

Introduced: 5/27/83  
Referred: Health, Education and  
Social Services and Finance

1 IN THE SENATE

BY JOSEPHSON

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SENATE BILL NO. 303

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the practice of social work and  
7 establishing the Board of Social Worker Examiners;  
8 and providing for an effective date."

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

10 \* Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

11 (24) Board of Social Worker Examiners (AS 08.87.010)

12 \* Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

13 (21) Board of Social Worker Examiners (AS 08.87.010) --

14 June 30, 1988.

15 \* Sec. 3. AS 08 is amended by adding a new chapter to read:

16 CHAPTER 87. SOCIAL WORKERS.

17 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

18 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is  
19 created a Board of Social Worker Examiners consisting of three master  
20 social workers, at least one of whom is engaged in the private prac-  
21 tice of social work, one bachelor social worker, and one public mem-  
22 ber. Professional members shall be licensed under this chapter. To  
23 the extent possible members shall be appointed from different geo-  
24 graphic regions of the state. A member who has served two successive  
25 full terms may not be reappointed until four years after the expira-  
26 tion of the second term.

27 Sec. 08.87.020. TERM OF OFFICE. Each member of the board serves  
28 for a term of four years and until the member's successor is appointed  
29 and qualified. An appointment to a vacancy is for the unexpired

1 portion of the term.

2 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least  
3 two times a year. The board may hold special meetings at the call of  
4 the chairman or of a majority of the board members.

5 Sec. 08.87.040. ELECTION OF OFFICERS. The board shall elect  
6 from among its members a chairman and a secretary to serve for a term  
7 not exceeding two years.

8 Sec. 08.87.050. REMOVAL OF BOARD MEMBERS. The governor may  
9 remove a member of the board for cause. The board may by regulation  
10 provide that unexcused absences from meetings are cause for removal.

11 Sec. 08.87.060. POWERS AND DUTIES OF THE BOARD. (a) The board  
12 shall

13 (1) provide for the examination of eligible applicants for  
14 licenses under this chapter;

15 (2) submit an annual report of its proceedings to the  
16 governor, including a statement of money received and disbursed;

17 (3) establish standards for specialty designations for the  
18 private practice of social work and authorize speciality designations  
19 on licenses issued under this chapter;

20 (4) after a hearing, impose disciplinary sanctions against  
21 a person who violates this chapter, an order of the board, or a regu-  
22 lation of the board;

23 (5) adopt regulations relating to requirements for the  
24 supervision of persons engaged in social work under this chapter who  
25 are not master social workers;

26 (6) adopt regulations requiring proof of continued compe-  
27 tency before a license is renewed;

28 (7) adopt regulations to carry out the purposes of this  
29 chapter.

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ARTICLE 2. LICENSING OF SOCIAL WORKERS.

Sec. 08.87.100. LICENSING OF SOCIAL WORKERS. (a) A person is eligible for a license as a bachelor social worker if the person

- (1) is in good professional standing and is fit to practice social work as determined by regulations of the board;
- (2) has passed the state examination;
- (3) provides three references acceptable to the board;
- (4) has a bachelor's degree from a school of social work accredited by the Council on Social Work Education.

(b) A person is eligible for a license as a master social worker if the person meets the requirements of (a)(1) - (3) of this section and has a doctorate or master's degree from a school of social work accredited by the Council on Social Work Education.

Sec. 08.87.110. SCOPE OF PRACTICE. (a) A person licensed as a bachelor or master social worker may provide services that enhance social functioning for individuals, families, groups, or communities guided by professional social work ethics, knowledge and intervention methods. The services provided may include

- (1) identification and evaluation of social problems;
- (2) developing statistics and data on social problems;
- (3) assisting people and organizations to solve problems relating to social functioning;
- (4) client advocacy;
- (5) developing community resources relating to social services;
- (6) planning and administering social services programs.

(b) A bachelor social worker may practice only under supervision in accordance with regulations of the board.

(c) A master social worker may provide

1           (1) therapeutic counseling;  
2           (2) consultation regarding social service programs and the  
3 provision of social services.

4           (d) A person may engage in the private unsupervised practice of  
5 social work only if

6           (1) the person is licensed as a master social worker;

7           (2) the person has completed at least two years of post-  
8 graduate supervised experience approved by the board in the field of  
9 specialty in which the person engages as a private practitioner;

10          (3) the board has approved the specialty in which the  
11 person may engage as a private practitioner and authorizes designation  
12 of the speciality on the person's license;

13          (4) the license bearing a designation of speciality is  
14 prominently displayed in the place the person engages in private  
15 practice;

16          (5) the person limits the private practice of social work  
17 to the designated specialty.

