

Introduced: 2/16/82
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY KERTTULA BY REQUEST

2 SENATE BILL NO. 792

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of clinical social
7 workers; 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. CLINICAL SOCIAL WORKERS.

11 ARTICLE 1. BOARD OF CLINICAL SOCIAL WORKER EXAMINERS.

12 Sec. 08.87.010. BOARD OF CLINICAL SOCIAL WORKER EXAMINERS. (a)

13 There is created a Board of Clinical Social Worker Examiners.

14 (b) The board consists of five members appointed by the governor.
15 Three of the board members shall be clinical social workers eligible for
16 licensing under this chapter. All board members shall be citizens of
17 the United States and residents of the state.

18 (c) The board members serve at the pleasure of the governor for
19 five-year terms. Each board member shall hold office for the term of
20 his appointment and until his successor is appointed and qualified. A
21 board member is qualified for reappointment. A vacancy on the board
22 shall be filled in the same manner as the original appointment but only
23 for the unexpired term.

24 (d) Board members serve without compensation, but are entitled to
25 travel and per diem expenses as provided in AS 39.20.180.

26 Sec. 08.87.020. DUTIES OF THE BOARD. The board shall

27 (1) adopt regulations in accordance with the Administrative
28 Procedure Act (AS 44.62) to administer and carry out the provisions of
29 this chapter;

1 (2) establish a code of professional ethics based on nation-
2 ally accepted standards in social work;

3 (3) establish, in consultation with the department, applica-
4 tion fees, examination fees, credential review fees, out-of-state en-
5 dorsement fees, initial license fees, and biennial renewal fees;

6 (4) conduct hearings and keep records and minutes necessary
7 for carrying out the purpose of this chapter in an orderly manner;

8 (5) prepare and administer an examination;

9 (6) annually publish a list of the names and addresses of all
10 persons licensed under this chapter.

11 ARTICLE 2. LICENSURE AND PRACTICE.

12 Sec. 08.87.030. LICENSURE AS CLINICAL SOCIAL WORKER. A person is
13 eligible for licensure as a clinical social worker if the person

14 (1) is in good professional standing;

15 (2) holds a master's or doctoral degree in social work from a
16 graduate school of social work accredited or recognized by the Council
17 on Social Work Education;

18 (3) has had two years or 3,000 hours of post-master's degree
19 supervised clinical social work practice under supervision as determined
20 to be appropriate by the board in review of the applicant's qualifica-
21 tions;

22 (4) has passed an examination prepared by the board; and

23 (5) provides three references acceptable to the board.

24 Sec. 08.87.040. SCOPE OF PRACTICE OF CLINICAL SOCIAL WORKER. A
25 clinical social worker may provide direct diagnostic, preventative,
26 psychotherapeutic, and treatment services to individuals, families, and
27 groups whose functioning is threatened or affected by social and psycho-
28 logical stress or health impairment.

29 Sec. 08.87.050. LICENSURE BY ENDORSEMENT. A person who is

1 licensed as a social worker by an authority other than the state may be
2 licensed as a clinical social worker in the state if the board deter-
3 mines that the person's requirements for the out-of-state license or
4 certificate at the time the individual was licensed are similar to the
5 requirements of AS 08.87.030 or the National Association of Social
6 Workers.

7 Sec. 08.87.060. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. The
8 board may deny, suspend, or revoke the license of a person who

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

11 (2) has been convicted of a felony involving moral turpitude;

12 (3) is habitually intoxicated or is addicted to the use of
13 depressant, hallucinogenic, narcotic, or stimulant drugs;

14 (4) is found by the board to have been negligent, resulting
15 in serious injury to a client;

16 (5) has wilfully or repeatedly violated a provision of this
17 chapter.

18 Sec. 08.87.070. EXPIRATION AND RENEWAL OF LICENSE. A license
19 issued under this chapter expires two years after it is issued unless
20 the board establishes a biennial date when all licenses issued under
21 this chapter expire. A license may be renewed by making an application
22 for renewal to the board and by meeting the requirements of this chap-
23 ter.

24 Sec. 08.87.075. PROBATIONARY PRACTICE FOR NEW EMPLOYEE. A person
25 exempt from the licensing provisions of this chapter under AS 08.87.110
26 may practice for a period not to exceed six months under the direct
27 supervision of a clinical social worker licensed under this chapter. As
28 used in this section, direct supervision includes at least one hour a
29 week of personal consultation with a supervisor who is licensed as a

1 clinical social worker under this chapter. If geographical distance
2 precludes personal weekly consultation between a person and his super-
3 visor, supervision may be maintained through weekly written or telephone
4 communication as prescribed by regulation of the board.

