

Introduced: 3/12/85
Referred: Labor & Commerce, Health, Education
& Social Services and Finance

1 IN THE SENATE

BY FAHRENKAMP BY REQUEST

2 SENATE BILL NO. 227

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, 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 (25) 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 three master social workers, one of whom is an independent
26 social worker, one bachelor social worker, and one public member.
27 Professional members shall be licensed under this chapter. The public
28 member may not be licensed as a social worker or employed by a li-
29 censed social worker. To the extent possible members shall be

1 appointed from different geographic regions of the state. A member
2 who has served two successive full terms may not be reappointed until
3 four years after the expiration of the second term.

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

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

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

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

17 Sec. 08.87.060. PER DIEM AND TRAVEL. Board members receive no
18 compensation but are entitled to per diem and travel expenses author-
19 ized for members of boards and commissions under AS 39.20.180.

20 Sec. 08.87.070. POWERS AND DUTIES OF THE BOARD. The board shall

21 (1) provide for the examination of eligible applicants for
22 licenses under this chapter;

23 (2) submit an annual report of its proceedings to the
24 governor, including recommended changes to this chapter and a state-
25 ment of money received and disbursed;

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

29 (4) after a hearing, impose disciplinary sanctions against

1 a person who violates this chapter, an order of the board, or a regu-
2 lation of the board;

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

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

8 (7) adopt regulations to carry out the purposes of this
9 chapter.

10 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

14 (1) is in good professional standing and is fit to practice
15 social work as determined under regulations of the board;

16 (2) has satisfactorily completed the state examination for
17 the license;

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

19 (4) has a bachelor's degree in social work from a school
20 with a social work program accredited by the Council on Social Work
21 Education.

22 (b) A person is eligible for a license as a master social worker
23 (LMSW) if the person meets the requirements of (a)(1) - (3) of this
24 section and has a master's degree in social work from a school with a
25 social work program accredited by the Council on Social Work Educa-
26 tion.

27 (c) A person is eligible for a license as an independent social
28 worker (LISW) if the person meets the requirements of (a)(1) - (3) of
29 this section, has a master's degree in social work from a school with

1 a social work program accredited by the Council on Social Work Educa-
2 tion, and has completed at least 24 months of supervised post-graduate
3 experience approved by the board in the field of specialty in which
4 the person intends to engage as a private practitioner.

5 Sec. 08.87.110. SCOPE OF PRACTICE. (a) A person licensed as a
6 bachelor, master, or independent social worker may provide services
7 that enhance, protect, or restore people's capacity for social func-
8 tioning whether impaired by physical, environmental, or emotional
9 factors, guided by professional social work ethics, knowledge and
10 intervention methods. The services provided may include

- 11 (1) identifying and evaluating social problems;
- 12 (2) developing statistics and data on social problems;
- 13 (3) assisting people and organizations to solve problems
14 relating to social functioning;
- 15 (4) client advocacy;
- 16 (5) developing community resources relating to social
17 services;
- 18 (6) planning and administering social services programs;
- 19 (7) therapeutic counseling;
- 20 (8) consultation regarding social service programs and the
21 provision of social services;
- 22 (9) training and supervising social workers under AS 08.-
23 87.070(5).

24 (b) A social worker may practice psychotherapy only if the
25 social worker is licensed as an independent social worker with a
26 clinical specialty or as a master social worker and is employed and
27 supervised in a clinical setting.

28 (c) A person may practice social work autonomously only if

- 29 (1) the person is licensed as an independent social worker;

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

4 (3) the license bearing a designation of speciality is
5 prominently displayed in the place the person engages in private
6 practice; and

7 (4) the person limits the private practice of social work
8 to the designated specialty.

9 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board may provide
10 for licensing a person as a bachelor, master or independent social
11 worker without examination if the person

12 (1) holds a degree in social work from a school with a
13 social work program accredited by the Council on Social Work Educa-
14 tion;

15 (2) has an active license to practice social work in an-
16 other licensing jurisdiction with requirements at the time of the
17 original licensure that were similar to or higher than those of this
18 state;

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

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

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

25 (6) submits proof of continued competence as required by
26 regulation of the board; and

27 (7) pays all required fees.

28 Sec. 08.87.130. LICENSE RENEWAL REQUIRED. A license issued
29 under this chapter lapses after 24 months unless it is renewed.

1 Sec. 08.87.140. FEES. The following fees are imposed under this
2 chapter:

- 3 (1) application.....\$ 100
- 4 (2) initial license by examination..... 150
- 5 (3) license by credentials..... 100
- 6 (4) license renewal..... 200
- 7 (5) reexamination..... 150

8 ARTICLE 3. PROHIBITIONS AND PENALTIES.

9 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
10 licensed under this chapter, a person may not use the title "social
11 worker" or a title, designation, or device indicating or tending to
12 indicate that the person is a social worker or practices social work.
13 A person may not use the letters "LBSW" as part of a title unless the
14 person is licensed as a bachelor social worker under this chapter. A
15 person may not use the letters "LMSW" as part of a title unless the
16 person is licensed as a master social worker under this chapter. A
17 person may not use the letters "LISW" as part of a title unless the
18 person is licensed as an independent social worker under this chapter.
19 Except as provided in (b) of this section, a person may not use the
20 title "social worker intern" or "social worker student."

