's 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.

Supervisor Approval: An LCSW who is providing post-Master's supervision to an LCSW candidate must be a Board-approved LCSW Supervisor, having met all requirements for Supervisor's and submitted the applicable fee.

LCSW Candidate Approval for Supervision: An LMSW seeking to become licensed at the LCSW must meet all requirements, have submitted

all fees and receive written approval by the Board prior to initiating the supervision experience.

Out-of-state Supervisor: An LCSW who is a board-approved Supervisor (or its equivalent) in another state, may qualify as a Mississippi supervisor if the Board finds that he or she meets qualifications substantially similar as those required by the Board. A separate application and verification by the respective boards shall be required. In addition, the applicant must be licensed in the state of Mississippi and pass the Mississippi LCSW supervisor test.

C. Approval Procedure

LMSW's wishing to apply for LCSW status must:

1. Hold an active LMSW license with no pending complaint or disciplinary action and is otherwise in good standing as evidenced in Board records throughout the duration of the supervisory process;
2. Submit an Application to Enter into Contract for Supervision toward LCSW Status and processing costs (See Schedule: Part 1902, Chapter 2, Rule 2.3, A)
3. Submit a Plan of Supervision which meets all points required by the Board (See Part 1902, Chapter 2, Rule 2.3, B) and the Outline for the Plan for Supervision provided by the Board in the Guide for Supervision (which may be accessed on the Board's website). All points must be covered in sufficient detail for review by the Social Work Credentials Committee and subsequent Board approval. This supervision plan must designate that the candidate intends to take the ASWB clinical exam. All supervisory efforts must be aligned with the candidates chosen track of desired expertise.
4. Licensees who have completed supervision hours in other jurisdictions may apply to have those hours count towards their LCSW supervision in Mississippi if the Board finds that the other jurisdiction processes are similar to Mississippi and appropriate verification is received from the originating jurisdiction. The applicant is responsible for ensuring that the Board receives acceptable verification from the originating jurisdictions.

D. Supervisor's Qualifications and Responsibilities

Supervision for the LCSW candidate must be provided by an LCSW who is a Board-approved LCSW Supervisor.

1. Certification as a Supervisor requires:
 - a. a minimum of two years of verifiable practice at the LCSW level,
 - b. completion of a Board approved supervision course for a minimum of sixteen (16) hours for initial approval as a supervisor and, thereafter, two (2) hours continuing education in supervision during each biennial renewal period. No supervision continuing education is required for the first renewal period. All supervision training must be approved by the Board in order to be considered for this purpose. Supervision trainers must be an approved LCSW supervisor. Effective April 1, 2009, all Board-approved supervisors must have completed the Board-approved supervision training required by this paragraph on or before July 1, 2011, in order to maintain their status as Board-approved supervisors. If supervisory training requirements were not met by July 1, 2011, approved supervisor status expired on that date and the licensee is required to meet all requirements set forth in these Rules and Regulations to become an approved supervisor.
 - c. submission of an application for supervisory designation,
 - d. an LCSW license in good standing as evidenced in Board records throughout the duration of the supervision process,
 - e. initial and ongoing approval from the Board, and
 - f. payment of the required processing costs (*See Schedule: Part 1902, Chapter 4, Rule 4.3, B*).
2. The LCSW Supervisor must maintain his/her license as a LCSW in accordance with licensure laws of the State of Mississippi. Board approved supervisor status remains in effect contingent upon the supervisor maintaining a current license in good standing with the Board and completing the Board-approved supervisor training required by these Rules and Regulations, during each license biennial renewal period.
3. Initial supervisor approval expires on the date the licensee's regular license next expires. Thereafter, renewal of supervisor approval begins and expires on the same date for the supervisor's regular social worker's license. To renew the approved supervisor status, a supervisor must document at the time of license renewal that

during the concluding license period the supervisor completed a Board approved supervision course for a minimum of sixteen (16) hours and two (2) hours continuing education in supervision.

4. It shall be considered unethical for an LCSW without clinical expertise to supervise a LMSW candidate seeking to become a clinician.
5. Supervisor may not supervise more than seven (7) LMSWs who are in candidacy for the LCSW at any one time. No plan of supervision will be approved if the contracted supervisor is supervising more than seven (7) licensed master social workers who are in pursuit of the LCSW licensure designation. If the supervisor provides supervision for up to seven (7) supervisees, only 50% of the supervision can take place in a group format. Hence, 50% of supervisory interactions must take place in the form of individual, face-to-face interaction.
6. The LCSW Supervisor may provide supervision utilizing the following acceptable modes:
 - a. Individual supervision shall mean a maximum of two (2) supervisees meeting with one supervisor;
 - b. Group supervision shall consist of a minimum of three (3) and a maximum of seven (7) supervisees meeting with one supervisor.

E. The Supervisory Experience

1. Supervision must occur within an agency, institution, or group practice setting. A LMSW practicing independent of an agency, institution, or group practice setting will be practicing outside Board regulations, not be considered a candidate for LCSW supervision, and face disciplinary action.
2. In order to be approved by the Social Work Discipline Specific Committee of the Board, the supervision application and experience must include the following:
 - a. A contractual agreement between social worker and supervisor;
 - b. A Plan of Supervision, approved by the Board, utilizing the plan outline provided by the Board;

- c. The supervisee having a minimum of one hour per week face-to-face supervision with the LCSW supervisor for a minimum of one hundred (100) hours. The supervision period must be for a minimum period of twenty-four (24) months and may not exceed thirty-six (36) consecutive months.

Within 60 days prior to the end of the 36 month supervision time period, the supervisor or supervisee must notify the Board in writing of any extenuating circumstances (i.e. Major Medical Issues, Loss of Employment, Family Crisis, etc), anticipated by the supervisor and/or supervisee that would require an extension of the supervisory period. Any request for an extension of the supervision period must be accompanied by supporting evidence of the extenuating circumstances. An extension will be limited to six months beyond the thirty-six (36) month maximum. Retroactive requests for extensions will be considered on a case-by-case basis.

Supervisees may receive up to four (4) hours credit for developing the supervision plan collaboratively with their prospective supervisor;

For supervisors and supervisees who are not employed within the same agency, there must be a written plan approved by the Board to address how the LCSW Supervisor will insure that the face-to-face supervision is observed or carried out. Such face-to-face supervision must include on-site visits to the supervisees practice location at least once per six (6) month supervision period;

Supervision may include alternate means of supervision by or audiovisual electronic device (i.e. skype, facetime, webex, etc.) provided there is direct, interactive, live exchange between the supervisor and supervisee or provided that communication is verbally or visually interactive between the supervisor and the supervisee. It is incumbent that the supervisor and supervisee recognize the risks of sharing confidential information of clients and ensure that measures are in place that protect confidentiality through electronic encryption or related methods. No more than one-fourth (1/4) of the required hours may be by alternate means to direct face-to-face contact for a total of twenty-five (25) hours;

- d. During the supervision period, the LMSW must complete a minimum of one-thousand (1,000) hours of face-to-face client contact;
 - e. Evaluations should document personal growth and improvement in specific areas from one evaluation period to the next evaluation period. Written evaluations from the supervisor must be submitted to the Board for review at six month intervals and approved by the Board before beginning the next six (6) month supervision and evaluation period. A copy of each evaluation must be maintained in the LCSW Supervisor's file for a period of three (3) 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 applicant's 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. Forms are available on the Board's website.

F. How To Change Supervisors

1. If it is necessary for supervision to be terminated, prior to the completion of the supervision experience between an LCSW candidate and their LCSW supervisor, the terminating supervisor is responsible for completing a current evaluation form and a Termination of Supervision Form on which the LCSW supervisor shall verify the total number of supervised hours. The documents must be submitted to the Board for review within thirty (30) days of the termination of supervision.
2. The Board shall review the supervision record along with the termination contract to determine the extent to which the supervision process is completed up to the date submitted to the Board.
3. If supervision is to be continued with another LCSW supervisor, the LMSW in candidacy for the LCSW must submit to the Board:
 - a. a new Application to Enter Into Contract for Supervision toward LCSW status, listing the prospective LCSW Board approved supervisor;
 - b. the supervisory contract signed by the new LCSW Board approved supervisor; and
 - c. any revisions necessary to the plan under the new supervision agreement.

G. Termination of Supervision Agreement

The Board, on its own motion or on the complaint of any party, and after notice and an opportunity to be heard, may terminate or suspend a supervision agreement/contract for cause.

Source: Miss. Code Ann. §§73-53-11(1)(c),(d), (k) and (l) and 73-53-13(c)(ii).

Rule 2.4 EXAMINATIONS

A. Applications for Exams

The ASWB requires verification by the Board of Examiners for applicants to sit for the ASWB exam for each licensure level. Therefore, applicants must receive written approval from the Board to sit for the ASWB examination. The approval to sit for the ASWB examination expires one (1) year from the date of the Board's approval.

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 (CSWE) and/or Southern Association of Colleges and Schools (SACS) 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 on the Board's website. Verification of the social work degree is required 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 the Council on Social Work Education (CSWE), 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 required before the license can be issued.

Students in social work doctoral programs in colleges or universities accredited by Council of Social Work Education (CSWE) may take the exam in the final year of school, if not already licensed with the LMSW. Verification of the social work degree is required 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. The 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 may download a copy of the ASWB Candidate Handbook for the ASWB website at www.aswb.org (as this will not be sent by the Board). 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 (Masters): Applicants for LSW and LMSW licenses may take the exam every ninety (90) days.

Licensed Certified Social Worker (Clinical or Advanced (until 7/1/2020): Applicants for LCSW status may take the exam every ninety (90) days. However, the applicant may continue to practice under the LMSW license provided all requirements for renewal have been met.

Note: Applicants who are unable to attain a passing score within one (1) year of the initial application date must reapply for licensure with all applicable fees. After four (4) failed exam attempts, the candidate may appeal to the Board to be able to continue to take the exam and the Board may recommend remedial techniques to assist with continuing competency.

E. Examination Levels

1. LSW applicants are examined at the BACHELORS level. This examination has been developed for use as a licensure requirement by member boards that issue to BSWs, upon entry to practice, licenses for basic generalist practice of Baccalaureate Social Work.
2. LMSW applicants are examined at the MASTERS level. This examination has been developed for use as a licensure requirement by member boards that issue to MSWs, upon entry to practice, licenses for Master’s Social Work practice. The practice of Master’s Social Work includes the application of specialized knowledge and advanced practice skills.
3. LCSW applicants are examined at the ADVANCED or CLINICAL level. Advanced Generalist. This examination has been developed for use as a licensure requirement by member boards that issue, to MSWs with 2 or more years of experience in non-clinical settings, licenses for Advanced Generalist social work practice.
As of 7/1/2020 only the CLINICAL exam will be accepted for “licensed certified social worker” LCSW status in Mississippi. Clinical. This Clinical examination has been developed for use as a licensure requirement by member boards that issue, to MSWs with two or more years of experience in clinical settings, licenses for the practice of Clinical Social Work. The practice of Clinical Social Work requires the application of specialized clinical knowledge and advanced clinical skills including macro-level practice. Advanced Generalist social work occurs in non-clinical settings that may include macro-level practice.

F. Scores

1. Official notice of examination scores will be provided to the Board by the ASWB. Applicants will be notified if they passed or failed at the exam site.
2. An applicant must 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.

Source: Miss. Code Ann. §§73-53-11(1)(c), (g), (k) and (l) and 73-53-15(4).

Rule 2.5 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.

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 change 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.

Source: Miss. Code Ann. §§73-53-1 and 73-53-11(1)(c), (g) and (k) (Rev. 2011).

Rule 2.6 Status of License

- A. **Active or in Good Standing:** The licensee has met all requirements for licensure, has renewed before the license expiration date and paid all fees and administrative costs on time, has maintained the necessary requirements for his/her license and there are no disciplinary actions against the licensee. Licensees on active status and in good standing may utilize the Board's online renewal system.
- B. **Probationary:** The probationary status is issued to a licensee who is non-compliant with social work regulations, whether it be failure to acquire and verify continuing education or an appropriate end to a disciplinary procedure.

When probation is the result of a continuing education deficiency, Probationary Status 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 15 continuing education hours, the probationer would require 55 continuing education hours to renew at the next renewal cycle. No licensee may go through a second renewal cycle without bringing all educational requirements up to date.

- C. **Emergency-** The Board provides for licensure for volunteer social workers entering the State that are licensed to practice in other states. Social workers actively licensed in other states who assist others that have been affected by a hurricane or other natural disasters can practice in Mississippi for a maximum of ninety (90) days, without applying for a regular license. Volunteers who take paid positions in the practice of

social work in the State of Mississippi must be licensed by the Board. Any applicant seeking emergency certification must submit an application to the Board using forms located on the Board website.

Emergency Provisional Permit for Social Workers. During a lawfully declared local, state or national disaster or emergency, the Board may grant a social worker who holds a license to practice such profession in another state or territory of the United States an emergency temporary social worker permit to practice in Mississippi *to the extent authorized by this rule as if the individual were licensed in this state.* To qualify for an emergency provisional permit, an individual must meet the requirements described below:

1. The individual seeking an emergency provisional permit must:
 - a. hold a current license in good standing as a social worker in another state or territory of the United States,;
 - b. possess a license that is equivalent to that of the Mississippi license and have no existing or history of disciplinary action against any license held in any jurisdiction;
 - c. be sponsored by a social worker with an active license in good standing in Mississippi; and
 - d. adhere to the scope of practice for a similarly licensed individual established by the licensing provisions, practice acts, or other laws, rules or regulations of the State of Mississippi.

2. The individual seeking an emergency provisional permit must:
 - a. Submit a complete, signed and notarized Application for Emergency Provisional Permit and proof of his or her identify, which must include a copy of a drivers' license, passport, or other photo identification issued by a governmental entity;
 - b. Submit an application fee of \$50.00, payable by cashier's or money order and made payable to MBOE;
 - c. Submit verification of licensure for each state or territory in which licensure has been issued;
 - d. Provide the Board with the location where he or she will practice; and

- e. Provide any other information required by the Board.
3. An emergency provisional permit shall be valid for a period as determined by the Board or its designee not to exceed ninety (90) days. The Board or its designee may renew the provisional permit for an additional ninety (90) days, if the lawfully declared disaster or emergency still exists. Provided however, that an emergency provisional permit shall expire at the time designated by the Board or whenever the lawfully declared disaster or emergency no longer exists, whichever comes first.
 4. A holder of an emergency provisional permit (i) may only practice in the location on file at the Board's office; and (ii) must notify the Board in writing prior to beginning employment in another location.
 5. An emergency provisional permit may be immediately suspended or revoked upon discovery of any falsification, omission, or withholding of information.
 6. An individual wishing to practice as a social worker beyond the expiration of an emergency provisional permit or any extension thereof must apply for and obtain a social worker or marriage and family therapist license in accordance with the laws, rules and regulations governing said license *in the State of Mississippi*.
- D. **Inactive:** Upon written request and submission of the annual renewal application and renewal fee, the Board may grant inactive status to a licensee who:
1. Holds a license which is current and in good standing. All requirements for licensure must be met, including continuing education requirements.
 2. Does not practice as a social worker for compensation in the State of Mississippi.
 3. 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.