18          (e) Only a master social worker designated to engage in the  
19 speciality field of clinical social work may practice psychotherapy.

20          Sec. 08.87.120. LICENSE BY CREDENTIALS. The board may provide  
21 for licensing a person as a bachelor or master social worker without  
22 examination if the person

23          (1) is a graduate of a school of social work accredited by  
24 the Council on Social Work Education;

25          (2) has an active license to practice social work in  
26 another state, territory or country with requirements at the time of  
27 the original licensure that were similar to or higher than those of  
28 this state;

29          (3) is not the subject of an unresolved complaint, review

1 procedure, or disciplinary proceeding undertaken by a professional  
2 social worker association or regulatory authority;

3 (4) has not failed the examination of this state;

4 (5) has not previously had a license to practice social  
5 work revoked in this or another jurisdiction;

6 (6) submits proof of continued competence as required by  
7 regulation of the board;

8 (7) pays all required fees.

9 Sec. 08.87.130. LICENSE RENEWAL REQUIRED. A license issued  
10 under this chapter shall lapse after four years unless it is renewed.

11 Sec. 08.87.140. FEES. The following fees are imposed under this  
12 chapter:

13	(1) application.....	\$ 25
14	(2) license by examination.....	100
15	(3) license by credentials.....	50
16	(4) license renewal.....	200
17	(5) reexamination.....	75

18 ARTICLE 3. PROHIBITIONS AND PENALTIES.

19 Sec. 08.87.200. LICENSE REQUIRED. (a) A person may not engage  
20 in the practice of social work unless the person is licensed under  
21 this chapter.

22 (b) Notwithstanding (a) of this section, a person may engage in  
23 social work if the person is a

24 (1) student enrolled in a program of social work that leads  
25 to a degree, engages in social work in the course of completing the  
26 program, and is supervised in accordance with regulations of the  
27 board;

28 (2) new employee on probationary status, is supervised in  
29 accordance with regulations of the board, and has not been engaged in

1 the practice of social work in this state for more than six months;

2 (3) qualified member of another profession and is engaged  
3 in the practice of social work only to the extent required by the  
4 practice of the other profession.

5 (c) Unless licensed under this chapter, a person may not use the  
6 title "social worker" or a title, designation, or device indicating or  
7 tending to indicate that the person is a social worker or practices  
8 social work. A person may not use the letters LBSW as part of a title  
9 unless the person is licensed as a bachelor social worker under this  
10 chapter. A person may not use the letters LMSW as part of a title  
11 unless the person is licensed as a master social worker under this  
12 chapter.

13 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social  
14 worker licensed under this chapter may not reveal to another person a  
15 communication made to the social worker by a client about a matter  
16 concerning which the client has employed the social worker in a pro-  
17 fessional capacity. This section does not apply if the

18 (1) client provides written consent to the social worker to  
19 reveal the communication;

20 (2) client is incompetent and the guardian or personal  
21 representative provides written consent to the social worker to reveal  
22 the communication;

23 (3) client is dead and a beneficiary of an insurance policy  
24 on the client's life provides written consent to the social worker to  
25 reveal the communication;

26 (4) communication discloses that a crime has been committed  
27 or reveals an intent to commit a crime;

28 (5) client is a minor, the communication discloses that the  
29 client was the victim of a crime or harmful act, and the social worker

1 reveals the communication only during the course of an official exam-  
2 ination, trial or other proceeding in which the commission of the  
3 crime or harmful act is a subject of inquiry;

4 (6) client brings charges against the social worker and the  
5 social worker reveals the communication only as necessary to defend  
6 the charges.

