

Offered: 5/4/84  
Referred: Rules

Original sponsor: Josephson

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 303 (Finance)

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 providing for an effective date."

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

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

10 (24) regulation of social workers under AS 08.87.

11 \* Sec. 2. AS 08 is amended by adding a new chapter to read:

12 CHAPTER 87. SOCIAL WORKERS.

13 ARTICLE 1. REGULATION OF SOCIAL WORKERS.

14 Sec. 08.87.010. POWERS AND DUTIES OF THE DEPARTMENT. (a) The  
15 department shall

16 (1) submit an annual report of its proceedings under this  
17 chapter to the governor, including a statement of money received and  
18 disbursed;

19 (2) establish standards for specialty designations for the  
20 private practice of social work and authorize speciality designations  
21 on registrations issued under this chapter;

22 (3) after a hearing, impose disciplinary sanctions against  
23 a person who violates this chapter, an order of the department, or a  
24 regulation of the department adopted under this chapter.

25 (b) The commissioner of commerce and economic development shall

26 (1) adopt regulations relating to requirements for the  
27 supervision of persons engaged in social work under this chapter who  
28 are not master social workers or clinical social workers;

29 (2) adopt regulations requiring proof of continued

1 competency before a registration is renewed;

2 (3) adopt regulations to carry out the purposes of this  
3 chapter.

4 Sec. 08.87.020. REGISTRATION OF SOCIAL WORKERS. (a) A person  
5 is eligible for registration as a bachelor social worker if the person

6 (1) is in good professional standing and is fit to practice  
7 social work as determined by regulations of the department;

8 (2) provides three references acceptable to the department;

9 (3) has a bachelor's degree from a school of social work  
10 accredited by the Council on Social Work Education.

11 (b) A person is eligible for registration as a master social  
12 worker if the person meets the requirements of (a)(1) and (2) of this  
13 section and has a doctorate or master's degree from a school of social  
14 work accredited by the Council on Social Work Education.

15 (c) A person is eligible for registration as a clinical social  
16 worker if

17 (1) the person meets the requirements under (b) of this  
18 section;

19 (2) the person has completed at least two years of full  
20 time post graduate supervised experience approved by the department in  
21 a field of speciality; and

22 (3) the field of specialty is approved by the department  
23 and the department authorizes the designation of that specialty on the  
24 person's registration.

25 Sec. 08.87.030. SCOPE OF PRACTICE. (a) A person registered as  
26 a bachelor, master, or clinical social worker may provide services  
27 that enhance social functioning for individuals, families, groups, or  
28 communities guided by professional social work ethics, knowledge and  
29 intervention methods. The services provided may include

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

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

11 (c) A master or clinical social worker may provide

- 12 (1) therapeutic counseling;  
13 (2) consultation regarding social service programs and the  
14 provision of social services.

15 (d) Except as provided in (a) and (b) of this section, a clin-  
16 ical social worker may engage in the private unsupervised practice of  
17 social work only if

18 (1) the registration bearing a designation of speciality is  
19 prominently displayed in the place the clinical social worker engages  
20 in private practice; and

21 (2) the clinical social worker limits the private practice  
22 of social work to the designated specialty.

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

25 Sec. 08.87.040. REGISTRATION RENEWAL REQUIRED. A registration  
26 issued under this chapter shall lapse after four years unless it is  
27 renewed.

28 Sec. 08.87.050. FEES. The following fees are imposed under this  
29 chapter:

1 (1) application.....\$ 25  
2 (2) registration..... 200  
3 (3) registration renewal..... 200

4 ARTICLE 2. PROHIBITIONS AND PENALTIES.

5 Sec. 08.87.100. REGISTRATION REQUIRED FOR USE OF TITLE. Unless  
6 registered under this chapter, a person may not use the title "social  
7 worker" or a title, designation, or device indicating or tending to  
8 indicate that the person is a social worker or practices social work.  
9 A person may not use the letters "RBSW" as part of a title unless the  
10 person is registered as a bachelor social worker under this chapter.  
11 A person may not use the letters "RMSW" as part of a title unless the  
12 person is registered as a master social worker under this chapter. A  
13 person may not use the letters "RCSW" unless the person is registered  
14 as a clinical social worker under this chapter.