Social Workers may request in writing on forms provided by the Board that their licenses be placed on inactive status. The Board will consider the request and will notify the licensee of its decision

in writing within 60 days of receiving the written request for inactive status.

Those granted inactive status shall be excused from paying renewal fees until they notify the Board in writing of their intention to resume active practice. If a licensee fails to return to active status within two (2) years of being placed on inactive status, the licensee may request an extension in writing on forms provided by the Board (this form is available on the Board's website) for an additional two (2) years. If the licensee does not request an extension in writing on forms provided by the Board or no extension has been granted by the Board, the license will be considered as lapsed at the end of the renewal period following the end of the inactive status period, and be subject to the requirements for lapsed licenses.

All licensees on inactive status must provide evidence of having obtained the acceptable continuing education hours that would have been required had they been licensed in an Active status before returning to active status. At the Board's discretion, the continuing education requirements may be waived up to half the amount required per license period.

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.

- E. **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 and submit to the Board a signed affidavit of retirement as supplied by the Board on the Board's website or by contacting the Board office. Note: Individuals, who hold a Retired license may not engage in social work practice for compensation.

In order to receive "Retired" status, an individual must meet all licensing requirements, including continuing education and pay the processing fee.

If a licensee does not meet these requirements, then a “Retired” license will not be granted.

All re-licensure requirements are waived for a "Retired" license, but processing costs will be charged for issuing the retired license. The Retired license may stay in this status indefinitely with all applicable fees paid every six (6) years and provided that the retiree does not engage in social work practice. (See schedule in Part 1902, Chapter 4, Rule 4.3, B)

- F. **Retiree Reinstatement:** Retirees who wish to reinstate within four (4) years of their retirement may follow the reinstatement process.

Licensees holding a “Retired” status who wish to return to the active practice of social work within four (4) years of obtaining “Retired” status must comply with the following:

1. Submit an application for reinstatement to the MS BOE SW/MFT.
2. A request must be made in writing to the Board in order to return to active status. The request must include the following:
 - a. An explanation of the circumstances of the new practice setting;
 - b. A description of the practitioner's proposed duties;
 - c. A description of the agency’s environment;

If the request for re-instatement is granted by the Board, the licensee will be expected to earn at a minimum forty (40) continuing education hours 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.

- G. **Denied:** An applicant will be denied a license or renewal license when the Board: (1) determines the applicant does not meet the requirements for licensure; (2) has substantial evidence the applicant has violated the standards of conduct, the Code of Ethics or is not of good moral character; (3) has pending disciplinary action against the licensee; (4) has not received a criminal history records information check and a report based on a check of the Mississippi Sex Offender Registry; (5) has not received a complete and correct application or renewal application within the timeframe allowed; (6) has received documentation the licensee has a current (active) addiction to alcohol or drugs, other substances, or any other type of addiction; or (7) has received a declaration of mental

incompetence by the court or licensed qualified professional for the licensee.

H. **Revoked:** The Board may revoke or suspend a license on grounds set forth in these regulations. The person may not practice social work during the time the license is revoked.

I. **Lapsed:** Licensees who fail to renew their license biennially before the expiration date shall have the licenses lapsed. A licensee may not practice social work during the lapsed period. The licensee 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.

J. **Re-instatement:** Licensees, who have had licenses placed in lapse or inactive status, may apply for reinstatement within two (2) years for lapsed license or within four (4) years for inactive status by completing the following steps:

1. Making application for reinstatement on Board prescribed forms available on the Board's website.
2. Paying all applicable costs.
3. Providing the Board with fingerprint criminal history records information check and a check of the Mississippi Sex Offender Registry
4. Satisfactory documentation of completion of all continuing education requirements specified by Board Rules and Regulations that that would have been required to maintain a current license for the entire period the license has been lapsed or inactive;

K. **Reinstatement after revocation**

If the revocation or lapse has lasted more than two years or the inactive status lasted more than four (4) years, a completely new application is required, including retaking the exam and the application is subject to the Rules and Regulations in effect at the time of the new application.

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, if applicable.

Source: Miss. Code Ann. §§73-50-1§73-53-11(1)(c), (d), (e), (k), (n) and (2), 73-53-15 and 73-53-23(1)(f) and (4).

Part 1902 Chapter 3 Professional Standards of Practice and Code of Conduct

Rule 3.1 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 levels of 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: Part 1902 of this title).

Source: Miss. Code Ann. §§73-53-11(1)(c) and (k) and 73-53-13 (Supp. 2011).

Rule 3.2 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, conducting educational and supportive groups and evaluation of own practice. LSWs should not provide clinical social work services, psychotherapy, or engage in autonomous practice.

B. Licensed Master Social Worker (LMSW)

The LMSW may provide services to individuals, couples, families, organizations and communities. Such services shall be guided by knowledge of social work theory, social resources, social systems, human behavior, ethics, and methods to restore or enhance social, psychosocial or bio-psychosocial functioning. Scope of practice includes, but is not limited to, assessment, treatment implementation and evaluation, case management, information and referral, mediation, education, psychotherapy, advocacy, supervision of employees, consultation, research, community organization and development, administration of social policies, programs and activities.

A LMSW may provide clinical social work services within a recognized setting such as social, medical and governmental agencies and organizations only when under the supervision of a LCSW or other licensed or certified clinical professions such as a psychiatrist, or PhD, or PsyD level clinical psychologist. A LMSW may only work as an employee in an agency or organizational setting and cannot engage in autonomous practice.

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 cannot hold him/her self out as a Licensed Clinical Social Worker.

C. Licensed Certified Social Worker (LCSW)

The LCSW is qualified to perform all services included in the LMSW scope of practice in Section B above and those specified for the LCSW herein. The LCSW shall be qualified to function independently and shall demonstrate special knowledge and skill in his/her practice areas.

Clinical Social Work Practice means the application of social work methods and values in diagnosis and treatment and prevention of psychosocial dysfunction disability or impairment including emotional, mental, and behavioral disorders. It is directed at enhancing, protecting, or restoring people's capacity for social functioning, whether impaired by physical, environmental, or emotional factors. Clinical social work has a primary focus on the mental, emotional and behavioral well-being of individuals, couples, families and groups. It centers on a holistic approach

to psychotherapy and the client's relationship with his or her environment as essential to treatment planning. Clinical social workers are qualified to use the current versions of the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), and other diagnostic classification systems in assessment, diagnosis, and other activities related to mental health issues.

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, based on education, training, experience, and competency. The LCSW in macro practice shall demonstrate skill in supervision and management at the macro level. Macro Social Work Practice focuses on changing larger systems, such as communities and organizations. It encompasses a broad spectrum of practice, including planning, program development, community organizing, policy analysis, legislative advocacy, program evaluation, task-oriented group work, community education, and human services management. The Clinical social worker encompasses macro practice skills as long as the person is practicing within their scope of expertise, based on education, training, experience, and competency.

Source: Miss. Code Ann. §§73-53-1, 73-53-11(1)(c), (k), (2) and (3) and 73-53-13

Rule 3.3 Standards of Ethical Conduct (*See also Section 73-53-17 ff, MS Code Annotated, 1972.*)

- A. The social worker's primary responsibility is to clients.
- B. 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.
- C. Social work fees must be fair, reasonable, considerate, and commensurate with the services performed.
- D. The social worker must uphold and advance the values, ethics, knowledge, and mission of the profession.
- E. The social worker must assist the profession in making social services available to the general public.
- F. The social worker must strive to become and remain proficient in professional practice.

- G. 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.
- H. The social worker must not practice beyond the parameters of his/her competencies.
- I. The social worker must retain ultimate responsibility for the quality and extent of the services he/she performs.
- J. The social worker must not exploit professional relationships for personal gain.
- K. The social worker engaged in research must protect participants from unwarranted physical or mental discomfort, distress, harm, danger, or deprivation.

Source: Miss. Code Ann. §73-53-11(1)(c) and (j) (Supp. 2011).

Rule 3.4 Standards for Use of Technology in Practice

A. Definitions

Client — means the individual, couple, family, group, organization, or community that seeks or receives social work services from an individual social worker or organization. Client status is not dependent on billing or payment of fees for such services.

Electronic social work services — mean the use of computers (including the Internet, social media, online chat, text, and email) and other electronic means (such as smartphones, landline telephones, and video technology) to

- (a) provide information to the public,
- (b) deliver social work services to clients,
- (c) communicate with clients,
- (d) manage confidential information and case records,
- (e) store and access information about clients, and
- (f) arrange payment for professional services.

In-person — refers to interactions in which the social worker and the client are in the same physical space and does not include interactions that may occur through the use of technology.

Remote — refers to the provision of a service that is received at a different site from where the social worker is physically located. Remote includes no consideration related to distance and may refer to a site that is near to

or far from the social worker.

- B. Electronic Practice Social Work Services: The practice of LSW, LMSW, or Clinical or Certified Social Work to an individual in this state or another state through telephonic, electronic social work services, or other means, regardless of the location of the practitioner, shall constitute the practice of social work and shall be subject to Rules and Regulations of the state where they are providing services and where the client is receiving services. Social workers providing electronic social work services shall take all necessary measures to ensure compliance with relevant practice standards and ethics.
- C. Social workers who choose to provide electronic social work services shall:
 - 1. Inform clients about risks associated with disclosure of confidential information on the Internet, social media sites, text-messaging sites, and videoconferencing sites, and the potential consequences.
 - 2. Use proper safeguards, including encryption, when sharing confidential information using digital or other electronic technology. Social workers shall protect clients' stored confidential information through the use of proper safeguards, including secure firewalls, encryption software, and password. Adhere to statutes and regulations regarding the secure use of digital and other electronic technology both within Mississippi and within the location where the client is located.
 - 3. Inform clients that clients are not permitted to disclose or post digital or other electronic communications from social workers or other recipients of services without proper consent.
 - 4. Take steps to ensure that confidential digital communications are protected. Social workers shall use proper safeguards, including encryption, when using digital communications such as email communications, online posts, online chat sessions, mobile communication, and text communications. Social workers shall develop and disclose policies and procedures for notifying clients as soon as possible of any breach of confidential information.
 - 5. Take reasonable steps to prevent client access to social workers' personal social networking sites to avoid boundary confusion and inappropriate dual relationships. Social workers shall maintain separate professional and personal social media and websites in

order to establish clear boundaries and to avoid inappropriate dual relationships.

6. Comply with the laws and regulations that govern electronic social work services within the jurisdictions in which the social worker is located and in which the client is located.

Part 1902 Chapter 4: Continuing Education and Licensure Renewal; Reinstatement

Rule 4.1 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. **Continuing Education:** The continuing education offerings for each discipline (social workers and marriage and family therapists) are approved independently. Licensees should NOT assume that an approved offering for one discipline is also approved for the other discipline. The MBOE website maintains separate lists of approved continuing education offerings for social workers and marriage and family therapists. The Board shall credit continuing education for social workers as follows. Parts of programs which meet the criteria set forth in these rules and regulations (relating to Types of Continuing Education and Criteria for Approval of Continuing Education Activities) shall be credited on a one-for-one basis with one clock-hour credit for each one clock-hour spent in the continuing education activity, unless otherwise designated by the Board or the Board's designee. Time devoted to registration, organizational business, breakfasts, luncheons, dinners, or other refreshments shall not be counted as instructional or continuing education credit time. When there is a luncheon speaker, only the time of the speaker's presentation may be calculated for continuing education credit. Forty (40) clock hours are required each renewal period.
2. **DESIGNATED PROVIDERS (DPs):** are organizations or institutions determined by the MS Board of Examiners SW Continuing Education Committee (SWCEC) to meet the standards for continuing education. These organizations hold standing by application, review and approval for a two (2) year period of time, during which they must consistently comply with all requirements.

Complaints and random audits by MBOE members or their designees may result in removal from the status at any time and may prohibit renewal. Organizations who are approved for this status shall have their DP number and dates of approval on all documentation, and will be listed with this information for public review and continuing education resources on the MBOE website (www.swmft.ms.gov) and any publications therein.

Only those organizations that have previously held three successful programs approved for social worker continuing education by the Board, SWCEC, or its designee may apply for DP status. Applications for DP status may be obtained from the Board's office or through the Board's website at www.swmft.ms.gov.

The following organizations are automatically approved for social worker continuing education by the MBOE and do not need to complete DP application process for program approval:

- a. Any program approved by the national NASW office, or any NASW Chapter;
- b. American Association for Marriage & Family Therapy or any of its state chapters;
- c. Any state chapter of Council on Social Work Education approved schools of social work (In order for continuing education offerings to be approved by this type of designated provider, the school of social work must be actively engaged in the planning and presentation of the offering);
- d. Association of Social Work Boards or any state licensing board affiliated with;
- e. International Association of Social Workers or any program approved by member countries; or
- f. International Federation of Schools of Social Work and member schools.

SWCEC reserves the right to void approval of a specific program that has been previously granted approval by any of the above listed organizations or the current DP listing, should content and speaker be determined upon review to contain content that is not post-baccalaureate level or is in serious conflict with social work values and education.

Organizations that are approved for Designated Provider status must be actively engaged in the planning, development and presentation of the continuing education programs they provide. Co-Sponsorship will not be accepted.

