

Offered: 2/14/84  
Referred: Finance

Original sponsor: Josephson

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 303 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND 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. PURPOSE. The purpose of this Act is to assure the consu-  
11 mer that persons providing services under the title "social worker" have  
12 completed professional social work education, adhere to a code of profes-  
13 sional ethics, and are subject to review by the Board of Social Work Exami-  
14 ners.

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

16 (24) Board of Social Worker Examiners (AS 08.87.010).

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

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

19 June 30, 1989.

20 \* Sec. 4. AS 08 is amended by adding a new chapter to read:

21 CHAPTER 87. SOCIAL WORKERS.

22 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

23 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is  
24 created a Board of Social Worker Examiners consisting of five members,  
25 including at least two master social workers, one of whom is engaged  
26 in the private practice of social work, at least one bachelor social  
27 worker, and one public member. Professional members shall be licensed  
28 under this chapter. To the extent possible members shall be appointed  
29 from different geographic regions of the state. A member who has

1 served two successive full terms may not be reappointed until four  
2 years after the expiration of the second term.

3 Sec. 08.87.020. TERM OF OFFICE. Each member of the board serves  
4 for a term of four years and until the member's successor is appointed  
5 and qualified. An appointment to a vacancy is for the unexpired  
6 portion of the term.

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

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

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

16 Sec. 08.87.060. POWERS AND DUTIES OF THE BOARD. (a) The board  
17 shall

18 (1) provide for the examination of eligible applicants for  
19 licenses under this chapter;

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

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

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

28 (5) adopt regulations relating to requirements for the  
29 supervision of persons engaged in social work under this chapter who

1 are not master social workers;

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

4 (7) adopt regulations to carry out the purposes of this  
5 chapter.

6 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

9 (1) is in good professional standing and is fit to practice  
10 social work as determined by regulations of the board;

11 (2) has passed the state examination;

12 (3) provides three references acceptable to the board;

13 (4) has a bachelor's degree from a school of social work  
14 accredited by the Council on Social Work Education.

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

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

24 (1) identification and evaluation of social problems;

25 (2) developing statistics and data on social problems;

26 (3) assisting people and organizations to solve problems  
27 relating to social functioning;

28 (4) client advocacy;

29 (5) developing community resources relating to social

1 services;

2 (6) planning and administering social services programs.

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

5 (c) A master social worker may provide

6 (1) therapeutic counseling;

7 (2) consultation regarding social service programs and the  
8 provision of social services.

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

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

12 (2) the person has completed at least two years of post-  
13 graduate supervised experience approved by the board in the field of  
14 speciality in which the person engages as a private practitioner;

15 (3) the board has approved the speciality in which the  
16 person may engage as a private practitioner and authorizes designation  
17 of the speciality on the person's license;

18 (4) the license bearing a designation of speciality is  
19 prominently displayed in the place the person engages in private  
20 practice;

21 (5) the person limits the private practice of social work  
22 to the designated speciality.

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

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

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

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

5           (3) is not the subject of an unresolved complaint, review  
6 procedure, or disciplinary proceeding undertaken by a professional  
7 social worker association or regulatory authority;

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

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

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

13           (7) pays all required fees.

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

16           Sec. 08.87.140. FEES. The following fees are imposed under this  
17 chapter:

- 18           (1) application.....\$ 25
- 19           (2) license by examination..... 100
- 20           (3) license by credentials..... 50
- 21           (4) license renewal..... 200
- 22           (5) reexamination..... 75

23           ARTICLE 3. PROHIBITIONS AND PENALTIES.

24           Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless  
25 licensed under this chapter, a person may not use the title "social  
26 worker" or a title, designation, or device indicating or tending to  
27 indicate that the person is a social worker or practices social work.  
28 A person may not use the letters LBSW as part of a title unless the  
29 person is licensed as a bachelor social worker under this chapter. A

1 person may not use the letters LMSW as part of a title unless the  
2 person is licensed as a master social worker under this chapter.  
3 Except as provided in (b) of this section, a person may not use the  
4 title "social worker trainee".

5 (b) A student in social work pursuing a course of study approved  
6 by the board as qualifying training and experience for a social worker  
7 may use the title "social worker trainee" if that person's activities  
8 constitute a part of that person's supervised course of study.

9 (c) This section does not apply to a person employed by a  
10 governmental unit as a social worker if the

11 (1) employer maintains proper supervision of the social  
12 work activities and professional conduct;

13 (2) person is performing the social work as part of the  
14 duties for which the person was employed; and

15 (3) person does not render or offer to render social work  
16 services to the public for compensation in addition to the salary the  
17 person receives.

