Offered: 2/26/86
Referred: Health, Education & Social Services and Finance

Original sponsors: Koponen, Larson, Hurley, et al

BY THE LABOR AND COMMERCE COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 317 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH 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. 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 or training, adhere to a code
13 of professional ethics, and are subject to licensure by the Board of Social
14 Work Examiners.

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

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

17 * Sec. 3. AS 08.01.050(a) is amended to read:

18 (a) The department shall provide the following administrative
19 and budgetary services when appropriate:

20 (1) collect fees and issue receipts;

21 (2) maintain records and files;

22 (3) issue and receive application forms;

23 (4) notify applicants of acceptance or rejection of appli-
24 cants as determined by the board;

25 (5) designate dates examinations are to be held and notify
26 applicants;

27 (6) publish notice of examination;

28 (7) arrange space for holding examinations;

29 (8) notify applicants of results of examinations;

1 (9) issue licenses and certificates or temporary licenses
2 or certificates as authorized by the board;
3 (10) issue duplicate licenses or certificates upon proof by
4 the licensee of loss of the original and payment by the licensee of a
5 fee of $2 except as otherwise provided in this title;
6 (11) notify licensees of renewal dates at least 30 days
7 before the expiration date of their licenses;
8 (12) compile and maintain current a register of licenses;
9 (13) answer routine inquiries;
10 (14) maintain files relating to individual licensees;
11 (15) arrange for printing and advertising;
12 (16) purchase supplies;
13 (17) employ secretarial help when needed;
14 (18) perform other services which may be requested by the
15 board;
16 (19) provide investigative services to the boards estab-
17 lished under AS 08.04, AS 08.20, AS 08.36, AS 08.64, AS 08.68, AS 08.-
18 70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, [AND] AS 08.86, <u>and AS</u>
19 <u>08.87,</u> for the purpose of assisting those boards in matters of profes-
20 sional discipline and in responding to consumer complaints.
21 * Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:
22 (21) Board of Social Worker Examiners (AS 08.87.010) --
23 June 30, 1990.
24 * Sec. 5. AS 08 is amended by adding a new chapter to read:
25 CHAPTER 87. SOCIAL WORKERS.
26 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.
27 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is
28 created a Board of Social Worker Examiners consisting of five members,
29 including two licensed master social workers, one licensed independent

1 social worker, one licensed bachelor social worker, and one public
2 member. The public member may not be licensed as a social worker or
3 employed by a licensed social worker. To the extent possible members
4 shall be appointed from different geographic regions of the state. A
5 member who has served two successive full terms may not be reappointed
6 until four years after the expiration of the second term.
7 Sec. 08.87.020. TERM OF OFFICE. Each member of the board serves
8 for a term of four years and until the member's successor is appointed
9 and qualified. An appointment to a vacancy is for the unexpired term.
10 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least
11 two times a year. The board may hold special meetings at the call of
12 the chair or of a majority of the board members if the meetings are
13 conducted over the state teleconference network.
14 Sec. 08.87.040. ELECTION OF OFFICERS. The board shall elect
15 from among its members a chairperson and a secretary. Officers serve
16 for a term not exceeding two years.
17 Sec. 08.87.050. REMOVAL OF BOARD MEMBERS. The governor may
18 remove a member of the board for cause. Unexcused absences from
19 meetings are cause for removal as determined by the board.
20 Sec. 08.87.060. PER DIEM AND TRAVEL. Board members receive no
21 compensation but are entitled to per diem and travel expenses author-
22 ized for members of boards and commissions under AS 39.20.180.
23 Sec. 08.87.070. POWERS AND DUTIES OF THE BOARD. The board shall
24 (1) provide for the examination of eligible applicants for
25 licenses under this chapter;
26 (2) submit an annual report of its proceedings to the
27 governor, including recommended changes to this chapter and a state-
28 ment of money received and disbursed;
29 (3) establish standards for specialty designations for the

1 private practice of social work and authorize speciality designations
2 on licenses issued under this chapter;
3 (4) after a hearing, impose disciplinary sanctions against
4 a person who violates this chapter, an order of the board, or a regu-
5 lation of the board;
6 (5) adopt regulations relating to requirements for the
7 supervision of persons engaged in social work under this chapter who
8 are not licensed as master or independent social workers;
9 (6) adopt regulations requiring proof of continued compe-
10 tence before a license is renewed;
11 (7) adopt regulations to carry out the purposes of this
12 chapter.
13 Sec. 08.87.080. ADMINISTRATIVE PROCEDURES. The Administrative
14 Procedure Act (AS 44.62) applies to regulations and proceedings under
15 this chapter.
16 ARTICLE 2. LICENSING OF SOCIAL WORKERS.
17 Sec. 08.87.100. LICENSING OF SOCIAL WORKERS. (a) A person is
18 eligible for a license as a bachelor social worker (LBSW) if the
19 person
20 (1) is in good professional standing and is fit to practice
21 social work as determined under regulations of the board;
22 (2) has satisfactorily completed the state examination for
23 the license;
24 (3) provides three professional references to the board;
25 (4) has a bachelor's degree in social work from a school
26 with a social work program accredited by the Council on Social Work
27 Education or has successfully completed training as a provisional
28 social worker under AS 08.87.140.
29 (b) A person is eligible for a license as a master social worker