C. Continuing Education Requirements for Renewal

Forty (40) hours of approved continuing education is required for each renewal period. The applicant will submit a listing of that period's earned hours with an attestation statement that the list is true and correct. (See Part 1902, Chapter 4, Rule 4.2, B)

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. Unused hours: Continuing Education hours that were completed within the 3 years prior to the current expiration date of a license that have not been submitted for previous license renewal may be carried over from one renewal to the next. Provided however, ethics and cultural diversity hours may not be carried over. All unused CE hours must be maintained by the licensee and not by the Board.
5. Four (4) hours of approved professional ethics are required for each licensee for each renewal period.
6. Two (2) hours of cultural diversity/multicultural issues/cultural competency awareness are required
7. Beginning 7/1/2020, one (1) hour of training in Mandated Reporting for all client populations will be required each renewal period.
8. Probationary Status: Part 1902, Chapter 2, Rule 2.6, B

D. 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 Part 1902, Chapter 4.

Acceptable ways of acquiring continuing education credits include the following:

1. Academic courses taken from a regionally accredited college or university or a school in candidacy for CSWE status, related to the licensee's social work practice, may be submitted for review and consideration for approval to the SWCEC. These course materials must be submitted prior to taking the course or immediately after enrollment. If approved, documentation of successful completion of the course must be submitted for final approval. One graduate academic semester hour successfully completed (a grade of "B" or better) shall be equivalent to five (5) continuing education hours.
2. Social Work academic courses taken from a CSWE accredited school of social work at a level beyond the licensee's current academic status are acceptable for continuing education. These courses do not need to be submitted to the SWCEC for prior approval. One graduate academic semester hour successfully completed (a grade of "B" or better) shall be equivalent to five (5) continuing education hours.
3. Instructors teaching a class at a CSWE accredited school of social work may submit documentation to be calculated at ten (10) hours per hour of class credit. This approval will only be honored for classes taught the first time.
4. Continuing Education programs provided by organizations listed in Part 1902, Chapter 4, Rule 4.1, B (2) shall be considered an acceptable mode of acquiring continuing education hours.
5. Approved 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: Provider organizations are responsible for obtaining approval for credit PRIOR TO conducting the activity. (See Part 1902, Chapter 4, Rule 4.1, F)
6. 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, Part 1902, Chapter 4, Rule 4.1, F)

7. Individual Activities: Activities, including workshops and presentations, planned by an individual must be approved by SWCEC in advance. No more than twenty (20) approved continuing education hours of this type will be accepted in a given licensure renewal period.
 - a. Publication of a Professional Social Work Paper: The initial publication shall be acceptable for twenty (20) continuing education hours. Presentation of a professional social work paper for the first time at an approved professional conference shall be acceptable for five (5) continuing education hours or twice the approved continuing education hours for the session, provided the written paper is submitted with the request. The published paper must be submitted to the SWCEC within six (6) months of publication accompanied by copy of the publication medium (journal, book, professional magazine) and a completed CE application form.
 - b. Presenter: Participation as the sole presenter, leader, or teacher of an approved workshop or conference shall be acceptable for three times the approved continuing education hours for the session.
 - c. Panelist: Participation as a panel member for an approved workshop or conference shall be acceptable for two times the approved continuing education hours for the session.
 - d. Facilitator: Facilitating, moderating, or presiding over an approved workshop or conference shall be acceptable for the approved continuing education hours for the session.
 - e. Self-Directed Learning Projects and/or Distance Learning/Internet (Online) Learning Courses: Continuing education hours for distance learning/internet learning courses will only be granted for courses offered by Designated Providers, MBOE exempt providers or by prior approval by the SWCEC on a per case basis. The SWCEC will grant continuing education hours only after completion of the course and proof of successful completion of post-test, course examination, and/or evaluation from the online course provider.

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 twenty (20) continuing education hours may be accrued per renewal period as a result of self-directed learning projects.

8. Instructors of Field Education who have student interns may receive five (5) hours of Continuing Education per student with a maximum of four students per renewal period for field instructors (maximum of 20 CE hours per renewal period). Field instructors must receive CE verification certificates from CSWE School of Social Work, whether inside or outside the state of Mississippi.

Board Approved LCSW Supervisors may receive up to five (5) hours of Continuing Education for twelve (12) months of supervision per supervisee per renewal period for serving in that capacity (maximum of 20 CE hours per renewal period). The SWDSC will send this verification to the supervisor upon request using the BALCSWS CE Form.

LMSWs in supervision for LCSW status may receive up to five (5) hours of continuing education for twelve (12) months of supervision each renewal period for participation in the supervision process. The SWDSC will send this verification to the supervisee upon request using the BALCSWS CE Form

E. Approval Procedures for Continuing Education

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 Board. The SWCEC must review all continuing education activities for approval, except for those of the designated providers, or those approved or sponsored as indicated in

section B above.) All applications for review should be received by the Board Office sixty (60) days prior to the date the event will be held.

Mississippi BOE for Social Workers & Marriage and Family Therapists
Social Work Discipline Specific Committee
Continuing Education Sub-Committee
P.O. Box 4508
Jackson, MS 39296-4508
601-987-6806
www.swmft.ms.gov

Licenses should contact SWCEC for specifics about applications submitted for approval.

Note: Retroactive Approvals will not be considered by SWCEC after any provider offering.

F. Reporting Procedures for Continuing Education

Provider Responsibility: It is the responsibility of each provider of continuing education to: 1) verify attendance of attendees at all conference sessions when credit is being requested. 2) provide the Board or the Board's designee with a verified list of participants, and 3) provide the attendee with a written statement, verification, or certificate of attendance at the conclusion of an offering.

The attendee's verification must include the following information:

- a. Name of attendee
- b. Name of offering
- c. Date of offering
- d. Provider's name
- e. Location of offering
- f. Signature of organizer/sponsor or designee
- g. Amount of approved continuing education hours awarded

Licensee Responsibility: It is the sole responsibility of the licensee to: 1) obtain verification of attendance documenting continuing education offerings; 2) provide proof of participation in approved continuing education offerings to the Board; 3) provide attestation of having completed continuing education; and 4) maintain for four (4) years their own records and official verification of the continuing education files for the licensees. Failure to substantiate the number of approved credits submitted or to submit documentation for a sufficient number of approved continuing education credits will result in a license not being renewed.

G. Random Audit of Continuing Education Documents

1. The Board may annually audit or cause to be audited a minimum of ten percent (10%) 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 from the date of the notice informing the licensee) with official documentation of the total hours listed on their renewal application, the license will be subject to suspension following written notification from the Board and will remain suspended pending further Board action.
2. If, during the audit, the Board finds unacceptable 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 disciplinary action.

H. Re-evaluation of Continuing Education

A licensee who feels that evidence of continuing education was appraised incorrectly by the Board, may make a written request for re-evaluation to the Board within thirty (30) days of the Board's finding. Verbal requests will not be honored.

I. Waiver of Continuing Education Requirements and Request for Extension of Time to Complete Continuing Education Requirements

1. The Board may waive continuing education requirements to a licensee who was not engaged in the practice of social work during a given continuing education renewal period on an individual basis for reasons of hardship, such as severe illness, disability, military service or other good cause. Any waiver will be granted solely in the discretion of the Board.
2. The Board may extend the time within which to fulfill continuing education requirements to a licensee during a given continuing education renewal period on an individual basis for reasons of

hardship, such as severe illness, disability, military service or other good cause. Any waiver or extension of time will be granted solely in the discretion of the Board.

3. A licensee must submit a written request for a waiver of, or extension of time within which to fulfill, continuing education requirements. The request must be made in writing, under penalty of perjury, and must set forth with specificity the reasons for requesting the waiver or extension and, in the case of the waiver request, the portion of the renewal period during which the licensee was not engaged in the practice of social work. The licensee shall submit to the Board all documentation in support of the request for waiver or extension and such additional information or documentation as the Board may request in support of the waiver or extension.
4. Waivers of the minimum continuing education requirements may be granted for up to one-half of the forty (40) hours of continuing education required for any two-year (biennial) renewal period. Extensions of time may be granted by the Board for a period not to exceed one (1) calendar year. The grant of an extension by the Board will result in the renewal of a license based on the condition that the licensee completes the continuing education requirement by the deadline established by the Board.
5. A waiver of continuing education requirements granted pursuant to this section shall be effective only for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver continues into the next biennial period, a licensee who seeks another waiver must apply to the Board for a renewal of such waiver for the new biennial period.
6. If an extension of time is granted, the license will be placed on active status but the license shall be automatically changed to inactive status at the end of the extension period unless the licensee satisfies the continuing education requirement prior to that time. When the license is placed on inactive status, the licensee shall cease all activity requiring a license.
7. A licensee shall apply for a waiver or extension of continuing education requirements no later than 30 (thirty) days prior to the end of the biennial licensing period for which the waiver or extension is requested. All requests shall be sent to the office of the Board, by certified mail, return receipt requested.

8. An extension of time shall not be granted to any licensee who obtained an extension in the immediately preceding renewal or reporting period in which the licensee held an active license, except in the case of a licensee who is unable to complete the requirements due to military service commitment pursuant to a combat or national emergency assignment.
9. The Board may, as a condition of any extension or waiver granted, require the licensee to make up a portion of the continuing education requirement in the manner determined by the Board.

Source: Miss. Code Ann. §73-53-11(1)(c), (k), (m), (n).

Rule 4.2 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. All licenses must be renewed by submitting a renewal application to the Board prior to the expiration date on the license.
2. Notice of Renewal: The Board will send a reminder of renewal to all licensees at the latest address of record on file with the Board. Failure to receive a renewal notice from the Board will not relieve the license holder from the renewal requirement. It is the responsibility of the licensee to maintain an accurate mailing address in his or her file by promptly notifying the Board in writing of a change of address.
3. Renewal application forms are available on the Board's website or by contacting the Board.

4. Licensee's in good standing are encouraged to renew using the online format available for social workers beginning the April 30, 2008 renewal period. Renewal windows will be available from March 1 to April 30 for the April renewal period and August 1 to September 30 for the September renewal period.
5. In order to complete license renewal, social workers are required to submit:
 - a. A renewal application (available on the Board's on-line renewal application, on the Board's website in a printer friendly version, or by contacting the Board office to request one);
 - b. A list of approved continuing education hours along with an attestation by the applicant that the information submitted is true and correct and original proof of same is available for inspection, if licensee is chosen for audit. (See Part 1902, Chapter 4, Rule 4.1, C below for more information concerning continuing education credits.); and
 - c. The required renewal fee (see Schedule: Part 1902, Chapter 4, Rule 4.3, B).
 - d. If the licensee does not have a fingerprint Criminal History Record Information Check on file with the Board, beginning 7/1/2020, the licensee must submit to a current fingerprint criminal history record information check conducted by the appropriate governmental authority or authorities at the time of license renewal within one hundred-eighty (180) days prior to the expiration of their license. This criminal history record information check must be received by the Board directly from the appropriate governmental authority or authorities, not from the applicant.

C. Determination of Submission Date

All applications must be received by the close of business on the due date for renewal. On-line renewals must be submitted by 11:59 p.m. to be processed. The date of submission is the date stamped received by the Board.

D. Reinstatement of Lapsed License

1. General Instructions:

License renewals that are received in the Board’s office after the license expiration date are considered “Lapsed”. 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 twenty-four (24) months after its last expiration date. (All lapsed licenses, including grandfathered or provisional licenses, will be considered as new applications, and will have to meet current initial licensing laws and regulations, including the appropriate ASWB 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.

Source: Miss. Code Ann. §§73-53-11(1)(c), (d), (e), (g) and (k) and 73-53-15 (Supp. 2011).

Rule 4.3 FEES AND COSTS

A. Method of Payment

All fees and costs are to be paid by cashier’s check, money order and credit card (only for on-line renewals) 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.....	\$75.00
Initial License Fee: LMSW & LCSW.....	\$110.00
Upgrade from LSW to LMSW	\$32.00
Upgrade from LMSW to LCSW,	\$32.00
Copying fee: (\$1.00 per page plus cost of retrieving information)	
Renewal Fee:	
LSW	\$75.00
LMSW	\$110.00

LCSW \$110.00

Administrative/Processing Costs:

Application fee..... \$30.00
Inactive status (plus renewal cost)..... \$35.00
Retired status \$35.00
Reinstatement (plus renewal cost) \$50.00
Duplicate license card or seal..... \$10.00
Replacement license \$25.00
Certification to become LCSW Supervisor \$55.00
Post-graduate Supervision Plan Approval..... \$80.00
for LCSW candidates

Electronic copy of SW licensee address list-\$110.00
Application Packet (available on-line at no costs)..... \$10.00
Licensure verification for another state.....\$25.00

Name Change fee.....\$10.00

Copy of rules and regulations (available on-line at no cost)... \$25.00
(all initial applicants will be issued one copy free of charge upon
request)

Late Renewal Fee..... \$55.00

LCSW Supervisor Test..... \$25.00

Continuing Education Costs:

Designated Provider initial application.....\$550.00
Designated Provider status renewal (every 2 years).....\$275.00
Individual application (Less than or equal to 8 CE hours).....\$55.00
Individual application (Greater than 8 CE Hours).....\$110.00
Review of online CE program.....\$55.00

C. Examination Fee

Fees for examination are to be paid directly to the appropriate testing organization. (See Part 1902, Chapter 2, Rule 2.4, C and ASWB.)

Amended: _____ Effective: _____

Source: Miss. Code Ann. §§73-53-11(1)(c), (g) and (0) and 73-53-15.

Title 30: Professions and Occupations

Part 1901: Authority and Practice

Part 1901 Chapter 1: Administration

Rule 1.1 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 Parts 1902 and 1903 of this title 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 Part 1901, Chapter 1, Rule 1.1, B above in this Section.
4. “Rules” shall mean all licensing guidelines adopted by the Board and contained herein.

Source: Miss. Code Ann. §§73-53-1, 73-53-3(a), 73-53-11(1)(c), 73-54-3, 73-54-5(g) and 73-54-11(1) (2008 & Supp. 2011).

Rule 1.2 BOARD OF EXAMINERS FOR SOCIAL WORKERS AND MARRIAGE & 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

Board Chair: The Board shall select one (1) of its members to serve as Board Chair. This shall occur every four years or until the Chair's appointment expires, whichever occurs earlier. However, no person may serve as Chair of the Board for more than four (4) years.

Vice Chair: In the June meeting of each year, the board shall elect a member to serve as its vice chair and its secretary. These individuals will take office July 1st of the year in which they were elected.

Discipline Specific Committee Chair: Each Discipline Specific Committee will select one (1) of its members to serve as Chair of the Discipline Specific Committee during the term of his/her appointment. No person may serve as Chair of the Discipline Specific Committee for more than ~~four (4)~~ two (2) years. The Discipline Specific Committee will deal with concerns specific to each discipline.

Actions of each Discipline Specific Committee will then be presented to the full Board for discussion and, if applicable, Board action.

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 with and supports all statutes 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:

1. Malfeasance in office;
2. Conviction of a felony or a crime of moral turpitude while in office; or
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.

Source: Miss. Code Ann. §§73-53-1, 73-53-8, 73-53-11, 73-54-3 and 73-54-11; Miss. Code Ann. §§25-41-13 and 25-43-2.104.

Rule 1.3 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.

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. Require each applicant for licensure (first time applicant in any licensure category) to complete, through the appropriate

governmental authority or authorities as designated by the Board, a criminal history record information check. The Board shall be authorized to charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the Board in requesting and obtaining the criminal history records information on the applicant.

3. Obtain, through the appropriate governmental authority or authorities, a criminal history record information check and a check of the Mississippi Sex Offender Registry for each person applying for licensure. The board shall be authorized to charge and collect from the applicant or licensee, in addition to all other applicable fees and costs, such amount as may be incurred by the Board in requesting and obtaining the information required in this paragraph for the applicant or licensee.
4. 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.
5. Approve all examinations for licensure under the Act.
6. Have other such powers as may be required to carry out licensure requirements prescribed by law and by regulation.
7. 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.

D. Method of Operation

The Board follows the procedures required by Mississippi Code of 1972 (as amended) §25-43-2.104.

E. Oral Proceedings on Proposed Rules

1. **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.

2. **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.
3. **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).
4. **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.
5. **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.
6. **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.

7. 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' 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.

F. Declaratory Opinions

1. **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.

2. **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.

3. **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.

4. **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. 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 an 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.

5. **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.

6. **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.

7. **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.

8. **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.

9. **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.

10. **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.
11. **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.
12. **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.
13. **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.