15 Sec. 08.87.110. CONFIDENTIALITY OF COMMUNICATIONS. A social  
16 worker registered under this chapter may not reveal to another person  
17 a communication made to the social worker by a client about a matter  
18 concerning which the client has employed the social worker in a pro-  
19 fessional capacity. This section does not apply if the

20 (1) client provides written consent to the social worker to  
21 reveal the communication;

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

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

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

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

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

9           Sec. 08.87.120. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
10 TIONS. After a hearing, the department may impose a disciplinary  
11 sanction on a person registered under this chapter when the department  
12 finds that the person

13           (1) secured a registration through deceit, fraud, or inten-  
14 tional misrepresentation;

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

18           (3) advertised professional services in a false or mislead-  
19 ing manner;

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

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

27           (6) failed to comply with this chapter, with a regulation  
28 adopted under this chapter, or with an order of the department;

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

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

9 Sec. 08.87.130. DISCIPLINARY SANCTIONS. (a) When it finds that  
10 a person is guilty of an offense under AS 08.87.120, the department  
11 may impose the following sanctions singly or in combination:

- 12 (1) permanently revoke a registration;  
13 (2) suspend a registration for a determinate period of  
14 time;  
15 (3) censure a person registered under this chapter;  
16 (4) issue a letter of reprimand;  
17 (5) place a person registered under this chapter on proba-  
18 tionary status and require the person to  
19 (A) report regularly to the department upon matters  
20 involving the basis of probation;  
21 (B) limit practice to those areas prescribed;  
22 (C) continue professional education until a satisfac-  
23 tory degree of skill has been attained in those areas determined  
24 by the department to need improvement;  
25 (6) impose limitations or conditions on the practice of a  
26 person registered under this chapter.  
27 (b) The department may withdraw probationary status if it finds  
28 that the deficiencies that required the sanction have been remedied.  
29 (c) The department may summarily suspend a registration before

1 final hearing or during the appeal process if the department finds  
2 that the person registered under this chapter poses a clear and imme-  
3 diate danger to the public health and safety if the person continues  
4 to practice. A person whose registration is suspended under this  
5 section shall be entitled to a hearing by the department no later than  
6 seven days after the effective date of the order. The person may  
7 appeal the suspension after a hearing to a court of competent juris-  
8 diction.

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

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

16 Sec. 08.87.140. PENALTY. (a) A person who violates this chap-  
17 ter is guilty of a class B misdemeanor.

18 (b) The department may seek to enjoin or restrain a person from  
19 violating this chapter.

20 ARTICLE 3. GENERAL PROVISIONS.

21 Sec. 08.87.200. EXEMPTION. Notwithstanding other provisions of  
22 law, a social worker practicing in a rural community is exempt from  
23 AS 08.87 until the department, in consultation with the Alaska  
24 Commission on Post Secondary Education and the schools of social work  
25 in the University of Alaska, determines that the number of college  
26 graduates from rural communities seeking employment as social workers  
27 in rural communities is equal to or greater than the number of  
28 available social worker positions in rural communities or July 1,  
29 1989, whichever is later. For purposes of this section "rural" has

1 the meaning given in AS 44.47.560(5).

2 Sec. 08.87.290. DEFINITION. In this chapter "department" means  
3 the Department of Commerce and Economic Development.

4 \* Sec. 3. (a) Notwithstanding AS 08.87.020(a) as enacted in sec. 2 of  
5 this Act, a person may apply for and receive an original registration as a  
6 bachelor social worker if the person holds a degree from a school of social  
7 work that is not accredited by the Council on Social Work Education or a  
8 bachelor's, master's, or doctor's degree in a field related to social work  
9 and has been practicing under the title "social worker" for at least 24  
10 consecutive months before July 1, 1987.

11 (b) An application for a registration under this section must be  
12 filed before July 1, 1987. Each registration issued under this section  
13 shall contain a notice that the person

14 (1) has not been determined by regulations of the commissioner  
15 of commerce and economic development to be in good professional standing  
16 and fit to practice social work;

17 (2) has not provided the Department of Commerce and Economic  
18 Development three references acceptable to the department; and

19 (3) does not have a bachelor's degree from a school of social  
20 work accredited by the Council on Social Work Education.

21 \* Sec. 4. This Act takes effect July 1, 1984.