21 (b) A student enrolled in an accredited social work program may
22 use the title "social worker intern" or "social worker student" if the
23 person's activities constitute a part of the person's supervised
24 course of study.

25 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
26 worker licensed under this chapter may not disclose information pro-
27 vided to the social worker by a client in the course of their profes-
28 sional contact. This prohibition does not apply if the

- 29 (1) client provides written consent to the social worker to

1 reveal the communication;

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

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

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

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

15 (6) client brings charges against the social worker and the
16 social worker reveals the communication only as necessary to defend
17 the charges;

18 (7) licensee is subpoenaed to testify in court concerning
19 adult abuse, child abuse, or child neglect;

20 (8) licensee is collaborating or consulting with profes-
21 sional colleagues or an administrative superior on behalf of the
22 client.

23 Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
24 TIONS. After a hearing, the board may impose a disciplinary sanction
25 on a person licensed under this chapter when the board finds that the
26 licensee

27 (1) secured a license through deceit, fraud, or intentional
28 misrepresentation;

29 (2) engaged in deceit, fraud, or intentional

1 misrepresentation in the course of providing professional services or
2 engaging in professional activities;

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

5 (4) has been convicted of a crime that has a substantial
6 relationship to the licensee's activities and services or that affects
7 the licensee's ability to continue to practice competently and safely;

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

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

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

15 (A) professional incompetence;

16 (B) addiction or severe dependency on alcohol or other
17 drugs that may endanger the public by impairing the licensee's
18 ability to practice;

19 (C) physical or mental disability;

20 (8) engaged in lewd or immoral conduct in connection with
21 the delivery of professional service;

22 (9) has been held liable for malpractice in a civil action;

23 (10) has had a license revoked in another jurisdiction.

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

27 (1) permanently revoke a license to practice;

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

29 (3) censure a licensee;

- 1 (4) issue a letter of reprimand to the licensee;
- 2 (5) place a licensee on probationary status and require the
3 licensee to
- 4 (A) report regularly to the board upon matters involv-
5 ing the basis of probation;
- 6 (B) limit practice to those areas prescribed;
- 7 (C) continue professional education until a satisfac-
8 tory degree of skill has been attained in those areas that are
9 the basis of probation;
- 10 (6) impose limitations or conditions on the practice of a
11 licensee;
- 12 (7) refuse to renew a license.
- 13 (b) The board may withdraw probationary status if it finds that
14 the deficiencies that required the sanction have been remedied.
- 15 (c) The board may summarily suspend a license before final
16 hearing or during the appeal process if the board finds that the
17 licensee poses a clear and immediate danger to the public health and
18 safety if the licensee continues to practice. A person whose license
19 is suspended under this section is entitled to a hearing by the board
20 no later than seven days after the effective date of the order. The
21 person may appeal the suspension after a hearing to a court of compe-
22 tent jurisdiction.
- 23 (d) The board may reinstate a license that has been suspended or
24 revoked if the board finds after a hearing that the applicant is able
25 to practice with reasonable skill and safety.
- 26 (e) The board shall seek consistency in the application of
27 disciplinary sanctions. The board shall explain significant departure
28 from prior decisions involving similar situations in findings of fact
29 or orders.

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

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

6 ARTICLE 4. GENERAL PROVISIONS.

7 Sec. 08.87.300. DEFINITION. In this chapter "board" means the
8 Board of Social Worker Examiners.

9 * Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:
10 (53) Board of Social Worker Examiners (AS 08.87.010).

11 * Sec. 6. Within 30 days after the effective date of this Act the
12 governor shall appoint initial members to the Board of Social Worker Exam-
13 iners. Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,
14 initial members must consist of three persons who have a master's degree in
15 social work from a school with a social work program accredited by the
16 Council on Social Work Education, at least one of whom is engaged in the
17 private practice of social work, one person with a bachelor's degree in
18 social work from a school with a social work program accredited by the
19 Council on Social Work Education, and one public member. Notwithstanding
20 AS 08.87.020 as enacted in sec. 4 of this Act, one initial member shall
21 serve a one-year term, one initial member shall serve a two-year term, one
22 initial member shall serve a three-year term, one initial member shall
23 serve a four-year term, and one initial member shall serve a five-year
24 term, as determined by the governor.

25 * Sec. 7. (a) Notwithstanding AS 08.87.100(a) as enacted in sec. 4 of
26 this Act, a person may apply for and receive an original license as a
27 bachelor social worker if the person

28 (1) holds a degree in social work from a school with a social
29 work program that is not accredited by the Council on Social Work Education

1 or a bachelor's or master's degree in a field related to social work and
2 has been practicing under the title "social worker" for at least 24
3 consecutive months before July 1, 1987; or

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

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

8 (c) A person who does not meet the requirements under AS 08.87.-
9 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
10 for and receive an original license as an independent social worker.

11 (d) An application for a license under this section must be filed
12 before July 1, 1987.

13 * Sec. 8. This Act takes effect July 1, 1985.