G. Public Records Request

All public requests to inspect, copy or mechanically reproduce or obtain are production of any public record of the Mississippi State Board of Examiners for Social Workers and Marriage and Family Therapists (Board) must be submitted in writing to: the Executive Director, Mississippi State Board of Examiners for Social Workers and Marriage and Family Therapists, P.O. Box 4508, Jackson, Mississippi 39296-4508. This rule is not intended to apply to any record or other document, which is exempted or privileged under the provisions of the Mississippi Public Records Act.

The written request must be typed or clearly hand printed on a letter size piece of paper and must specify in detail the public record(s) sought. The request must include a description of the type of record, dates, title of a publication, and other information which may aid in locating the record. No verbal or telephone requests for records will be accepted.

Under the Public Records Act, documents that are exempt from public access to records include, but are not limited to, personnel records, appraisal records, attorney communications and work products of attorneys, academic records, third party confidential commercial or financial information, licensure applications and examination records, and individual tax records.

Within seven (7) working days of the Board's receipt of a public records request, the Board shall review same and determine whether the records sought are exempt or privileged by law and shall either: i) produce the records; ii) allow access to records; iii) if the request is unclear or does not sufficiently identify the record sought, request clarification from the requestor; or iv) deny access to or production of the records sought. If the Board is unable to produce a public record by the seventh working day after the request is received, the Board will provide the requester with a written explanation stating that the record requested will be produced and specify the reason why the records cannot be produced within the seven-day period. Unless there is mutual agreement between the Board and the requester, the date for production of the requested record will be no later than fourteen (14) working days from the Board's receipt of the original public record request.

When a request for information is made for documents furnished to the Board by a third party, the Board will give notice of the request to the third party as required by the Public Records Act. Such third party information will not be released without the prior written consent of the third party authorizing the release of the information and/or until the third

party has been provided with notice of the public records request and an opportunity to seek a court order protecting such records from public review. No third party information will be released by the Board if the third party obtains a court order prohibiting the disclosure of such information.

When possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld from disclosure by the Board.

If the Board determines that the records requested are exempt or privileged under the law, the request shall be denied and the person making the request will be provided a statement of the specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three (3) years from the date such denials are made.

Public records of the Board are available for inspection and copying or reproduction during regular office hours (8:00 a.m. through 5:00 p.m., Monday through Friday) by appointment. All inspection, copying or mechanical reproduction of records must be done in the office of the Board. The time, place and manner of inspection and reproduction or copying will not be allowed to interfere with the official duties of the Board. The Board will not allow its records to be taken from the Board office.

The requester must pay the Board in advance all reasonably estimated costs of searching, obtaining from storage, reviewing, shipping and/or duplicating the requested records. Such payment must be sufficient to cover the actual costs to the Board of complying with the public records request. There shall be a charge of \$1.00 per page for each copy. Copies printed on both sides (front and back) shall be considered as two (2) pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If the request involves notice being given to a third party, the cost of mailing such notice to the third party shall be charged to the requester. Cost of obtaining records from any state storage facilities and the search for the records shall be charged to the requester. If the actual cost of a public records request exceeds the estimated cost provided to the requester, the requester will be required to pay the Board the difference between the amounts paid in advance by the requester and the actual cost of supplying the record to the requester.

Payment by the public records requester must be made by money order or certified check.

The Board has also established a schedule of standard fees for frequently requested documents and information, directory or labels of licensees, and electronically accessible data. The schedule of standard documents and fees is set forth in Rule 4.3 Fees and Costs.

Source: Miss. Code Ann. §§73-53-8(11), 73-53-11, 73-54-11, 73-54-13 and 73-54-17 (Supp. 2011); Miss. Code Ann. §§ 25-43-2.103, 25-43-2.104 and 25-43-3.104 (Rev. 2010); Miss. Code Ann. 25-61-1 through 25-61-12 (Rev. 2010).

Rule 1.4 FISCAL SUPPORT OF THE 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 and in these rules. Fees for other Board services related to licensure may be set and collected in accordance with regulations in the appropriate Discipline Specific section of these Rules.

Source: Miss. Code Ann. §§73-53-11(1)(c) and (g), 73-53-10, 73-53-15, 73-54-11(1), and 73-54-27(1) (Supp. 2011).

Part 1901 Chapter 2: Character and Fitness

Rule 2.1 MORAL CHARACTER

A. General

1. As used under the Rules and Regulations of the Board of Examiners, “good moral character” means a pattern of behavior conforming to the profession’s ethical standards and behavior that indicates honesty and truthfulness, integrity, respect among the community for lawful behavior, respect for the rights of others, and obedience to the lawful directives of public officers or officials or persons charged with the enforcement of the law and showing an absence of moral turpitude.
2. Fitness for service as it relates to moral character must be verified by an appropriate background investigation.
3. A determination of good moral character shall be based on absence of acts that reflect moral turpitude and upon the consideration of all aspects of a person’s character as exemplified by his or her

behavior and shall include, but not necessarily be limited to, consideration of the following:

- a. Evidence, among other things, of having neither a conviction nor a plea of guilty or nolo contendere, probation, pretrial diversion or payment of any fine for a felony or a misdemeanor involving moral turpitude, regardless of whether the matter is under appeal by the applicant.
- b. Disciplinary action taken against any professional license, registration or certification held by the applicant by applicable governmental authority of any state, territory or political subdivision of the United States or any other jurisdiction.
- c. Whether an applicant has been guilty of conduct or practices in this state or elsewhere which would constitute grounds for disciplinary action under the Board's laws, rules and/or regulations.
- d. Civil lawsuits and administrative action bearing upon moral character such as fraud, misrepresentation, theft, assault and battery.
- e. The applicant's prior history of unlicensed practice of a regulated profession in this state.
- f. Conduct that violates any of the provisions in the code of ethical standards established by the National Association of Social Workers, the American Association of Marriage and Family Therapy and/or other standards adopted by the Board.
- g. Conduct involving dishonesty, fraud, or attempted deception.
- h. Conduct involving misrepresentation.
- i. Conduct that would adversely reflect on a person's fitness to perform as a social worker or marriage and family therapist.

4. In determining a person's good moral character when there is evidence of the conduct described above in subsection 3 of this Rule, the Board will also consider the following factors:
 - a. The nature of the criminal offense(s) or conduct which gave rise to the disciplinary, civil or administrative action.
 - b. The age of the applicant at the time of the criminal conviction(s) or conduct which gave rise to the disciplinary, civil or administrative action.
 - c. The number of criminal convictions or number of disciplinary, civil or administrative actions taken against the applicant.
 - d. The nature and severity of the sentence or sanction imposed for each criminal conviction that gave rise to the disciplinary, civil or administrative action.
 - e. Whether the probation period given in a conviction has been completed and fully satisfied to include fines, court costs, and other conditions of probation.
 - f. Whether restitution ordered by a court in a criminal conviction or civil judgments has been fully satisfied.
 - g. The date of the criminal conviction(s) or date of the disciplinary action. Whether more than ten (10) years have elapsed from the satisfaction of the terms of any order, judgment, or restitution agreement relating to criminal, administrative or civil action unless the conduct is felonious in nature.
 - h. The burden of demonstrating that the applicant possesses the good moral character required for licensure shall rest with the applicant.

Source: Miss. Code Ann. §§73-53-11(1)(c), 73-53-13(d)(ii), 73-54-11(1) and 73-54-13(a).

Rule 2.2 SCOPE OF PRACTICE

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. The Baccalaureate Social Worker (LSW) is prohibited from diagnosing, treating or conducting therapeutic groups or psychotherapy.

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 their competencies. Further, all licensees are required to inform the Board, through submission in writing on Board designated forms, of a change of address, name, and other identifying information.

Source: Miss. Code Ann. §§73-53-11(1)(c), (k), (m) and (3), 73-53-13, 73-54-11(1) and 73-54-17 (Supp. 2011).

Part 1901 Chapter 3: Standards and Procedural Rules

Rule 3.1 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 licensee's 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. 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, sexual orientation, 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. The licensee is required to adhere to the code of ethics of their specific discipline. The board declares that sexual or romantic encounters/relationships, whether physical or electronic, between a social worker/marriage and family therapist and a current client or former client or the client's immediate family members according to the third degree of kinship of the rules of civil law (including Step, Adoptive, Same-Sex, or Other Related Variations) are prohibited. Providing services to a former sexual / romantic partner is prohibited as well. The following relationships are the specific relationships to the third degree and are inclusive of the spouses or partners of each relation of each relationship:

- | | |
|--------|---------------------------------------|
| xvii. | <u>Licensee</u> |
| xviii. | <u>Spouse/Partner of Licensee</u> |
| xix. | <u>Father/Mother of Licensee</u> |
| xx. | <u>Son/Daughter of Licensee</u> |
| xxi. | <u>Grandparents of Licensee</u> |
| xxii. | <u>Grandchildren of Licensee</u> |
| xxiii. | <u>Aunt/Uncle of Licensee</u> |
| xxiv. | <u>First Cousin of Licensee</u> |
| xxv. | <u>Nephew/Niece of Licensee</u> |
| xxvi. | <u>Brother/Sister of Licensee</u> |
| xxvii. | <u>Great Grandparents of Licensee</u> |

- xxviii. Great Grandchildren of Licensee
- xxix. Great Uncle/Aunt of Licensee
- xxx. Second Cousin of Licensee
- xxxi. Children of First Cousin of Licensee
- xxxii. Grand Nephew or Niece of of Licensee

Sexual Misconduct—any act of sexual intimacy, contact, exposure, gratification, abuse, exploitation or other sexual behavior with or in the presence of a client or any other individual related to the licensee’s practice of Social Work or Marriage & Family Therapy regardless of consent. Such conduct may be verbal, physical, visual, written or electronic, or it may consist of expressions of thoughts, feelings or gestures that are sexual or reasonably may be construed by a client or other individual as sexual or which may reasonably be interpreted as intended for the sexual arousal or gratification of the Social Worker/Marriage & Family Therapist, the client or another individual.

Sexual misconduct by licensees is a form of behavior that adversely affects the public welfare and harms clients individually and collectively. Licensee sexual misconduct exploits the provider-client relationship, is a violation of the public trust, and is often known to cause harm, both mentally and physically, to the client, for an undeterminable amount of time. Regardless of whether sexual misconduct is viewed as emanating from an underlying form of impairment, it is a violation of the public’s trust. It should be noted that although an addictive disorder, mental disorder, sexual disorder, phase of life crisis may be a contributory circumstance, the board is still charged with taking appropriate steps to see that the public is protected.

Sexual misconduct is any sexual behavior or those that may be reasonably interpreted as sexual, including but not limited to:

- j. sexual intercourse, genital to genital contact;
- k. oral to genital contact;
- l. oral to anal contact, genital to anal contact;
- m. kissing in a romantic or sexual manner;

- n. touching breasts, genitals, or any sexualized body part;
- o. encouraging or causing the client to perform any type of sexual behavior in the presence of the licensee/applicant or the licensee/applicant performing any type of sexual behavior while the client is present;
- p. offering to provide practice-related services in exchange for sexual favors;
- q. Sexual exploitation—means a pattern, practice, or scheme of conduct, which may include sexual contact that can reasonably be construed as being for the purposes of sexual arousal or gratification or sexual abuse of any person. The term does not include obtaining information about a client's sexual history within standard accepted practice while treating a sexual or marital dysfunction; and/or
- r. Therapeutic deception—means a representation by a licensee/applicant that sexual contact with, or sexual exploitation by, the licensee is consistent with, or a part of, a client's or former client's counseling/service provision.

- 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, or any disciplinary action taken against the licensee by any licensing board or professional association.
- 19. Making false representations or impersonations or acting as a proxy for another person or allowing or aiding any person to impersonate him/her in connection with any application, examination or renewal of a license, 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 client's 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 commission 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 comply with the ethical codes of the applicable profession (NASW or AAMFT) regarding 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. 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 client's 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 judgment as it relates to that client.

Source: Miss. Code Ann. §§73-53-11(1)(c), (j) and (k), 73-53-17, 73-54-11(1) and 73-54-29.

Rule 3.2 COMPLAINTS

A. General

This Rule sets out the procedures for making and processing complaints and/or inquiries against applicants for licensure and licensed social workers and marriage and family therapists where the complaints and/or inquiries are within the jurisdiction of the Mississippi State Board of Examiners for Social Workers and Marriage and Family Therapists (Board).

B. Filing of Complaints

Any person, firm, corporation, member of the Board or public officer may make a complaint to the Board. Complaints will be addressed by the Board upon receipt of a written, signed complaint, or upon the Board's own action.

1. Upon receipt of an inquiry, the Board's administrative staff will forward or advise the potential complainant how to obtain, a complaint form with instructions on how to file the complaint. Except for complaints initiated by the Board, complaints must be submitted in writing under oath upon the official form prescribed by the Board. Only those complaints that are in writing will be

formally addressed by the Board. The complaint must specify the statute or rule allegedly violated and must contain a statement of the acts or omissions constituting the alleged violation including the dates of said acts or omissions. Forms are available on the Board's website.

2. Anonymous complaints will not be investigated.
3. Voluntary surrender of license. If a licensee who is the subject of a Board investigation or disciplinary proceeding voluntarily surrenders his or her license, absent unusual circumstances as determined by the Board, the Board will not discontinue the investigation or disciplinary proceeding unless the licensee consents to entry of an order limiting or prohibiting his or her practice of social work and marriage and family therapy in Mississippi.

C. Procedures for Processing Complaints

1. Upon receipt of a written complaint, or upon the Board's own initiative if the Board has reasonable cause to believe the laws, rules and regulations governing social workers and/or marriage and family therapists are being violated, the Board's Executive Director shall:
 - a. Log in the date the complaint is received in the Board office;
 - b. Assign a complaint number and set up an individual complaint file. Complaint numbering shall begin in January of each year;
 - c. Determine whether the subject of the complaint is a licensed social worker, a marriage and family therapist or applicant or person otherwise within the jurisdiction of the Board;
 - d. Forward the complaint to the professional board member who has been designated to review the complaint; and
 - e. Send a letter to the complainant confirming receipt of the complaint.

2. If the subject of the complaint is within the jurisdiction of the Board, the Executive Director shall send a copy of the complaint by ~~certified~~ mail to the licensee or applicant in question for his or her written comment. The subject of the complaint (the respondent) will be provided twenty (20) calendar days from the date of the Executive Director's letter or notice in which to file a written response to the complaint together with all documents and exhibits in support of his or her position on the complaint.
3. Requests for the licensee or applicant's response to a complaint shall be considered properly served by the Executive Director when sent to the licensee or applicant's last known address of record at the Board's office. It is the responsibility of the licensee or applicant to keep the Board informed of his or her current address.
4. At the discretion of the Complaint Committee (investigating Board member and Executive Director) in consultation with Board council, the complainant may be given an opportunity to review and comment upon the response of the licensee or applicant.
5. The Executive Director may grant a reasonable request for extension of time within which a licensee or applicant or affected party may respond to a complaint and/or within which a complainant may comment upon response of the licensee or applicant.

D. Complaint Committee Process

The Executive Director and the investigating Board member will comprise the Complaint Committee and will review the complaints filed in accordance with this Rule.