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

23 (1) client provides written consent to the social worker to  
24 reveal the communication;

25 (2) client is incompetent and the guardian or personal  
26 representative provides written consent to the social worker to reveal  
27 the communication;

28 (3) client is dead and a beneficiary of an insurance policy  
29 on the client's life provides written consent to the social worker to

1 reveal the communication;

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

4 (5) client is a minor, the communication discloses that the  
5 client was the victim of a crime or harmful act, and the social worker  
6 reveals the communication only during the course of an official exam-  
7 ination, trial or other proceeding in which the commission of the  
8 crime or harmful act is a subject of inquiry;

9 (6) client brings charges against the social worker and the  
10 social worker reveals the communication only as necessary to defend  
11 the charges.

12 Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
13 TIONS. After a hearing, the board may impose a disciplinary sanction  
14 on a person licensed under this chapter when the board finds that the  
15 licensee

16 (1) secured a license through deceit, fraud, or intentional  
17 misrepresentation;

18 (2) engaged in deceit, fraud, or intentional misrepresenta-  
19 tion in the course of providing professional services or engaging in  
20 professional activities;

21 (3) advertised professional services in a false or mislead-  
22 ing manner;

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

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

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

3           (7) continued to practice after becoming unfit due to  
4           (A) professional incompetence;  
5           (B) failure to keep informed of current professional  
6 practices;

7           (C) addiction or severe dependency on alcohol or other  
8 drugs that impairs the ability to practice safely;

9           (D) physical or mental disability;

10          (8) engaged in lewd or immoral conduct in connection with  
11 the delivery of professional service.

12          Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) When it finds that  
13 a licensee is guilty of an offense under AS 08.87.220, the board may  
14 impose the following sanctions singly or in combination:

15           (1) permanently revoke a license to practice;

16           (2) suspend a license for a determinate period of time;

17           (3) censure a licensee;

18           (4) issue a letter of reprimand;

19           (5) place a licensee on probationary status and require the  
20 licensee to

21           (A) report regularly to the board upon matters involv-  
22 ing the basis of probation;

23           (B) limit practice to those areas prescribed;

24           (C) continue professional education until a satisfac-  
25 tory degree of skill has been attained in those areas determined  
26 by the board to need improvement;

27           (6) impose limitations or conditions on the practice of a  
28 licensee.

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

1 the deficiencies that required the sanction have been remedied.

2 (c) The board may summarily suspend a license before final  
3 hearing or during the appeal process if the board finds that the  
4 licensee poses a clear and immediate danger to the public health and  
5 safety if the licensee continues to practice. A person whose license  
6 is suspended under this section shall be entitled to a hearing by the  
7 board no later than seven days after the effective date of the order.  
8 The person may appeal the suspension after a hearing to a court of  
9 competent jurisdiction.

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

13 (e) The board shall seek consistency in the application of  
14 disciplinary sanctions, and significant departure from prior decisions  
15 involving similar situations shall be explained in findings of fact or  
16 orders.

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

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

22 ARTICLE 4. GENERAL PROVISIONS.

23 Sec. 08.87.300. DEFINITIONS. In this chapter

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

25 (2) "department" means the Department of Commerce and  
26 Economic Development.

27 \* Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:

28 (53) Board of Social Worker Examiners (AS 08.87.010).

29 \* Sec. 6. Within 30 days after the effective date of this Act the

1 governor shall appoint initial members to the Board of Social Worker Exam-  
2 iners. Notwithstanding AS 08.87.010 as enacted in sec. 3 of this Act,  
3 initial members shall consist of three persons that have a doctorate or  
4 master's degree from a school of social work accredited by the Council on  
5 Social Work Education, at least one of whom is engaged in the private  
6 practice of social work, one person with a bachelor's degree from a school  
7 of social work accredited by the Council on Social Work Education, and one  
8 public member. Notwithstanding AS 08.87.020 as enacted in sec. 3 of this  
9 Act, one initial member shall serve a one-year term, one initial member  
10 shall serve a two-year term, one initial member shall serve a three-year  
11 term, one initial member shall serve a four-year term, and one initial  
12 member shall serve a five-year term as determined by the governor.

13 \* Sec. 7. (a) Notwithstanding AS 08.87.100(a) as enacted in sec. 3 of  
14 this Act, a person may apply for and receive an original license as a  
15 bachelor social worker if the person

16 (1) holds a degree from a school of social work that is not  
17 accredited by the Council on Social Work Education or a bachelor's,  
18 master's, or doctor's degree in a field related to social work and has been  
19 practicing under the title "social worker" for at least 24 consecutive  
20 months before July 1, 1987; or

21 (2) meets the requirements of AS 08.87.100(a)(1), (3) and (4).

22 (b) A person who does not meet the requirement under AS 08.87.-  
23 100(a)(2) but otherwise meets the requirements of AS 08.87.100(b) may apply  
24 for and receive an original license as a master social worker.

25 (c) An application for a license under this section must be filed  
26 before July 1, 1987.

27 \* Sec. 8. This Act takes effect July 1, 1984.