1 (LMSW) if the person meets the requirements of (a)(1) - (3) of this
2 section and has a master's degree in social work from a school with a
3 social work program accredited by the Council on Social Work Educa-
4 tion.
5 (c) A person is eligible for a license as an independent social
6 worker (LISW) if the person meets the requirements of (a)(1) - (3) of
7 this section, has a master's degree in social work from a school with
8 a social work program accredited by the Council on Social Work Educa-
9 tion, and has completed at least 24 months of supervised post-graduate
10 experience approved by the board in the field of specialty in which
11 the person intends to engage as a private practitioner.
12 Sec. 08.87.110. SCOPE OF PRACTICE. (a) A person licensed as a
13 bachelor, master, or independent social worker may provide services
14 that enhance, protect, or restore people's capacity for social func-
15 tioning whether impaired by physical, environmental, or emotional
16 factors, guided by professional social work ethics, knowledge and
17 intervention methods.
18 (b) A social worker may practice psychotherapy only if the
19 social worker is licensed as an independent social worker with a
20 clinical specialty or as a master social worker and is employed and
21 supervised in a clinical setting.
22 (c) A social worker may practice social work autonomously only
23 if
24 (1) the person is licensed as an independent social worker;
25 (2) the board has approved the specialty in which the
26 person may engage as a private practitioner and authorizes designation
27 of the speciality on the person's license;
28 (3) the license bearing a designation of speciality is
29 prominently displayed in the place the person engages in private

1 practice; and

2 (4) the person limits the private practice of social work

3 to the designated specialty.

4 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board may provide

5 for licensing a person as a bachelor, master or independent social

6 worker without examination if the person

7 (1) holds a degree in social work from a school with a

8 social work program accredited by the Council on Social Work Educa-

9 tion;

10 (2) has an active license to practice social work in an-

11 other licensing jurisdiction with requirements at the time of the

12 original licensure that were similar to or higher than those of this

13 state;

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

15 procedure, or disciplinary proceeding undertaken by a professional

16 social worker association or regulatory authority;

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

18 (5) has not previously had a license to practice social

19 work revoked in this or another jurisdiction;

20 (6) submits proof of continued competence as required by

21 regulation of the board; and

22 (7) pays all required fees.

23 Sec. 08.87.130. LICENSE RENEWAL REQUIRED. A license issued

24 under this chapter lapses after 24 months unless it is renewed.

25 Sec. 08.87.140. PROVISIONAL SOCIAL WORKERS. (a) The board

26 shall establish a program for provisional social workers and may

27 request assistance from the University of Alaska in conducting the

28 program. The requirements of the program must include at least three

29 years of study of at least 35 hours each week for 44 weeks each year.

1 Supervised practice fulfills the study requirement.

2 (b) The board shall issue a registration as a provisional social
3 worker to a person who applies on a form provided by the board, is a
4 resident of this state, and submits evidence satisfactory to the board

5 (1) that the applicant has or will have regular or full
6 time employment under the supervision of a licensed master social
7 worker in the practice of social work; and

8 (2) from a person who has been licensed in this state for
9 at least two years as a master social worker, that the applicant is or
10 will be employed as a provisional social worker, that the person will
11 act as tutor for the applicant and will instruct the applicant in the
12 branches of social work required by the board.

13 (c) The board may refuse to register an applicant who fails to
14 satisfy the board of the validity of a statement in the application
15 and may cancel a registration if the provisional social worker has not
16 completed the program within six years after initial admission.

17 (d) The tutor shall personally supervise the work of the provi-
18 sional social worker and administer written examinations at least once
19 each month on the work performed during the preceding month. The
20 provisional social worker shall answer the examination questions
21 without research or assistance. The tutor shall submit a certificate
22 each month to the board concerning the course work studied during the
23 preceding month and the results of the examination and shall submit
24 the examination and answers. The board may not give credit for a
25 month in which the tutor fails to submit the certificate and examina-
26 tion in a timely manner.