1. The investigating Board member will review the complaint and meet with the Executive Director and such other personnel as needed.
2. If the allegations in the complaint raise an issue addressed by the Board's laws, rules and/or regulations, the Complaint Committee will recommend a course of action regarding investigation of the complaint.
3. If the Complaint Committee determines that further assistance is needed, the Committee may retain the services of experts,

consultants, or private investigators to assist in the investigations of complaints. At any point in its investigation of a complaint, the Complaint Committee may, at its discretion, assign the matter to an expert, consultant or private investigator for review and investigation.

4. The purpose of the investigation is to gather further data regarding the complaint and to verify facts surrounding the complaint. All complaints, unless dismissed for lack of jurisdiction, will be investigated. Investigations may include, but not be limited to: writing letters seeking further information; making phone calls; making onsite visits; and requesting pertinent documents.
5. The Complaint Committee shall oversee the investigation of the complaint.
6. The expert, consultant, or private investigator and/or Complaint Committee shall review and investigate the complaint and prepare a report concerning the complaint. The report shall contain a statement of the allegations, a statement of the facts, and an analysis of the complaint including a description of the circumstances surrounding the complaint, the records reviewed, the witnesses interviewed, and a statement of the expert, private investigator, consultant or Complaint Committee.
7. If the Complaint Committee determines that the Board does not have jurisdiction, both the Complainant and the licensee, applicant or affected party will be notified in writing by certified letter. The letter will explain why the case cannot be accepted for investigation and/or action by the Board or it may state that the complaint can be referred to another agency. The letter will come from the Board and may be signed by the Board chair, the investigating Board member, the Executive Director or other Board designee.
9. To facilitate the disposition of a complaint, the Board or Complaint Committee may provide any person with the opportunity to attend an informal conference, or to appear at a regular meeting of the Board, at any time prior to the Board entering any order with respect to the complaint. Statements made at any informal conference may not be introduced at any subsequent hearing before the Board on the merits of the complaint without the consent of all parties to the hearing.

E. Review by the Full Board

1. A case summary including the alleged violations of the Board's laws, rules and/or regulations will be presented to the Board by the Complaint Committee along with recommendation(s) for disposition of the complaint. Reasonable attempts will be made to not disclose the identity of the licensee or applicant and the complainant by the Complaint Committee until the matter comes before the Board for hearing or final resolution.
2. The investigating Board member shall not vote on the decision regarding the disposition of the complaint and shall not participate in any adjudicatory or administrative hearing before the Board against the applicant or licensee arising out of the Complaint Committee's investigation.
3. The Board's review shall include the case summary presented by the Complaint Committee and determine if reasonable cause exists to issue a notice of contemplated action or notice of hearing and complaint. If the Board determines that there is not reasonable cause for the issuance of a notice of contemplated action or notice of hearing and complaint, a certified letter from the Board will be sent within thirty (30) calendar days of the Board's decision to the complainant and the licensee or applicant. The letter will set forth the Board's action and reason for its decision.
4. If the Board determines that there is reasonable cause to believe that the licensee or applicant has violated the Board's laws, rules, and/or regulations, the Board may cause a notice of contemplated action or notice of hearing and complaint to be issued for the licensee or applicant.
5. Following the issuance of a notice of contemplated action or notice of hearing and complaint, the Board may authorize the Complaint Committee to confer with the applicant or licensee for the purpose of seeking settlement of the complaint. Such settlement will be subject to approval by the Board, must be with the consent of the applicant or licensee, and must (among other things) include a knowing and intentional waiver by the applicant or the licensee of his or her rights to an administrative hearing and of the Board's ability to act as arbiter in an administrative hearing should settlement fail.

F. Administrative Hearings

1. Pursuant to Chapters 53 and 54 of Title 73 of the Mississippi Code of 1972, as amended, every licensee or applicant shall be afforded notice and an opportunity to be heard before the Board when the Board has cause to believe that he or she has violated any of the laws, rules, or regulations of the Board.
2. The Board's Executive Director's duties shall include:
 - a. Issuing a notice of hearing and complaint or notice of contemplated action in the case.
 - b. Executing notices, scheduling orders, subpoenas, and other routine procedural documents that facilitate the conduct of the administrative proceedings.
 - c. Maintaining the official record of all papers and pleadings filed with the Board in any matter.
 - d. Preparing, certifying and filing with the appellate court the record of the case on appeal or review.
3. All hearings shall be conducted by the Board or by a hearing officer designated by the Board.
4. If a hearing officer is designated to hear a case, the hearing officer shall have authority to decide pre-hearing matters, preside over the hearing, and direct post hearing matters in accordance with the requirements of the case in a manner that ensures due process and an efficient and orderly hearing and resolution of the case. If a hearing officer is not designated to hear the case or if the hearing officer is unavailable or unable to proceed, the Board chair or other designee of the Board shall have the authority to decide pre-hearing or preliminary matters.
5. The original of any papers, pleadings or other documents shall be filed with the Board office. Copies must be sent to the hearing officer and attorneys or parties of record.
6. The hearing officer or designee of the Board shall issue appropriate orders to control the course of the proceedings.

7. The hearing officer or the Board designee may order the filing of briefs or other documents and may set oral argument on any matter.
8. No more than two (2) continuances of the hearing will be granted without the approval of the Board for good cause shown.
9. No proposed settlement, consent agreement, voluntary surrender of a license, or other proposal for the resolution of a pending disciplinary case shall be effective unless approved by the Board and executed by the Board and the licensee or applicant. The hearing officer or Board shall have the authority to seek information from the administrative prosecutor and the licensee or applicant concerning circumstances of the case relevant to a consideration of a proposed settlement or clarification of the proposed terms and conditions. No Board member is presumed to be biased and shall not be excused from participating in the adjudication and deliberation of a case based solely on the reason that the member considered a proposed settlement, consent agreement, or other proposal for resolution of a pending disciplinary or licensure case.
10. A proposal to settle a matter shall not stay the proceedings or vacate the hearing date unless otherwise ordered by the hearing officer or the Board designee upon the filing of a timely motion for continuance.
11. At the conclusion of the hearing, a final decision and order shall be entered by the Board. A Board member hearing officer, the Board chair, or designated Board member shall have the authority to sign the written decision of the Board.
12. The Board Executive Director shall serve the decision of the Board on the licensee or applicant.
13. If a license is restricted, suspended or revoked by the Board, the licensee shall immediately surrender his or her license to the Board as directed by the Board or Board designee.
14. If the licensee's scope of practice is restricted or limited or otherwise conditioned, the license may reflect such restriction, limitation or condition.

Source: Miss. Code Ann. §§73-53-11(1)(c), (f), (h) and (k), 73-53-19, 73-53-21, 73-53-27,

73-54-11(1), 73-54-31 and 73-54-33.

Rule 3.3 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 basis of 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. Disposition of any formal complaint may be made by consent order or stipulation between the Board and the licensee.

C. 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.

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 or extraordinary conditions.

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.

Source: Miss. Code Ann. §§73-53-11(1)(c), (e) and (k), 73-53-23, 73-54-11(1) and 73-54-29 (Supp. 2011).

Rule 3.4 Military Licensure:

A. Pursuant to MS Code Ann. Section 73-50-1, the Board of Examiners for Social Workers and Marriage & Family Therapists is authorized to issue an expedited license to a military-trained applicant or spouse applicant to allow the applicant to lawfully practice social work or marriage & family therapy in Mississippi. In order to receive the expedited license, the following requirements must be satisfied:

1. Complete an application for the appropriate license and submit it to the Board in the manner prescribed by the Board with a recent passport type photograph.
 2. Submit documentation that applicant or spouse has been awarded a military occupational specialty.
 3. Submit evidence that the applicant either (i) is currently on active duty with medical corps or (ii) has separated honorably from the military within the 6 months prior to the time of application.
 4. Submit verification of a completed licensing examination as described in these rules.
 5. Have two references submit letters regarding applicant's performance in the practice of social work or marriage & family therapy.
 6. Submit verification that at least two (2) of the past five (5) years preceding the date of submission of the application applicant has engaged in the active practice of social work or marriage & family therapy.
 7. Submit certification that applicant has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice social work or marriage & family therapy in any jurisdiction at the time the act was committed.
 8. Submit fingerprints for state and national criminal history background checks.
 9. Submit licensure fees prescribed by the Board.
- B. All relevant experience of a military service member in the discharge of official duties or, for a military spouse, all relevant experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in the practice of social work as required under subsection A or B of this section.
- C. A nonresident licensed under this section shall be entitled to the same rights and subject to the same obligations as required of a resident licensed by the Board.
- D. The Board may issue a temporary practice permit to a military-trained applicant or military spouse licensed in another jurisdiction while the

military-trained applicant or military spouse is satisfying the requirements for licensure under subsection A or B of this section if that jurisdiction has licensure standards substantially equivalent to the standards for licensure of the Board. The military-trained applicant or military spouse may practice under the temporary permit until a license is granted or until a notice to deny a license is issued in accordance with rules adopted by the Board.

Source: Miss. Code Ann. §§73-53-11(1)(c), (e) and (k), 73-53-23, 73-54-11(1), 73-54-29, and 73-50-1

Title 30: Professions and Occupations

Part 1902: RULES AND REGULATIONS FOR SOCIAL WORKERS

Part 1902 Chapter 1: General Provisions

Rule 1.1 DEFINITIONS

- A. "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. Clinical Social Work Practice means the application of social work methods and values in diagnosis and treatment and prevention of psychosocial dysfunction disability or impairment including emotional, mental, and behavioral disorders. It is directed at enhancing, protecting, or restoring people's capacity for social functioning, whether impaired by physical, environmental, or emotional factors. Clinical social work has a primary focus on the mental, emotional and behavioral well being of individuals, couples, families and groups. It centers on a holistic approach to psychotherapy and the client's relationship with his or her environment as essential to treatment planning.
- C. "Macro social work practice" focuses on changing larger systems, such as communities and organizations. It encompasses a broad spectrum of practice, including planning, program development, community organizing, policy analysis, legislative advocacy, program evaluation, task-oriented group work, community education, and human services management.
- D. "Examination" means that test or other measurement which is endorsed and prescribed by the Association of Social Work Boards (ASWB.)
- E. "Association of Social Work Boards (ASWB)" is the national Association of Social Work Boards.
- F. "Council on Social Work Education" (CSWE) is the national entity which accredits schools, departments, and programs of social work in higher education.
- G. "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.
- H. "Psychotherapy" is a specialized, formal interaction between a social worker or other mental health professional and a client (either individual,

couple, family or group) in which a therapeutic relationship is established to help resolve symptoms of mental disorder, psychosocial stress, relationship problems and difficulties in coping in the social environment.

Source: Miss. Code Ann. §§73-53-3 and 73-53-11(1)(c) and (k) (Supp. 2011).

Part 1902 Chapter 2: Licenses and the Licensing Process

Rule 2.1 Types of Social Work Licenses

- A. "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. (Part 1902, Chapter 3, Rule 3.2, A: Guidelines of Practice LSW.)
- B. "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 Part 1902, Chapter 3, Rule 3.2, A: Guidelines of Practice LMSW.)
- C. "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. From and after 7/1/2020, only a licensed certified social worker who has completed clinical supervision and taken the ASWB clinical exam may hold himself/herself out to the public as a "clinical social worker." A licensed certified social worker who have completed supervision and taken the ASWB advanced exam shall not present themselves as a "clinical social worker." All LCSWs licensed prior to 7/1/2020, may continue to practice and hold out as LCSWs (Macro & Clinical). (See Part 1902, Rule 3.2, C: Guidelines of Practice, LCSW.)

Source: Miss. Code Ann. §§73-53-3, 73-53-11(1)(c) and (k) and 73-53-13.

Rule 2.2 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 meet the following general requirements:

1. Is at least twenty-one (21) years of age;
2. Is of good moral character, as defined in these Rules and Regulations;
3. Has on file a fingerprint criminal history information record check acceptable to the Board.
4. Has on file a Mississippi Sex Offender Registry check acceptable to the Board;
5. Holds United States citizenship or status as a legal resident alien;
6. Is free of conviction of a felony related to the practice of social work within the last ten (10) years;
7. Is mentally competent with no decree of mental incompetence still standing in any court;
8. Is currently free from dependency on alcohol or drugs, other substances or any other type of addiction;
9. Has no pending disciplinary action;
10. Has an acceptable social work degree for level of licensure requested.

C. Specific Requirements

Application shall be made on forms provided by the Board and available on the Board's website. Payment of application fees must be included with an initial licensure application and other supporting documentation as required. (See Schedule of Fees: Part 1902, Chapter 4, Rule 4.3, B)

1. **LSW Level**: An applicant for LSW designation must submit the following to the Board:
 - a. An 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. A current fingerprint criminal history record information check conducted by the appropriate governmental authority or authorities within one-hundred eighty (180) days of the completed application. This criminal history record information check must be received by the Board directly from the appropriate governmental authority or authorities, not from the applicant;
 - d. An acceptable Sex Offender Registry check conducted by the Board;
 - e. Passing scores on the examination from the ASWB basic exam;
 - f. Full licensure fee (See Part 1902, Chapter 4, Rule 4.3, B).
2. **LMSW Level:** An applicant for LMSW designation must submit the following to the Board:
- a. An 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. A current fingerprint criminal history record information check conducted by the appropriate governmental authority or authorities within one-hundred eighty (180) days of the completed application. This criminal history record information check must be received by the Board directly from the appropriate governmental authority or authorities, not from the applicant;
 - d. An acceptable Sex Offender Registry check conducted by the Board;
 - e. Passing scores on the examination from the ASWB intermediate exam;

- f. Full licensure fee (Part 1902, Chapter 4, Rule 4.3, B).
3. **LCSW Level:** An applicant for LCSW designation must be a current LMSW in good standing who has completed the Supervision process as outlined in Part 1902, Chapter 2, Rule 2.3 as verified by Board records, and must submit to the Board:
- a. An Initial application for LCSW license;
 - 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 thirty-six (36) months for the supervision process to be completed;
 - d. Termination of Supervision Contract;
 - e. A current fingerprint criminal history record information check conducted by the appropriate governmental authority or authorities within one-hundred eighty (180) days of the completed application. This criminal history record information check must be received by the Board directly from the appropriate governmental authority or authorities, not from the applicant;
 - f. An acceptable Sex Offender Registry check conducted by the Board;
 - g. ~~Three character/professional references from persons in current professional contact with applicant; references may be from disciplines related to social work~~ acceptable letters of professional reference from licensed mental health professionals who have known the applicant for at least one year within the supervision period, sent directly to the board by the professional. The persons documenting the clinical experience and supervision may NOT be used for the letters of professional reference, but at least one (1) must be from an LCSW other than the applicant's supervisor;

- h. Passing scores ~~from~~ on the applicable ASWB examination ~~on either the Clinical level or the Advanced level;~~
- i. ~~Applicable fees: No additional licensure fee is required, if upgrading from LMSW status in good standing.~~

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

4. Licensure by Reciprocity/Endorsement:

Applicants for licensure by reciprocity/endorsement who hold a valid license from another state may be eligible for licensure in Mississippi provided:

- a. The examination completed for licensure is the same examination endorsed or prescribed by the Association of Social Work Boards (ASWB) for the license level for which reciprocity/endorsement is being requested.
- b. The applicant has a comparable license in good standing or registration from another state or territory of the United States that imposes qualifications equal to or greater than the current requirements of the Mississippi Board of Examiners. Exams administered by individual states are not considered equal.
- c. Applicants, who have complaints or disciplinary action 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. The applicant has the required degree for licensure according to the current Rules and Regulations 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 received by the Board.

