

Introduced: 4/1/75
Referred: Health, Education &
Social Services, Judiciary and
Finance

1 IN THE HOUSE

BY BEIRNE

2 *CS* HOUSE BILL NO. 367

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of social workers;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 87. SOCIAL WORKERS.

11 ARTICLE 1. BOARD OF SOCIAL WORK EXAMINERS.

12 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD OF SOCIAL WORK
13 EXAMINERS. There is created a Board of Social Work Examiners, consisting
14 of not less than one certified social worker, one social worker, and one
15 social work associate, and those members at large as the governor con-
16 siderers necessary.

17 Sec. 08.87.020. TERM OF OFFICE. The three initial appointments to
18 the board shall be made for terms of two, three, and four years respec-
19 tively; thereafter all terms shall be for three years. All board members
20 serve at the pleasure of the governor.

21 Sec. 08.87.030. QUALIFICATIONS OF BOARD MEMBERS. All members of
22 the board shall meet the requirements for licensing under this chapter.

23 Sec. 08.87.040. ELECTION OF OFFICERS. The board shall annually
24 elect a chairman, secretary, and other officers it may require.

25 Sec. 08.87.050. MEETINGS. The board shall meet at least once a
26 year.

27 Sec. 08.87.060. QUORUM. A majority of the board constitutes a
28 quorum.

29 Sec. 08.87.070. DUTIES OF THE BOARD. The board shall

1 (1) adopt regulations necessary to make this chapter effec-
2 tive and, when necessary, additions to or changes in regulations by a
3 quorum vote by mail; when changes are proposed in the regulations by
4 mail, the changes proposed and the votes on them shall be entered in the
5 minutes of the next meeting;

6 (2) recommend standards of professional practice for certi-
7 fied social workers, social workers and social work associates to the
8 state regulatory agency;

9 (3) establish license fees;

10 (4) establish standards of practice;

11 (5) establish continuing education programs and requirements;

12 (6) provide for all other matters, whether similar to (1) -
13 (5) of this section or not, affecting in any way the organization and
14 functioning of the board.

15 Sec. 08.87.080. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE
16 ACT. The board shall comply with the Administrative Procedure Act
17 (AS 44.62).

18 Sec. 08.87.085. EXPENSES. Members of the board are entitled to
19 the per diem and travel expenses allowed by law.

20 ARTICLE 2. EXAMINATION AND LICENSING.

21 Sec. 08.87.090. LICENSE REQUIRED. A person practicing or
22 offering to practice social work shall submit evidence that he is
23 qualified to practice, and shall be licensed under this chapter.

24 Sec. 08.87.100. QUALIFICATIONS FOR CERTIFIED SOCIAL WORKER APPLI-
25 CANTS. An applicant for a certified social worker license shall submit
26 to the board, on forms and in a manner prescribed by the board, written
27 evidence that the applicant is of good moral character, and has a
28 doctorate or master's degree from a school of social work accredited by
29 the council on social work education. Applicants are exempted from the

1 academic qualifications of this section until January 1, 1976.

2 Sec. 08.87.110. QUALIFICATIONS FOR SOCIAL WORKER APPLICANTS.

3 An applicant for a social worker license shall submit to the board, on
4 forms and in a manner prescribed by the board, written evidence that the
5 applicant is of good moral character. Additionally, the applicant shall
6 present evidence that he has a baccalaureate degree in a social work or
7 social welfare program from a college or university accredited by the
8 council on social work education or that he has a baccalaureate degree
9 and two years of experience in social work. Applicants are exempted
10 from the academic qualifications of this section until January 1, 1976.

11 Sec. 08.87.120. QUALIFICATIONS FOR SOCIAL WORK ASSOCIATE APPLI-

12 CANTS. An applicant for a social work associate license shall submit to
13 the board, on forms and in a manner prescribed by the board, written
14 evidence that the applicant is of good moral character. Additionally,
15 the applicant shall present evidence that he has a baccalaureate degree
16 in a nonsocial work field or an associate of arts degree, or its equiva-
17 lent, in a program from a junior college, college or university approved
18 by the board. Applicants are exempted from the academic qualifications
19 of this section until January 1, 1976.

20 Sec. 08.87.130. LICENSE BY EXAMINATION. The applicant shall pass
21 a written examination in the subjects which the board prescribes. The
22 board shall issue a license to an applicant who passes the examination
23 if the qualifications outlined in secs. 100, 110 and 120 of this chapter
24 are also met. The board shall conduct examinations annually and as
25 often as it considers necessary. Until January 1, 1976, applicants
26 shall be exempted from the requirement of an examination if the board
27 is satisfied that at the time of application the applicant has for the
28 previous two years engaged in the practice for which the examination
29 would otherwise be required.