27 (e) The board shall establish standards for the qualification of
28 tutors by regulation. A person may not serve as tutor to a provi-
29 sional social worker if the person is the subject of a disciplinary

1 proceeding under this chapter or if the person has been disciplined
2 under this chapter or under similar provisions of another licensing
3 jurisdiction.
4 (f) A registered provisional social worker may request permis-
5 sion to change tutors by submitting a new application for registration
6 to the board. The board may approve the transfer of credits towards
7 completion of the course of study.
8 (g) A registered provisional social worker may request credit
9 for previous study at a social work school that meets the standards of
10 the Council on Social Work Education or the National Association of
11 Social Workers or from a school in the state that offers a course of
12 study approved by the board as equivalent to a year's study in social
13 work under this section. The board may not give credit for fractional
14 parts of a school term or for correspondence study.
15 Sec. 08.87.150. FEES. The department shall adopt regulations
16 under AS 08.01.065 that set fees for examination and investigation,
17 permits, licenses, and license renewals.
18 ARTICLE 3. PROHIBITIONS AND PENALTIES.
19 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
20 licensed under this chapter, a person may not use the title "social
21 worker" or a title, designation, or device indicating or tending to
22 indicate that the person is a social worker or practices social work.
23 A person may not use the letters "LBSW" as part of a title unless the
24 person is licensed as a bachelor social worker under this chapter. A
25 person may not use the letters "LMSW" as part of a title unless the
26 person is licensed as a master social worker under this chapter. A
27 person may not use the letters "LISW" as part of a title unless the
28 person is licensed as an independent social worker under this chapter.
29 Except as provided in (b) of this section, a person may not use the

1 title "social worker intern," "social worker student," or "provisional
2 social worker."
3 (b) A student enrolled in an accredited social work program may
4 use the title "social worker intern" or "social worker student" if the
5 person's activities constitute a part of the person's supervised
6 course of study. A person registered as a provisional social worker
7 under AS 08.87.140 may use the title "provisional social worker."
8 (c) A person who is not licensed under this chapter may use the
9 title "associate social worker" or a similar title while the person is
10 providing services as a social worker to the state or a political
11 subdivision of the state under the supervision of a social worker li-
12 censed under this chapter.
13 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
14 worker licensed or registered under this chapter or an associate
15 social worker may not disclose information provided to the social
16 worker by a client in the course of their professional contact. This
17 prohibition 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 (7) licensee or registrant is subpoenaed to testify in
8 court;
9 (8) licensee or registrant is collaborating or consulting
10 with professional colleagues or an administrative superior on behalf
11 of the client;
12 (9) communication discloses information that the licensee
13 or registrant is required by state or federal laws or regulations to
14 disclose.
15 Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
16 TIONS. After a hearing, the board may impose a disciplinary sanction
17 on a person licensed or registered under this chapter when the board
18 finds that the licensee or registrant
19 (1) secured a license or registration through deceit,
20 fraud, or intentional misrepresentation;
21 (2) engaged in deceit, fraud, or intentional misrepresenta-
22 tion in the course of providing professional services or engaging in
23 professional activities;
24 (3) advertised professional services in a false or mislead-
25 ing manner;
26 (4) has been convicted of a crime that has a substantial
27 relationship to the person's activities and services or that affects
28 the person's ability to continue to practice competently and safely;
29 (5) intentionally or negligently engaged in or permitted

1 the performance of social work by persons under the licensee's super-
2 vision that does not conform to minimum professional standards regard-
3 less of whether actual injury occurred;
4 (6) failed to comply with this chapter, with a regulation
5 adopted under this chapter, or with an order of the board;
6 (7) continued to practice after becoming unfit due to
7 (A) professional incompetence;
8 (B) addiction or dependence on alcohol or other drugs
9 that may endanger the public by impairing the person's ability to
10 practice;
11 (C) physical or mental disability;
12 (8) engaged in lewd conduct in connection with the delivery
13 of professional service;
14 (9) has been held liable for malpractice in a civil action;
15 (10) has had a license revoked in another jurisdiction.
16 Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) If it finds that a
17 licensee or registrant has committed an act set out in AS 08.87.220,
18 the board may impose the following sanctions singly or in combination:
19 (1) permanently revoke a license or registration to prac-
20 tice;
21 (2) suspend a license or registration for a determinate
22 period of time;
23 (3) censure a licensee or registrant;
24 (4) issue a letter of reprimand to the licensee or regis-
25 trant;
26 (5) place a licensee or registrant on probationary status
27 and require the person to
28 (A) report regularly to the board upon matters involv-
29 ing the basis of probation;