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 and the applicant was approved to take the ASWB exam at the Clinical or Advanced level.

Any subsequent application shall be treated as a new application with all applicable fees.

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 an individual licensed under these Regulations.

Source: Miss. Code Ann. §§73-53-1, 73-53-5, 73-53-7(1), 73-53-11(c),(d), (k), (l), (u) and (3), 73-53-13 and 73-53-15(2) and (6).

Rule 2.3 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. Supervision means the direct review, for the purpose of training or teaching by a supervisor, of the supervisee's interaction with a client or client system. The purpose of supervision shall be to promote the development of the supervisee's social work skills. Supervision occurs through multiple methods, including live supervision, video/audiotape review and case report. It must be a process clearly distinguishable from personal psychotherapy and is conducted in order to serve professional goals.

Interactions which do not constitute supervision include: 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; or a primarily didactic process wherein techniques or procedures are taught in a group setting, classroom, seminar, staff development, orientation or role-playing as a substitute for current social work practice.

B. Prior Approval

All plans for professional post-Master's 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.

Supervisor Approval: An LCSW who is providing post-Master's supervision to an LCSW candidate must be a Board-approved LCSW Supervisor, having met all requirements for Supervisor's and submitted the applicable fee.

LCSW Candidate Approval for Supervision: An LMSW seeking to become licensed at the LCSW must meet all requirements, have submitted all fees and receive written approval by the Board prior to initiating the supervision experience.

Out-of-state Supervisor: An LCSW who is a board-approved Supervisor (or its equivalent) in another state, may qualify as a Mississippi supervisor if the Board finds that he or she meets qualifications substantially similar as those required by the Board. A separate application and verification by the respective boards shall be required. In addition, the applicant must be licensed in the state of Mississippi and pass the Mississippi LCSW supervisor test.

C. Approval Procedure

LMSW's wishing to apply for LCSW status must:

1. Hold an active LMSW license with no pending complaint or disciplinary action and is otherwise in good standing as evidenced in Board records throughout the duration of the supervisory process;
2. Submit an Application to Enter into Contract for Supervision toward LCSW Status and processing costs (See Schedule: Part 1902, Chapter 2, Rule 2.3, A)
3. Submit a Plan of Supervision which meets all points required by the Board (See Part 1902, Chapter 2, Rule 2.3, B) and the Outline for the Plan for Supervision provided by the Board in the Guide for Supervision (which may be accessed on the Board's website). All points must be covered in sufficient detail for review by the Social Work Credentials Committee and subsequent Board approval. This supervision plan must designate that whether the candidate intends to take the ASWB clinical ~~or advanced~~ exam. All supervisory efforts must be aligned with the candidates chosen track of ~~designated practice~~ desired expertise.
4. Licensees who have completed supervision hours in other jurisdictions may apply to have those hours count towards their LCSW supervision in Mississippi if the Board finds that the other jurisdiction processes are similar to Mississippi and appropriate verification is received from the originating jurisdiction. The applicant is responsible for ensuring that the Board receives acceptable verification from the originating jurisdictions.

D. Supervisor's Qualifications and Responsibilities

Supervision for the LCSW candidate must be provided by an LCSW who is a Board-approved LCSW Supervisor.

1. Certification as a Supervisor requires:
 - a. a minimum of two years of verifiable practice at the LCSW level,

- b. completion of a Board approved supervision course for a minimum of sixteen (16) hours for initial approval as a supervisor and, thereafter, two (2) hours continuing education in supervision during each biennial renewal period No supervision continuing education is required for the first renewal period. All supervision training must be approved by the Board in order to be considered for this purpose. Supervision trainers must be an approved LCSW supervisor. Effective April 1, 2009, all Board-approved supervisors must have completed the Board-approved supervision training required by this paragraph on or before July 1, 2011, in order to maintain their status as Board-approved supervisors. If supervisory training requirements were not met by July 1, 2011, approved supervisor status expired on that date and the licensee is required to meet all requirements set forth in these Rules and Regulations to become an approved supervisor.
 - c. submission of an application for supervisory designation,
 - d. an LCSW license in good standing as evidenced in Board records throughout the duration of the supervision process,
 - e. initial and ongoing approval from the Board, and
 - f. payment of the required processing costs (*See Schedule: Part 1902, Chapter 4, Rule 4.3, B*).
2. The LCSW Supervisor must maintain his/her license as a LCSW in accordance with licensure laws of the State of Mississippi. Board approved supervisor status remains in effect contingent upon the supervisor maintaining a current license in good standing with the Board and completing the Board-approved supervisor training required by these Rules and Regulations, during each license biennial renewal period.
3. Initial supervisor approval expires on the date the licensee's regular license next expires. Thereafter, renewal of supervisor approval begins and expires on the same date for the supervisor's regular social worker's license. To renew the approved supervisor status, a supervisor must document at the time of license renewal that during the concluding license period the supervisor completed a Board approved supervision course for a minimum of sixteen (16) hours and two (2) hours continuing education in supervision.

4. It shall be considered unethical for an LCSW without clinical expertise to supervise a LMSW candidate seeking to become a clinician.
5. Supervisor may not supervise more than ~~five (5)~~ seven (7) LMSWs who are in candidacy for the LCSW at any one time. No plan of supervision will be approved if the contracted supervisor is supervising more than ~~five (5)~~ seven (7) licensed master social workers who are in pursuit of the LCSW licensure designation. If the supervisor provides supervision for up to seven (7) supervisees, only 50% of the supervision can take place in a group format. Hence, 50% of supervisory interactions must take place in the form of individual, face-to-face interaction.
6. The LCSW Supervisor may provide supervision utilizing the following acceptable modes:
 - a. Individual supervision shall mean a maximum of two (2) supervisees meeting with one supervisor;
 - b. Group supervision shall ~~mean~~ consist of a minimum of three (3) and a maximum of ~~five (5)~~ seven (7) supervisees meeting with one supervisor.

E. The Supervisory Experience

1. Supervision must occur within an agency, institution, or group practice setting. A LMSW practicing independent of an agency, institution, or group practice setting will be practicing outside Board regulations, not be considered a candidate for LCSW supervision, and face disciplinary action.
2. In order to be approved by the Social Work Discipline Specific Committee of the Board, the supervision application and experience must include the following:
 - a. A contractual agreement between social worker and supervisor;
 - b. A Plan of Supervision, approved by the Board, utilizing the plan outline provided by the Board;
 - c. The supervisee having a minimum of one hour per week face-to-face supervision with the LCSW supervisor for a minimum of one hundred (100) hours. The supervision

period must be for a minimum period of twenty-four (24) months and may not exceed thirty-six (36) consecutive months.

Within 60 days prior to the end of the 36 month supervision time period, the supervisor or supervisee must notify the Board in writing of any extenuating circumstances (i.e. Major Medical Issues, Loss of Employment, Family Crisis, etc), anticipated by the supervisor and/or supervisee that would require an extension of the supervisory period. Any request for an extension of the supervision period must be accompanied by supporting evidence of the extenuating circumstances. An extension will be limited to six months beyond the thirty-six (36) month maximum. Retroactive requests for extensions will be considered on a case-by-case basis. Supervisees may receive up to four (4) hours credit for developing the supervision plan collaboratively with their prospective supervisor;

Supervisees may receive up to four (4) hours credit for developing the supervision plan collaboratively with their prospective supervisor;

For supervisors and supervisees who are not employed within the same agency, there must be a written plan approved by the Board to address how the LCSW Supervisor will insure that the face-to-face supervision is observed or carried out. Such face-to-face supervision must include on-site visits to the supervisees practice location at least once per six (6) month supervision period;

Supervision may include alternate means of supervision by or audiovisual electronic device (i.e. skype, facetime, webex, etc.) provided there is direct, interactive, live exchange between the supervisor and supervisee or provided that communication is verbally or visually interactive between the supervisor and the supervisee. It is incumbent that the supervisor and supervisee recognize the risks of sharing confidential information of clients and ensure that measures are in place that protect confidentiality through electronic encryption or related methods. No more than one-fourth (1/4) of the required hours may be by alternate means to direct face-to-face contact for a total of twenty-five (25) hours;

- d. During the supervision period, the LMSW must complete a minimum of one-thousand (1,000) hours of face-to-face client contact; ~~For LMSW candidates seeking an Advanced LCSW, the “client/client system” is defined as the organization, group, or system with which the candidate works;~~
 - e. Evaluations should document personal growth and improvement in specific areas from one evaluation period to the next evaluation period. Written evaluations from the supervisor must be submitted to the Board for review at six month intervals and approved by the Board before beginning the next six (6) month supervision and evaluation period. A copy of each evaluation must be maintained in the LCSW Supervisor’s file for a period of three (3) 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 applicant’s 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. Forms are available on the Board’s website.

F. How To Change Supervisors

1. If it is necessary for supervision to be terminated, prior to the completion of the supervision experience between an LCSW candidate and their LCSW supervisor, the terminating supervisor is responsible for completing a current evaluation form and a Termination of Supervision Form on which the LCSW supervisor shall verify the total number of supervised hours. The documents must be submitted to the Board for review within thirty (30) days of the termination of supervision.
2. The Board shall review the supervision record along with the termination contract to determine the extent to which the supervision process is completed up to the date submitted to the Board.
3. If supervision is to be continued with another LCSW supervisor, the LMSW in candidacy for the LCSW must submit to the Board.
 - a. a new Application to Enter Into Contract for Supervision toward LCSW status, listing the prospective LCSW Board approved supervisor;
 - b. the supervisory contract signed by the new LCSW Board approved supervisor; and

- c. any revisions necessary to the plan under the new supervision agreement.

G. Termination of Supervision Agreement

The Board, on its own motion or on the complaint of any party, and after notice and an opportunity to be heard, may terminate or suspend a supervision agreement/contract for cause.

Source: Miss. Code Ann. §§73-53-11(1)(c),(d), (k) and (l) and 73-53-13(c)(ii).

Rule 2.4 EXAMINATIONS

A. Applications for Exams

The ASWB requires verification by the Board of Examiners for applicants to sit for the ASWB exam for each licensure level. Therefore, applicants must receive written approval from the Board to sit for the ASWB examination. The approval to sit for the ASWB examination expires one (1) year from the date of the Board's approval.

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 (CSWE) and/or Southern Association of Colleges and Schools (SACS) 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 on the Board's website. Verification of the social work degree is required 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 the Council on Social Work Education (CSWE), 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 required before the license can be issued.

Students in social work doctoral programs in colleges or universities accredited by Council of Social Work Education (CSWE) may take the exam in the final year of school, if not

already licensed with the LMSW. Verification of the social work degree is required 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. The 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 an ASWB Candidate Handbook.~~ the candidate may download a copy of the ASWB Candidate Handbook for the ASWB website at www.aswb.org (as this will not be sent by the Board). 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 (Masters): Applicants for LSW and LMSW licenses may take the exam every ninety (90) days.

Licensed Certified Social Worker (Clinical or Advanced (until 7/1/2020)): Applicants for LCSW status may take the exam every ninety (90) days. However, the applicant may continue to practice under the LMSW license provided all requirements for renewal have been met.

Note: Applicants who are unable to attain a passing score within one (1) year of the initial application date must reapply for licensure with all applicable fees. After four (4) failed exam attempts, the candidate may

appeal to the Board to be able to continue to take the exam and the Board may recommend remedial techniques to assist with continuing competency.

E. Examination Levels

1. LSW applicants are examined at the BACHELORS level. This examination has been developed for use as a licensure requirement by member boards that issue to BSWs, upon entry to practice, licenses for basic generalist practice of Baccalaureate Social Work.
2. LMSW applicants are examined at the MASTERS level. This examination has been developed for use as a licensure requirement by member boards that issue to MSWs, upon entry to practice, licenses for Master's Social Work practice. The practice of Master's Social Work includes the application of specialized knowledge and advanced practice skills.
3. LCSW applicants are examined at the ADVANCED or CLINICAL level. Advanced Generalist. This examination has been developed for use as a licensure requirement by member boards that issue, to MSWs with 2 or more years of experience in non-clinical settings, licenses for Advanced Generalist social work practice.
As of 7/1/2020 only the CLINICAL exam will be accepted for "licensed certified social worker" LCSW status in Mississippi. Clinical. This Clinical examination has been developed for use as a licensure requirement by member boards that issue, to MSWs with two or more years of experience in clinical settings, licenses for the practice of Clinical Social Work. The practice of Clinical Social Work requires the application of specialized clinical knowledge and advanced clinical skills including macro-level practice. Advanced Generalist social work occurs in non-clinical settings that may include macro-level practice.

F. Scores

1. Official notice of examination scores will be ~~made~~ provided to the Board by the ASWB. Applicants will be notified ~~of scores~~ if they passed or failed at the exam site.
2. An applicant must ~~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.

Source: Miss. Code Ann. §§73-53-11(1)(c), (g), (k) and (l) and 73-53-15(4).

Rule 2.5 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.

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 change 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.

Source: Miss. Code Ann. §§73-53-1 and 73-53-11(1)(c), (g) and (k) (Rev. 2011).

Rule 2.6 Status of License

- A. **Active or in Good Standing:** The licensee has met all requirements for licensure, has renewed before the license expiration date and paid all fees and administrative costs on time, has maintained the necessary requirements for his/her license and there are no disciplinary actions against the licensee. Licensees on active status and in good standing may utilize the Board's online renewal system.
- B. **Probationary:** The probationary status is issued to a licensee who is non-compliant with social work regulations, whether it be failure to acquire and verify continuing education or an appropriate end to a disciplinary procedure.

When probation is the result of a continuing education deficiency, Probationary Status 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 15 continuing education hours, the probationer would require 55 continuing education hours to renew at the next renewal cycle. No licensee may go through a second renewal cycle without bringing all educational requirements up to date.

- C. **Emergency-** The Board provides for licensure for volunteer social workers entering the State that are licensed to practice in other states. Social workers actively licensed in other states who assist other that have been affected by a hurricane or other natural disasters can practice in Mississippi for a maximum of ninety (90) days, without applying for a regular license. Volunteers who take paid positions in the practice of social work in the State of Mississippi must be licensed by the Board. Any applicant seeking emergency certification must submit an application to the Board using forms located on the Board website.