1 Sec. 08.87.140. LICENSE BY ENDORSEMENT. The board may issue a
2 license by endorsement to practice social work to an applicant who is
3 licensed under the laws of another state that imposes substantially the
4 same requirements as this chapter, has passed an examination similar to
5 that for which exemption is sought, and meets the requirements of sec.
6 100, 110 or 120 of this chapter.

7 Sec. 08.87.150. LICENSE RENEWAL. Licenses shall be renewed
8 biennially under regulations promulgated by the department.

9 Sec. 08.87.155. FEES. Each application fee, renewal fee, biennial
10 and out-of-state license fee is \$50.

11 Sec. 08.87.160. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION. The
12 board, after compliance with the Administrative Procedure Act (AS 44.62),
13 may deny, suspend, or revoke the license of a person who

14 (1) has obtained or attempted to obtain a license to practice
15 under this chapter by fraud or deceit;

16 (2) has been convicted of a felony;

17 (3) has been convicted of a crime involving moral turpitude;

18 (4) is habitually intoxicated or is addicted to the use of
19 narcotics;

20 (5) is guilty, in the opinion of the board, of negligence
21 which has resulted in serious injury to a client;

22 (6) is guilty of unprofessional conduct;

23 (7) has wilfully or repeatedly violated any of the provisions
24 of this chapter.

25 ARTICLE 3. UNLAWFUL ACTS.

26 Sec. 08.87.170. VIOLATIONS. It is a misdemeanor for a person to

27 (1) sell or fraudulently obtain or furnish, or aid or abet in
28 the selling or fraudulent obtaining or furnishing of, a license, license
29 renewal or record required by this chapter;

1 (2) practice social work under cover of a diploma, license,
2 or record illegally or fraudulently obtained or signed or issued unlaw-
3 fully or by fraudulent representation;

4 (3) practice or offer to practice social work without a
5 license;

6 (4) use in connection with his name a designation tending to
7 imply that he is licensed under this chapter unless he is licensed;

8 (5) practice during the time his license is lapsed, suspended
9 or revoked; or

10 (6) knowingly violate any provision of this chapter.

11 Sec. 08.87.180. PUNISHMENT FOR MISDEMEANOR. A person who violates
12 sec. 170 of this chapter is punishable by imprisonment for not less than
13 10 days nor more than one year, or by a fine of not less than \$10 nor
14 more than \$500, or by both.

15 Sec. 08.87.190. UNLICENSED PRACTICE A PUBLIC NUISANCE. The
16 practice of social work for compensation by a person who is not licensed,
17 or whose license is suspended, revoked, or expired, is declared to be
18 inimical to the public welfare and to constitute a public nuisance.

19 Sec. 08.87.200. APPLICATION FOR INJUNCTION. The board may apply
20 for an injunction in a competent court to enjoin a person not licensed
21 or whose license is suspended, revoked, or expired, from practicing
22 social work. The court may issue a temporary injunction enjoining the
23 defendant from practicing social work.

24 Sec. 08.87.210. ISSUANCE OF INJUNCTION. If it is established that
25 the defendant has been or is practicing social work without a license or
26 has been or is practicing social work after his license has been sus-
27 pended or revoked or has expired, the court may enjoin the defendant
28 from further practice.

29 Sec. 08.87.220. REMEDY NOT EXCLUSIVE. If a person violates an

1 injunction issued under this section, he may be punished for contempt of
2 court. The injunction proceeding is in addition to other penalties and
3 remedies provided in this chapter.

4 ARTICLE 4. GENERAL PROVISIONS.

5 Sec. 08.87.230. EXCEPTIONS TO THIS CHAPTER. This chapter does not
6 apply to

7 (1) a qualified social worker licensed in another state
8 employed by the United States government or a bureau, agency or division
9 of the United States government while in the discharge of his official
10 duties;

11 (2) the practice of social work by a student

12 (A) enrolled in a program accredited by the board; or

13 (B) working under the direct supervision of a certified
14 social worker or social worker licensed under this chapter;

15 (3) the practice of a profession licensed under state law; or

16 (4) the practice of a profession if the person does not hold
17 himself out to the public by title or description of service as being
18 engaged in social work.

19 Sec. 08.87.240. PRIVILEGED COMMUNICATIONS. (a) No licensed
20 certified social worker, social worker, or social work associate or his
21 employee may disclose information he has acquired from persons consult-
22 ing him in his professional capacity except with the written consent of
23 the person or, in the case of disability, of his own personal represen-
24 tative or other person authorized to sue on his behalf.

25 (b) A client waives the privilege by bringing charges against the
26 licensed certified social worker, the social worker, or the social work
27 associate.

28 Sec. 08.87.250. DEFINITIONS. As used in this chapter unless the
29 context otherwise dictates,

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(1) "board" means the Board of Social Work Examiners;

(2) "social work" includes but is not limited to a service or activity performed for compensation, designed to promote the welfare of the community and the individual through counseling services, health clinics, and similar services and activities.

* Sec. 2. This Act takes effect on July 1, 1975.

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