7 Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
8 TIONS. After a hearing, the board may impose a disciplinary sanction  
9 on a person licensed under this chapter when the board finds that the  
10 licensee

11 (1) secured a license through deceit, fraud, or intentional  
12 misrepresentation;

13 (2) engaged in deceit, fraud, or intentional misrepresenta-  
14 tion in the course of providing professional services or engaging in  
15 professional activities;

16 (3) advertised professional services in a false or mislead-  
17 ing manner;

18 (4) has been convicted of a felony or other crime that  
19 affects the licensee's ability to continue to practice competently and  
20 safely;

21 (5) intentionally or negligently engaged in or permitted  
22 the performance of social work by persons under the licensee's super-  
23 vision that does not conform to minimum professional standards regard-  
24 less of whether actual injury occurred;

25 (6) failed to comply with this chapter, with a regulation  
26 adopted under this chapter, or with an order of the board;

27 (7) continued to practice after becoming unfit due to

28 (A) professional incompetence;

29 (B) failure to keep informed of current professional

- 1 practices;
- 2 (C) addiction or severe dependency on alcohol or other
- 3 drugs that impairs the ability to practice safely;
- 4 (D) physical or mental disability;
- 5 (8) engaged in lewd or immoral conduct in connection with
- 6 the delivery of professional service.

7 Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) When it finds that

8 a licensee is guilty of an offense under AS 08.87.220, the board may

9 impose the following sanctions singly or in combination:

- 10 (1) permanently revoke a license to practice;
- 11 (2) suspend a license for a determinate period of time;
- 12 (3) censure a licensee;
- 13 (4) issue a letter of reprimand;
- 14 (5) place a licensee on probationary status and require the
- 15 licensee to

16 (A) report regularly to the board upon matters involv-

17 ing the basis of probation;

18 (B) limit practice to those areas prescribed;

19 (C) continue professional education until a satisfac-

20 tory degree of skill has been attained in those areas determined

21 by the board to need improvement;

22 (6) impose limitations or conditions on the practice of a

23 licensee.

24 (b) The board may withdraw probationary status if it finds that

25 the deficiencies that required the sanction have been remedied.

26 (c) The board may summarily suspend a license before final

27 hearing or during the appeal process if the board finds that the

28 licensee poses a clear and immediate danger to the public health and

29 safety if the licensee continues to practice. A person whose license

1 is suspended under this section shall be entitled to a hearing by the  
2 board no later than seven days after the effective date of the order.  
3 The person may appeal the suspension after a hearing to a court of  
4 competent jurisdiction.

5 (d) The board may reinstate a license that has been suspended or  
6 revoked if the board finds after a hearing that the applicant is able  
7 to practice with reasonable skill and safety.

8 (e) The board shall seek consistency in the application of  
9 disciplinary sanctions, and significant departure from prior decisions  
10 involving similar situations shall be explained in findings of fact or  
11 orders.

12 Sec. 08.87.240. PENALTY. (a) A person who violates this chap-  
13 ter is guilty of a class B misdemeanor.

14 (b) The board may seek to enjoin or restrain a person not li-  
15 censed under this chapter or whose license is suspended, revoked, or  
16 expired from violating this chapter.

17 ARTICLE 4. GENERAL PROVISIONS.

18 Sec. 08.87.300. DEFINITIONS. In this chapter

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

20 (2) "department" means the Department of Commerce and  
21 Economic Development.

22 \* Sec. 4. AS 44.62.330(a) is amended by adding a new paragraph to read:

23 (52) Board of Social Worker Examiners (AS 08.87.010).

24 \* Sec. 5. Within 30 days after the effective date of this Act the  
25 governor shall appoint initial members to the Board of Social Worker Exam-  
26 iners. Notwithstanding AS 08.87.010 as enacted in sec. 3 of this Act,  
27 initial members shall consist of three persons that have a doctorate or  
28 master's degree from a school of social work accredited by the Council on  
29 Social Work Education, at least one of whom is engaged in the private

1 practice of social work, one person with a bachelor's degree from a school  
2 of social work accredited by the Council on Social Work Education, and one  
3 public member. Notwithstanding AS 08.87.020 as enacted in sec. 3 of this  
4 Act, one initial member shall serve a one-year term, one initial member  
5 shall serve a two-year term, one initial member shall serve a three-year  
6 term, one initial member shall serve a four-year term, and one initial  
7 member shall serve a five-year term as determined by the governor.

8 \* Sec. 6. A person who meets the requirements under AS 08.87.100(a)(1),  
9 (3) and (4) enacted in sec. 3 of this Act may apply for and receive a  
10 license as a bachelor social worker. A person who has not passed the state  
11 examination under AS 08.87.100(a)(2) but otherwise meets the requirements  
12 of AS 08.87.100(b) may apply for and receive a license as a master social  
13 worker. An application for a license under this section must be filed  
14 before July 1, 1985.

15 \* Sec. 7. This Act takes effect July 1, 1983.