Emergency Provisional Permit for Social Workers. During a lawfully declared local, state or national disaster or emergency, the Board may grant a social worker who holds a license to practice such profession in another state or territory of the United States an emergency temporary social worker permit to practice in Mississippi *to the extent authorized by this rule as if the individual were licensed in this state.* To qualify for an emergency provisional permit, an individual must meet the requirements described below:

1. The individual seeking an emergency provisional permit must:
 - a. hold a current license in good standing as a social worker in another state or territory of the United States,;
 - b. possess a license that is equivalent to that of the Mississippi license and have no existing or history of disciplinary action against any license held in any jurisdiction;
 - c. be sponsored by a social worker with an active license in good standing in Mississippi; and
 - d. adhere to the scope of practice for a similarly licensed individual established by the licensing provisions, practice acts, or other laws, rules or regulations of the State of Mississippi.
2. The individual seeking an emergency provisional permit must:
 - a. Submit a complete, signed and notarized Application for Emergency Provisional Permit and proof of his or her

identify, which must include a copy of a drivers' license, passport, or other photo identification issued by a governmental entity;

- b. Submit an application fee of \$50.00, payable by cashier's or money order and made payable to MBOE;
 - c. Submit verification of licensure for each state or territory in which licensure has been issued;
 - d. Provide the Board with the location where he or she will practice; and
 - e. Provide any other information required by the Board.
3. An emergency provisional permit shall be valid for a period as determined by the Board or its designee not to exceed ninety (90) days. The Board or its designee may renew the provisional permit for an additional ninety (90) days, if the lawfully declared disaster or emergency still exists. Provided however, that an emergency provisional permit shall expire at the time designated by the Board or whenever the lawfully declared disaster or emergency no longer exists, whichever comes first.
4. A holder of an emergency provisional permit (i) may only practice in the location on file at the Board's office; and (ii) must notify the Board in writing prior to beginning employment in another location.
5. An emergency provisional permit may be immediately suspended or revoked upon discovery of any falsification, omission, or withholding of information.
6. An individual wishing to practice as a social worker beyond the expiration of an emergency provisional permit or any extension thereof must apply for and obtain a social worker or marriage and family therapist license in accordance with the laws, rules and regulations governing said license *in the State of Mississippi*.

D. **Inactive:** Upon written request and submission of the annual renewal application and renewal fee, the Board may grant inactive status to a licensee who:

1. Holds a license which is current and in good standing. All requirements for licensure must be met, including continuing education requirements.
2. Does not practice as a social worker for compensation in the State of Mississippi.
3. 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.

Social Workers may request in writing on forms provided by the Board that their licenses be placed on inactive status. The Board will consider the request and will notify the licensee of its decision in writing within 60 days of receiving the written request for inactive status.

Those granted inactive status shall be excused from paying renewal fees until they notify the Board in writing of their intention to resume active practice. If a licensee fails to return to active status within two (2) years of being placed on inactive status, the licensee may request an extension in writing on forms provided by the Board (this form is available on the Board's website) for an additional two (2) years. If the licensee does not request an extension in writing on forms provided by the Board or no extension has been granted by the Board, the license will be considered as lapsed at the end of the renewal period following the end of the inactive status period, and be subject to the requirements for lapsed licenses.

All licensees on inactive status must provide evidence of having obtained the acceptable continuing education hours that would have been required had they been licensed in an Active status before returning to active status. At the Board's discretion, the continuing education requirements may be waived up to half the amount required per license period.

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.

- E. **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 and submit to the Board a signed affidavit of retirement as supplied by the Board on the Board's website or by contacting the Board office. Note: Individuals, who hold a Retired license may not engage in social work practice for compensation.

In order to receive "Retired" status, an individual must meet all licensing requirements, including continuing education and pay the processing fee. If a licensee does not meet these requirements, then a "Retired" license will not be granted.

All re-licensure requirements are waived for a "Retired" license, but processing costs will be charged for issuing the retired license. The Retired license may stay in this status indefinitely with all applicable fees paid every six (6) years and provided that the retiree does not engage in social work practice. (See schedule in Part 1902, Chapter 4, Rule 4.3, B)

- F. **Retiree Reinstatement:** Retirees who wish to reinstate within ~~two (2)~~ four (4) years of their retirement may follow the reinstatement process.

Licensees holding a "Retired" status who wish to return to the active practice of social work ~~after~~ within ~~two (2)~~ four (4) years of obtaining "Retired" status must comply with the following:

1. Submit an application for reinstatement to the MS BOE SW/MFT.
2. A request must be made in writing to the Board in order to return to active status. The request must include the following:
 - a. An explanation of the circumstances of the new practice setting;
 - b. A description of the practitioner's proposed duties;
 - c. A description of the agency's environment;

If the request for re-instatement is granted by the Board, the licensee will be expected to earn ~~the full number of~~ at a minimum forty (40) continuing education hours 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.

- G. **Denied:** An applicant will be denied a license or renewal license when the Board: (1) determines the applicant does not meet the requirements for licensure; (2) has substantial evidence the applicant has violated the standards of conduct, the Code of Ethics or is not of good moral character; (3) has pending disciplinary action against the licensee; (4) has not received an criminal history records information check and a report based on a check of the Mississippi Sex Offender Registry; (5) has not received a complete and correct application or renewal application within the timeframe allowed; (6) has received documentation the licensee has a current (active) addiction to alcohol or drugs, other substances, or any other type of addiction; or (7) has received a declaration of mental incompetence by the court or licensed qualified professional for the licensee.
- H. **Revoked:** The Board may revoke or suspend a license on grounds set forth in these regulations. The person may not practice social work during the time the license is revoked.
- I. **Lapsed:** Licensees who fail to renew their license biennially before the expiration date shall have the licenses lapsed. A licensee may not practice social work during the lapsed period. The licensee 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.
- J. **Re-instatement:** Licensees, who have had licenses placed in lapse or inactive status, may apply for reinstatement within two (2) years for lapsed license or within four (4) years for inactive status by completing the following steps:
1. Making application for reinstatement on Board prescribed forms available on the Board's website.
 2. Paying all applicable costs.

3. Providing the Board with fingerprint criminal history records information check and a check of the Mississippi Sex Offender Registry
4. Satisfactory documentation of completion of all continuing education requirements specified by Board Rules and Regulations that that would have been required to maintain a current license for the entire period the license has been lapsed or inactive;

K. Reinstatement after revocation

If the revocation or lapse has lasted more than two years or the inactive status lasted more than four (4) years, a completely new application is required, including retaking the exam and the application is subject to the Rules and Regulations in effect at the time of the new application.

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, if applicable.

Source: Miss. Code Ann. §§73-50-1§73-53-11(1)(c), (d), (e), (k), (n) and (2), 73-53-15 and 73-53-23(1)(f) and (4) (Supp. 2011).

Part 1902 Chapter 3 Professional Standards of Practice and Code of Conduct

Rule 3.1 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 levels of 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: Part 1902 of this title).

Source: Miss. Code Ann. §§73-53-11(1)(c) and (k) and 73-53-13 (Supp. 2011).

Rule 3.2 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, conducting educational and supportive groups and evaluation of own practice. LSWs should not provide clinical social work services, psychotherapy, or engage in autonomous practice.

B. Licensed Master Social Worker (LMSW)

The LMSW may provide services to individuals, couples, families, organizations and communities. Such services shall be guided by knowledge of social work theory, social resources, social systems, human behavior, ethics, and methods to restore or enhance social, psychosocial or bio-psychosocial functioning. Scope of practice includes, but is not limited to, assessment, treatment implementation and evaluation, case management, information and referral, mediation, education, psychotherapy, advocacy, supervision of employees, consultation, research, community organization and development, administration of social policies, programs and activities.

A LMSW may provide clinical social work services within a recognized setting such as social, medical and governmental agencies and organizations only when under the supervision of a LCSW or other licensed or certified clinical professions such as a psychiatrist, or PhD, or PsyD level clinical psychologist. A LMSW may only work as an

employee in an agency or organizational setting and cannot engage in autonomous practice.

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 cannot hold him/her self out as a Licensed Clinical Social Worker.

C. Licensed Certified Social Worker (LCSW)

The LCSW is qualified to perform all services included in the LMSW scope of practice in Section B above and those specified for the LCSW herein. The LCSW shall be qualified to function independently and shall demonstrate special knowledge and skill in his/her practice areas.

Clinical Social Work Practice means the application of social work methods and values in diagnosis and treatment and prevention of psychosocial dysfunction disability or impairment including emotional, mental, and behavioral disorders. It is directed at enhancing, protecting, or restoring people's capacity for social functioning, whether impaired by physical, environmental, or emotional factors. Clinical social work has a primary focus on the mental, emotional and behavioral well-being of individuals, couples, families and groups. It centers on a holistic approach to psychotherapy and the client's relationship with his or her environment as essential to treatment planning. Clinical social workers are qualified to use the current versions of the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), and other diagnostic classification systems in assessment, diagnosis, and other activities related to mental health issues.

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, based on education, training, experience, and competency. The LCSW in macro practice shall demonstrate skill in supervision and management at the macro level. Macro Social Work Practice focuses on changing larger systems, such as communities and organizations. It encompasses a broad spectrum of practice, including planning, program development, community organizing, policy analysis, legislative advocacy, program evaluation, task-oriented group work, community education, and human services management. The Clinical social worker encompasses macro practice skills as long as the person is practicing within their scope of expertise, based on education, training, experience, and competency.

Source: Miss. Code Ann. §§73-53-1, 73-53-11(1)(c), (k), (2) and (3) and 73-53-13

Rule 3.3 Standards of Ethical Conduct (*See also Section 73-53-17 ff, MS Code Annotated, 1972.*)

- A. The social worker's primary responsibility is to clients.
- B. 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.
- C. Social work fees must be fair, reasonable, considerate, and commensurate with the services performed.
- D. The social worker must uphold and advance the values, ethics, knowledge, and mission of the profession.
- E. The social worker must assist the profession in making social services available to the general public.
- F. The social worker must strive to become and remain proficient in professional practice.
- G. 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.
- H. The social worker must not practice beyond the parameters of his/her competencies.
- I. The social worker must retain ultimate responsibility for the quality and extent of the services he/she performs.
- J. The social worker must not exploit professional relationships for personal gain.
- K. The social worker engaged in research must protect participants from unwarranted physical or mental discomfort, distress, harm, danger, or deprivation.

Source: Miss. Code Ann. §73-53-11(1)(c) and (j) (Supp. 2011).

Rule 3.4 Standards for Use of Technology in Practice

A. Definitions

Client — means the individual, couple, family, group, organization, or community that seeks or receives social work services from an individual social worker or organization. Client status is not dependent on billing or payment of fees for such services.

Electronic social work services — mean the use of computers (including the Internet, social media, online chat, text, and email) and other electronic means (such as smartphones, landline telephones, and video technology) to

- (a) provide information to the public,
- (b) deliver social work services to clients,
- (c) communicate with clients,
- (d) manage confidential information and case records,
- (e) store and access information about clients, and
- (f) arrange payment for professional services.

In-person — refers to interactions in which the social worker and the client are in the same physical space and does not include interactions that may occur through the use of technology.

Remote — refers to the provision of a service that is received at a different site from where the social worker is physically located. Remote includes no consideration related to distance and may refer to a site that is near to or far from the social worker.

B. Electronic Practice Social Work Services: The practice of BSW, LSW, LMSW, MSW, or Clinical or Certified Social Work to an individual in this state or another state through telephonic, electronic social work services, or other means, regardless of the location of the practitioner, shall constitute the practice of social work and shall be subject to Rules and Regulations of the state where they are providing services and where the client is receiving services. Social workers providing electronic social work services shall take all necessary measures to ensure compliance with relevant practice standards and ethics.

C. Social workers who choose to provide electronic social work services shall:

1. Inform clients about risks associated with disclosure of confidential information on the Internet, social media sites, text-

messaging sites, and videoconferencing sites, and the potential consequences.

2. Use proper safeguards, including encryption, when sharing confidential information using digital or other electronic technology. Social workers shall protect clients' stored confidential information through the use of proper safeguards, including secure firewalls, encryption software, and password. Adhere to statutes and regulations regarding the secure use of digital and other electronic technology both within Mississippi and within the location where the client is located.
3. Inform clients that clients are not permitted to disclose or post digital or other electronic communications from social workers or other recipients of services without proper consent.
4. Take steps to ensure that confidential digital communications are protected. Social workers shall use proper safeguards, including encryption, when using digital communications such as email communications, online posts, online chat sessions, mobile communication, and text communications. Social workers shall develop and disclose policies and procedures for notifying clients as soon as possible of any breach of confidential information.
5. Take reasonable steps to prevent client access to social workers' personal social networking sites to avoid boundary confusion and inappropriate dual relationships. Social workers shall maintain separate professional and personal social media and websites in order to establish clear boundaries and to avoid inappropriate dual relationships.
6. Comply with the laws and regulations that govern electronic social work services within the jurisdictions in which the social worker is located and in which the client is located.

Part 1902 Chapter 4: Continuing Education and Licensure Renewal; Reinstatement

Rule 4.1 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. Continuing Education: The continuing education offerings for each discipline (social workers and marriage and family therapists) are approved independently. Licensees should NOT assume that an approved offering for one discipline is also approved for the other discipline. The MBOE website maintains separate lists of approved continuing education offerings for social workers and marriage and family therapists. The Board shall credit continuing education for social workers as follows. Parts of programs which meet the criteria set forth in these rules and regulations (relating to Types of Continuing Education and Criteria for Approval of Continuing Education Activities) shall be credited on a one-for-one basis with one clock-hour credit for each one clock-hour spent in the continuing education activity, unless otherwise designated by the Board or the Board's designee. Time devoted to registration, organizational business, breakfasts, luncheons, dinners, or other refreshments shall not be counted as instructional or continuing education credit time. When there is a luncheon speaker, only the time of the speaker's presentation may be calculated for continuing education credit. Forty (40) clock hours are required each renewal period.
2. DESIGNATED PROVIDERS (DPs): are organizations or institutions determined by the MS Board of Examiners SW Continuing Education Committee (SWCEC) to meet the standards for continuing education. These organizations hold standing by application, review and approval for a two (2) year period of time, during which they must consistently comply with all requirements. Complaints and random audits by MBOE members or their designees may result in removal from the status at any time and may prohibit renewal. Organizations who are approved for this status shall have their DP number and dates of approval on all documentation, and will be listed with this information for public review and continuing education resources on the MBOE website (www.swmft.ms.gov) and any publications therein.

Only those organizations that have previously held three successful programs approved for social worker continuing education by the Board, SWCEC, or its designee may apply for DP status. Applications for DP status may be obtained from the Board's office or through the Board's website at www.swmft.ms.gov.

The following organizations are automatically approved for social worker continuing education by the MBOE and do not need to complete DP application process for program approval:

- a. Any program approved by the national NASW office, or any NASW Chapter;
- b. American Association for Marriage & Family Therapy or any of its state chapters;
- c. Any state chapter of Council on Social Work Education approved schools of social work (In order for continuing education offerings to be approved by this type of designated provider, the school of social work must be actively engaged in the planning and presentation of the offering);
- d. Association of Social Work Boards or any state licensing board affiliated with;
- e. International Association of Social Workers or any program approved by member countries; or
- f. International Federation of Schools of Social Work and member schools.