1 (B) limit practice to those areas prescribed;
2 (C) continue professional education until a satisfac-
3 tory degree of skill has been attained in those areas that are
4 the basis of probation;
5 (6) impose limitations or conditions on the practice of a
6 licensee or registrant;
7 (7) refuse to renew a license.
8 (b) The board may withdraw probationary status if it finds that
9 the deficiencies that required the sanction have been remedied.
10 (c) The board may summarily suspend a license or registration
11 before final hearing or during the appeal process if the board finds
12 that the licensee or registrant poses a clear and immediate danger to
13 the public health and safety if the licensee or registrant continues
14 to practice. A person whose license or registration is suspended
15 under this section is entitled to a hearing by the board no later than
16 seven days after the effective date of the order. The person may
17 appeal the suspension after a hearing to a court of competent juris-
18 diction.
19 (d) The board may reinstate a license that has been suspended or
20 revoked if the board finds after a hearing that the applicant is able
21 to practice with reasonable skill and safety.
22 (e) The board shall seek consistency in the application of
23 disciplinary sanctions. The board shall explain a significant depar-
24 ture from prior decisions involving similar situations in findings of
25 fact or orders.
26 Sec. 08.87.240. CRIMINAL PENALTY. A person who violates AS 08.-
27 87.200 or 08.87.210 of this chapter is guilty of a class B misdemean-
28 or.
29 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the

1 superior court for an order enjoining a person not licensed under this
2 chapter or whose license is suspended, revoked, or expired from vio-
3 lating this chapter.
4 ARTICLE 4. GENERAL PROVISIONS.
5 Sec. 08.87.300. DEFINITION. In this chapter "board" means the
6 Board of Social Worker Examiners.
7 * Sec. 6. AS 44.62.330(a) is amended by adding a new paragraph to read:
8 (53) Board of Social Worker Examiners (AS 08.87.010).
9 * Sec. 7. Within 60 days after the effective date of this Act the
10 governor shall appoint initial members to the Board of Social Worker Exam-
11 iners. Notwithstanding AS 08.87.010 as enacted in sec. 5 of this Act,
12 initial members must consist of three persons who have a master's degree in
13 social work from a school with a social work program accredited by the
14 Council on Social Work Education, at least one of whom is engaged in the
15 private practice of social work, one person with a bachelor's degree in
16 social work from a school with a social work program accredited by the
17 Council on Social Work Education, and one public member. Notwithstanding
18 AS 08.87.020 as enacted in sec. 5 of this Act, one initial member shall
19 serve a one-year term, one initial member shall serve a two-year term, one
20 initial member shall serve a three-year term, one initial member shall
21 serve a four-year term, and one initial member shall serve a five-year
22 term, as determined by the governor.
23 * Sec. 8. (a) Notwithstanding AS 08.87.100(a) as enacted in sec. 5 of
24 this Act, a person may apply for and receive a license as a bachelor social
25 worker if the person
26 (1) meets the requirements of AS 08.87.100(a)(1), (3) and (4);
27 or
28 (2) has been practicing social work in this state for at least
29 two years.

1 (b) A person who has not passed the examination under AS 08.87.100-
2 (a)(2) may apply for and receive a license as a master social worker if the
3 person
4 (1) meets the other requirements of AS 08.87.100(b); or
5 (2) has two years of experience in this state supervising per-
6 sons practicing social work.
7 (c) A person who does not meet the requirements under AS 08.87.-
8 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
9 for and receive a license as an independent social worker.
10 (d) An application for a license under this section must be filed
11 before July 1, 1987.
12 * Sec. 9. Notwithstanding AS 08.87.200, a person practicing social work
13 on July 1, 1985, may use a title and letters as part of the title to indi-
14 cate that the person is a social worker or practices social work until
15 June 30, 1987, even if the person is not licensed under AS 08.87.100 or
16 08.87.120.
17 * Sec. 10. (a) Notwithstanding AS 08.87.140, enacted by sec. 5 of this
18 Act, a person who is not licensed as a master social worker may serve as
19 tutor to a provisional social worker until June 30, 1987, if the person has
20 applied for licensing under this Act and has not been denied licensure by
21 the board.
22 (b) Notwithstanding AS 08.87.140, enacted by sec. 5 of this Act, a
23 licensed master social worker who has been licensed for less than two years
24 may serve as tutor to a provisional social worker until June 30, 1989, if
25 the person meets the other requirements for tutors established by the board
26 by regulation and has at least two years of experience supervising persons
27 practicing social work.
28 * Sec. 11. This Act takes effect July 1, 1986.