5 Sec. 08.87.080. PRIVILEGED COMMUNICATION. A clinical social
6 worker licensed under this chapter may not disclose information acquired
7 from a client if that information was necessary to enable the clinical
8 social worker to render professional services to the client, except

9 (1) with the written consent of the client, the client's
10 personal representative or other person authorized to sue on behalf of
11 the client, or the beneficiary of an insurance policy on the client's
12 life, health, or physical condition;

13 (2) that a clinical social worker licensed under this chapter
14 is not required to treat as confidential communications that reveal the
15 contemplation or execution of a crime or harmful act;

16 (3) when the client is a minor under 18 years of age and the
17 information acquired by the clinical social worker indicates that the
18 minor was the victim of a crime or harmful act, the clinical social
19 worker may testify at an examination, trial, or other proceeding in
20 which the commission of the crime or harmful act is the subject of the
21 inquiry;

22 (4) when the client commences a legal proceeding against the
23 clinical social worker.

24 ARTICLE 3. PROHIBITIONS AND PENALTIES.

25 Sec. 08.87.090. LICENSE REQUIRED. A person may not engage in the
26 practice of clinical social work unless the person is licensed under
27 this chapter or is exempt from the requirements of this chapter under
28 AS 08.87.110.

29 Sec. 08.87.100. VIOLATIONS. It is unlawful for a person to

1 (1) fraudulently obtain or furnish a license, license renewal,
2 or record required by this chapter;

3 (2) aid and abet a person not licensed under this chapter;

4 (3) use the title "clinical social worker" or a title or
5 designation indicating or tending to indicate that the person is a
6 clinical social worker, if the person is not licensed under this chap-
7 ter; or

8 (4) wilfully violate a provision of this chapter.

9 Sec. 08.87.110. EXEMPTIONS. The following persons are exempt from
10 the licensing provisions of this chapter:

11 (1) a qualified member of another profession if he does not
12 hold himself out to the public by title or description of service as
13 being engaged in clinical social work practice;

14 (2) a person newly employed on probationary status as a
15 clinical social worker.

16 Sec. 08.87.120. PUNISHMENT FOR MISDEMEANOR. A person who violates
17 a provision of this chapter is guilty of a class A misdemeanor.

18 Sec. 08.87.130. EQUITABLE RELIEF. The board may bring an action
19 in the superior court to enjoin or restrain a violation of the provi-
20 sions of this chapter.

21 Sec. 08.87.140. DEFINITIONS. In this chapter

22 (1) "board" means the Board of Clinical Social Worker Exami-
23 ners;

24 (2) "department" means the Department of Commerce and Economic
25 Development;

26 (3) "psychotherapeutic" means the use of psychosocial and
27 social methods within a professional relationship to assist a person or
28 persons to achieve a better psychosocial adaptation; forms of psycho-
29 therapy include but are not restricted to individual psychotherapy,

1 conjoint marital therapy, family therapy, and group psychotherapy.

2 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

3 (24) Board of Clinical Social Worker Examiners.

4 * Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:

5 (21) Board of Clinical Social Worker Examiners (AS 08.87.010)

6 -- June 30, 1986.

7 * Sec. 4. APPOINTMENT OF FIRST MEMBERS OF BOARD OF CLINICAL SOCIAL WORKER
8 EXAMINERS. (a) The governor shall designate the terms of the members of the
9 Board of Clinical Social Worker Examiners first appointed under AS 08.87.010.

10 (b) Of the two members who are not licensed or eligible to be licensed
11 as clinical social workers

12 (1) one shall serve a term of one year; and

13 (2) one shall serve a term of two years.

14 (c) Of the three board members first appointed who are licensed or
15 eligible to be licensed as clinical social workers

16 (1) one shall serve a term of three years;

17 (2) one shall serve a term of four years; and

18 (3) one shall serve a term of five years.

19 * Sec. 5. TEMPORARY EXEMPTION FROM EXAMINATION REQUIREMENTS. A person
20 who is, or is eligible to be, registered by the register of clinical social
21 workers of the National Association of Social Workers is considered by the
22 Board of Clinical Social Worker Examiners as meeting the requirements for a
23 licensed clinical social worker and shall be issued a license under this Act.
24 This provision is effective until one year after the effective date of this
25 Act. Thereafter, all new applicants for a license must meet the licensing
26 requirements of AS 08.87.

27 * Sec. 6. This Act takes effect July 1, 1982.

28

29