SWCEC reserves the right to void approval of a specific program that has been previously granted approval by any of the above listed organizations or the current DP listing, should content and speaker be determined upon review to contain content that is not post-baccalaureate level or is in serious conflict with social work values and education.

Organizations that are approved for Designated Provider status must be actively engaged in the planning, development and presentation of the continuing education programs they provide. Co-Sponsorship will not be accepted.

C. Continuing Education Requirements for Renewal

Forty (40) hours of approved continuing education is required for each renewal period. The applicant will submit a listing of that period's earned

hours with an attestation statement that the list is true and correct. (See Part 1902, Chapter 4, Rule 4.2, B)

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: Ten continuing education hours may be carried over from one renewal to the next. The continuing education hours must have been obtained within the six months immediately.~~ Unused hours: Continuing Education hours that were completed within the 3 years prior to the current expiration date of a license that have not been submitted for previous license renewal may be carried over from one renewal to the next. Provided however, ethics and cultural diversity hours may not be carried over. All unused CE hours must be maintained by the licensee and not by the Board.
5. Four (4) hours of approved professional ethics are required for each licensee for each renewal period. ~~Beginning July 1, 2011, all licensees must have met this requirement in order to renew.~~
6. Two (2) hours of cultural diversity/multicultural issues/cultural competency awareness are required. ~~Beginning July 1, 2011, all licensees must have met this requirement in order to renew.~~
7. Beginning 7/1/2020, one (1) hour of training in Mandated Reporting for all client populations will be required each renewal period.
8. Probationary Status: Part 1902, Chapter 2, Rule 2.6, B

D. 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 Part 1902, Chapter 4.

Acceptable ways of acquiring continuing education credits include the following:

1. Academic courses taken from a regionally accredited college or university or a school in candidacy for CSWE status, related to the licensee's social work practice, may be submitted for review and consideration for approval to the SWCEC. These course materials must be submitted prior to taking the course or immediately after enrollment. If approved, documentation of successful completion of the course must be submitted for final approval. One graduate academic semester hour successfully completed (a grade of "B" or better) shall be equivalent to five (5) continuing education hours.
2. Social Work academic courses taken from a CSWE accredited school of social work at a level beyond the licensee's current academic status are acceptable for continuing education. These courses do not need to be submitted to the SWCEC for prior approval. One graduate academic semester hour successfully completed (a grade of "B" or better) shall be equivalent to five (5) continuing education hours.
3. Instructors teaching a class at a CSWE accredited school of social work may submit documentation to be calculated at ten (10) hours per hour of class credit. This approval will only be honored for classes taught the first time.
4. Continuing Education programs provided by organizations listed in Part 1902, Chapter 4, Rule 4.1, B (2) shall be considered an acceptable mode of acquiring continuing education hours.
5. Approved 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: Provider organizations are responsible for obtaining approval for credit PRIOR TO conducting the activity. (See Part 1902, Chapter 4, Rule 4.1, F)
6. 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, Part 1902, Chapter 4, Rule 4.1, F)

7. Individual Activities: Activities, including workshops and presentations, planned by an individual must be approved by SWCEC in advance. No more than twenty (20) approved continuing education hours of this type will be accepted in a given licensure renewal period.
 - a. Publication of a Professional Social Work Paper: The initial publication shall be acceptable for twenty (20) continuing education hours. Presentation of a professional social work paper for the first time at an approved professional conference shall be acceptable for five (5) continuing education hours or twice the approved continuing education hours for the session, provided the written paper is submitted with the request. The published paper must be submitted to the SWCEC within six (6) months of publication accompanied by copy of the publication medium (journal, book, professional magazine) and a completed CE application form.
 - b. Presenter: Participation as the sole presenter, leader, or teacher of an approved workshop or conference shall be acceptable for three times the approved continuing education hours for the session.
 - c. Panelist: Participation as a panel member for an approved workshop or conference shall be acceptable for two times the approved continuing education hours for the session.
 - d. Facilitator: Facilitating, moderating, or presiding over an approved workshop or conference shall be acceptable for the approved continuing education hours for the session.
 - e. Self-Directed Learning Projects and/or Distance Learning/Internet (Online) Learning Courses: Continuing education hours for distance learning/internet learning courses will only be granted for courses offered by Designated Providers, MBOE exempt providers or by prior approval by the SWCEC on a per case basis. The SWCEC will grant continuing education hours only after completion of the course and proof of successful completion of post-

test, course examination, and/or evaluation from the online course provider.

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 twenty (20) continuing education hours may be accrued per renewal period as a result of self-directed learning projects.

8. Instructors of Field Education who have student interns may receive five (5) hours of Continuing Education per student with a maximum of four students per renewal period for field instructors (maximum of 20 CE hours per renewal period). Field instructors must receive CE verification certificates from CSWE School of Social Work, whether inside or outside the state of Mississippi.

Board Approved LCSW Supervisors may receive up to five (5) hours of Continuing Education for twelve (12) months of supervision per supervisee per renewal period for serving in that capacity (maximum of 20 CE hours per renewal period). The SWDSC will send this verification to the supervisor upon request using the *BALCSWS CE Form*.

LMSWs in supervision for LCSW status may receive up to five (5) hours of continuing education for twelve (12) months of supervision each renewal period for participation in the supervision process. The SWDSC will send this verification to the supervisee upon request using the *BALCSWS CE Form*.

E. Approval Procedures for Continuing Education

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 Board. The SWCEC must review all continuing education activities for approval, except for those of the designated providers, or those approved or sponsored as indicated in section B above.) All applications for review should be received by the Board Office sixty (60) days prior to the date by the 10th of the month prior to the month in which the event will be held.

Mississippi BOE for Social Workers & Marriage and Family Therapists
Social Work Discipline Specific Committee
Continuing Education Sub-Committee
P.O. Box 4508
Jackson, MS 39296-4508
601-987-6806
www.swmft.ms.gov

Licensees should contact SWCEC for specifics about applications submitted for approval.

Note: Retroactive Approvals will not be considered by SWCEC after any provider offering.

F. Reporting Procedures for Continuing Education

Provider Responsibility: It is the responsibility of each provider of continuing education to: 1) verify attendance of attendees at all conference sessions when credit is being requested. 2) provide the Board or the Board's designee with a verified list of participants, and 3) provide the attendee with a written statement, verification, or certificate of attendance at the conclusion of an offering.

The attendee's verification must include the following information:

- a. Name of attendee
- b. Name of offering
- c. Date of offering
- d. Provider's name
- e. Location of offering
- f. Signature of organizer/sponsor or designee
- g. Amount of approved continuing education hours awarded

Licensee Responsibility: It is the sole responsibility of the licensee to: 1) obtain verification of attendance documenting continuing education offerings; 2) provide proof of participation in approved continuing

education offerings to the Board; 3) provide attestation of having completed continuing education; and 4) maintain for four (4) years their own records and official verification of the continuing education files for the licensees. Failure to substantiate the number of approved credits submitted or to submit documentation for a sufficient number of approved continuing education credits will result in a license not being renewed.

G. Random Audit of Continuing Education Documents

1. The Board ~~will~~ may annually audit or cause to be audited a minimum of ten percent (10%) 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 from the date of the notice informing the licensee) with official documentation of the total hours listed on their renewal application, the license will be subject to suspension following written notification from the Board and will remain suspended pending further Board action.
2. If, during the audit, the Board finds unacceptable 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 disciplinary action.

H. Re-evaluation of Continuing Education

A licensee who feels that evidence of continuing education was appraised incorrectly by the Board, may make a written request for re-evaluation to the Board within thirty (30) days of the Board's finding. Verbal requests will not be honored.

I. Waiver of Continuing Education Requirements and Request for Extension of Time to Complete Continuing Education Requirements

1. The Board may waive continuing education requirements to a licensee who was not engaged in the practice of social work during

a given continuing education renewal period on an individual basis for reasons of hardship, such as severe illness, disability, military service or other good cause. Any waiver will be granted solely in the discretion of the Board.

2. The Board may extend the time within which to fulfill continuing education requirements to a licensee during a given continuing education renewal period on an individual basis for reasons of hardship, such as severe illness, disability, military service or other good cause. Any waiver or extension of time will be granted solely in the discretion of the Board.
3. A licensee must submit a written request for a waiver of, or extension of time within which to fulfill, continuing education requirements. The request must be made in writing, under penalty of perjury, and must set forth with specificity the reasons for requesting the waiver or extension and, in the case of the waiver request, the portion of the renewal period during which the licensee was not engaged in the practice of social work. The licensee shall submit to the Board all documentation in support of the request for waiver or extension and such additional information or documentation as the Board may request in support of the waiver or extension.
4. Waivers of the minimum continuing education requirements may be granted for up to one-half of the forty (40) hours of continuing education required for any two-year (biennial) renewal period. Extensions of time may be granted by the Board for a period not to exceed one (1) calendar year. The grant of an extension by the Board will result in the renewal of a license based on the condition that the licensee completes the continuing education requirement by the deadline established by the Board.
5. A waiver of continuing education requirements granted pursuant to this section shall be effective only for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver continues into the next biennial period, a licensee who seeks another waiver must apply to the Board for a renewal of such waiver for the new biennial period.
6. If an extension of time is granted, the license will be placed on active status but the license shall be automatically changed to inactive status at the end of the extension period unless the licensee satisfies the continuing education requirement prior to that time. When the license is placed on inactive status, the licensee shall cease all activity requiring a license.

7. A licensee shall apply for a waiver or extension of continuing education requirements no later than 30 (thirty) days prior to the end of the biennial licensing period for which the waiver or extension is requested. All requests shall be sent to the office of the Board, by certified mail, return receipt requested.
8. An extension of time shall not be granted to any licensee who obtained an extension in the immediately preceding renewal or reporting period in which the licensee held an active license, except in the case of a licensee who is unable to complete the requirements due to military service commitment pursuant to a combat or national emergency assignment.
9. The Board may, as a condition of any extension or waiver granted, require the licensee to make up a portion of the continuing education requirement in the manner determined by the Board.

Source: Miss. Code Ann. §73-53-11(1)(c), (k), (m), (n).

Rule 4.2 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. All licenses must be renewed by submitting a renewal application to the Board prior to the expiration date on the license.
2. Notice of Renewal: The Board will send a reminder of renewal to all licensees at the latest address of record on file with the Board. Failure to receive a renewal notice from the Board will not relieve the license holder from the renewal requirement. It is the responsibility of the licensee to maintain an accurate mailing address in his or her file by promptly notifying the Board in writing of a change of address.

3. Renewal application forms are available on the Board's website or by contacting the Board.
4. Licensee's in good standing are encouraged to renew using the online format available for social workers beginning the April 30, 2008 renewal period. Renewal windows will be available from March 1 to April 30 for the April renewal period and August 1 to September 30 for the September renewal period.
5. In order to complete license renewal, social workers are required to submit:
 - a. A renewal application (available on the Board's on-line renewal application, on the Board's website in a printer friendly version, or by contacting the Board office to request one);
 - b. A list of approved continuing education hours along with an attestation by the applicant that the information submitted is true and correct and original proof of same is available for inspection, if licensee is chosen for audit. (See Part 1902, Chapter 4, Rule 4.1, C below for more information concerning continuing education credits.); and
 - c.. The required renewal fee (see Schedule: Part 1902, Chapter 4, Rule 4.3, B).
 - d. If the licensee does not have a fingerprint Criminal History Record Information Check on file with the Board, beginning 7/1/2020, the licensee must submit to a current fingerprint criminal history record information check conducted by the appropriate governmental authority or authorities at the time of license renewal within one hundred-eighty (180) days prior to the expiration of their license. This criminal history record information check must be received by the Board directly from the appropriate governmental authority or authorities, not from the applicant;

C. Determination of Submission Date

All applications must be received by the close of business on the due date for renewal. On-line renewals must be submitted by 11:59 p.m. to be processed. The date of submission is the date stamped received by the Board.

D. Reinstatement of Lapsed License

1. **General Instructions:**

License renewals that are received in the Board's office after the license expiration date are considered "Lapsed". 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 twenty-four (24) months after its last expiration date. (All lapsed licenses, including grandfathered or provisional licenses, will be considered as new applications, and will have to meet current initial licensing laws and regulations, including the appropriate ASWB 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.

Source: Miss. Code Ann. §§73-53-11(1)(c), (d), (e), (g) and (k) and 73-53-15 (Supp. 2011).

Rule 4.3 FEES AND COSTS

A. Method of Payment

All fees and costs are to be paid by cashier's check, money order and credit card (only for on-line renewals) 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.....	\$70.00
<u>\$75.00</u>	
Initial License Fee: LMSW & LCSW.....	\$100.00
<u>\$110.00</u>	
Upgrade from LSW to LMSW	\$30.00
<u>\$32.00</u>	
Upgrade from LMSW to LCSW, exam cost only <u>\$32.00</u>	
Copying fee: (\$1.00 per page plus cost of retrieving information)	

Renewal Fee:

LSW	\$70.00
<u>\$75.00</u>	
LMSW	\$100.00
<u>\$110.00</u>	
LCSW	\$100.00
<u>\$110.00</u>	

Administrative/Processing Costs:

Application fee.....	\$25.00
<u>\$30.00</u>	
Inactive status (plus renewal cost).....	\$35.00
Retired status	\$35.00
Reinstatement (plus renewal cost)	\$35.00
<u>\$50.00</u>	
Duplicate license card or seal.....	\$5.00
<u>\$10.00</u>	
Replacement license	\$25.00
Certification to become LCSW Supervisor	\$50.00
<u>\$55.00</u>	
Post-graduate Supervision Plan Approval.....	\$75.00
<u>\$80.00</u> for LCSW candidates	
Electronic copy of SW licensee address list	\$100.00
<u>\$110.00</u>	
Application Packet (available on-line at no costs).....	\$10.00
Licensure verification for another state.....	\$25.00
Name Change fee.....	\$10.00
Copy of rules and regulations (available on-line at no cost)...	\$20.00
<u>\$25.00</u>	
(all initial applicants will be issued one copy free of charge upon request)	
Late Renewal Fee.....	\$50.00
<u>\$55.00</u>	
Jurisprudence Exam.....	\$25.00
<u>LCSW Supervisor Test.....</u>	<u>\$25.00</u>

Continuing Education Costs:

Designated Provider initial application.....~~\$500.00~~
\$550.00

Designated Provider status renewal (every 2 years).....~~\$250.00~~
\$275.00

Individual application (Less than or equal to 8 CE hours).....~~\$50.00~~
\$55.00

Individual application (Greater than 8 CE Hours).....~~\$100.00~~
\$110.00

Review of online CE program.....~~\$50.00~~
\$55.00

C. Examination Fee

Fees for examination are to be paid directly to the appropriate testing organization. (See Part 1902, Chapter 2, Rule 2.4, C and ASWB.)

Amended: _____ Effective: _____

Source: Miss. Code Ann. §§73-53-11(1)(c), (g) and (0) and 73-53-15.