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1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

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CS FOR SENATE BILL NO. 227 (HESS)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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\* Section 1. PURPOSE. The purpose of this Act is to assure the consu-  
mer that persons providing services under the title "social worker" have  
completed professional social work education or training, adhere to a code  
of professional ethics, and are subject to licensure by the Board of Social  
Work Examiners.

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

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(25) Board of Social Worker Examiners (AS 08.87.010).

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\* 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.

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

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CHAPTER 87. SOCIAL WORKERS.

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ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

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Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is

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created a Board of Social Worker Examiners consisting of five members,  
including three licensed master social workers, one of whom is li-  
censed as an independent social worker, one licensed bachelor social  
worker, and one public member. The public member may not be licensed  
as a social worker or employed by a licensed social worker. To the  
extent possible members shall be appointed from different geographic

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1 regions of the state. A member who has served two successive full  
2 terms may not be reappointed until four years after the expiration of  
3 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 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 chair or of a majority of the board members if the meetings are  
10 conducted over the state teleconference network.

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. Unexcused absences from  
16 meetings are cause for removal as determined by the board.

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 licensed 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 Sec. 08.87.080. ADMINISTRATIVE PROCEDURES. The Administrative  
11 Procedure Act (AS 44.62) applies to regulations and proceedings under  
12 this chapter.

13 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

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

19 (2) has satisfactorily completed the state examination for  
20 the license;

21 (3) provides three professional references to the board;

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

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

1 (c) A person is eligible for a license as an independent social  
2 worker (LISW) if the person meets the requirements of (a)(1) - (3) of  
3 this section, has a master's degree in social work from a school with  
4 a social work program accredited by the Council on Social Work Educa-  
5 tion, and has completed at least 24 months of supervised post-graduate  
6 experience approved by the board in the field of specialty in which  
7 the person intends to engage as a private practitioner.

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

14 (b) A social worker may practice psychotherapy only if the  
15 social worker is licensed as an independent social worker with a  
16 clinical specialty or as a master social worker and is employed and  
17 supervised in a clinical setting.

18 (c) A social worker may practice social work autonomously only  
19 if

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

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

24 (3) the license bearing a designation of speciality is  
25 prominently displayed in the place the person engages in private  
26 practice; and

27 (4) the person limits the private practice of social work  
28 to the designated specialty.

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

1 for licensing a person as a bachelor, master or independent social  
2 worker without examination if the person

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

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

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

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

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

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

18 (7) pays all required fees.

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

21 Sec. 08.87.140. FEES. The following fees are imposed under this  
22 chapter:

23	(1) application.....	\$ 100
24	(2) initial license by examination.....	150
25	(3) license by credentials.....	100
26	(4) license renewal.....	200
27	(5) reexamination.....	150

28 **ARTICLE 3. PROHIBITIONS AND PENALTIES.**

29 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless

1 licensed under this chapter, a person may not use the title "social  
2 worker" or a title, designation, or device indicating or tending to  
3 indicate that the person is a social worker or practices social work.  
4 A person may not use the letters "LBSW" as part of a title unless the  
5 person is licensed as a bachelor social worker under this chapter. A  
6 person may not use the letters "LMSW" as part of a title unless the  
7 person is licensed as a master social worker under this chapter. A  
8 person may not use the letters "LISW" as part of a title unless the  
9 person is licensed as an independent social worker under this chapter.  
10 Except as provided in (b) of this section, a person may not use the  
11 title "social worker intern" or "social worker student."

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

16 (c) A person who is not licensed under this chapter may use the  
17 title "associate social worker" or a similar title while the person is  
18 providing services as a social worker to the state or a political  
19 subdivision of the state under the supervision of a social worker li-  
20 censed under this chapter.

21 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social  
22 worker licensed under this chapter or an associate social worker may  
23 not disclose information provided to the social worker by a client in  
24 the course of their professional contact. This prohibition does not  
25 apply if the

26 (1) client provides written consent to the social worker to  
27 reveal the communication;

28 (2) client is incompetent and the guardian or personal  
29 representative provides written consent to the social worker to reveal

1 the communication;

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

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

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

12 (6) client brings charges against the social worker and the  
13 social worker reveals the communication only as necessary to defend  
14 the charges;

15 (7) licensee is subpoenaed to testify in court;

16 (8) licensee is collaborating or consulting with profes-  
17 sional colleagues or an administrative superior on behalf of the  
18 client;

19 (9) communication discloses information that the licensee  
20 is required by state or federal laws or regulations to disclose.

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

25 (1) secured a license through deceit, fraud, or intentional  
26 misrepresentation;

27 (2) engaged in deceit, fraud, or intentional misrepresenta-  
28 tion in the course of providing professional services or engaging in  
29 professional activities;

- 1 (3) advertised professional services in a false or mislead-  
2 ing manner;
- 3 (4) has been convicted of a crime that has a substantial  
4 relationship to the licensee's activities and services or that affects  
5 the licensee's ability to continue to practice competently and safely;
- 6 (5) intentionally or negligently engaged in or permitted  
7 the performance of social work by persons under the licensee's super-  
8 vision that does not conform to minimum professional standards regard-  
9 less of whether actual injury occurred;
- 10 (6) failed to comply with this chapter, with a regulation  
11 adopted under this chapter, or with an order of the board;
- 12 (7) continued to practice after becoming unfit due to  
13 (A) professional incompetence;  
14 (B) addiction or dependence on alcohol or other drugs  
15 that may endanger the public by impairing the licensee's ability  
16 to practice;  
17 (C) physical or mental disability;
- 18 (8) engaged in lewd conduct in connection with the delivery  
19 of professional service;
- 20 (9) has been held liable for malpractice in a civil action;  
21 (10) has had a license revoked in another jurisdiction.

22 Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) If it finds that a  
23 licensee has committed an act set out in AS 08.87.220, the board may  
24 impose the following sanctions singly or in combination:

- 25 (1) permanently revoke a license to practice;  
26 (2) suspend a license for a determinate period of time;  
27 (3) censure a licensee;  
28 (4) issue a letter of reprimand to the licensee;  
29 (5) place a licensee on probationary status and require the

1 licensee to

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

4 (B) limit practice to those areas prescribed;

5 (C) continue professional education until a satisfac-  
6 tory degree of skill has been attained in those areas that are  
7 the basis of probation;

8 (6) impose limitations or conditions on the practice of a  
9 licensee;

10 (7) refuse to renew a license.

11 (b) The board may withdraw probationary status if it finds that  
12 the deficiencies that required the sanction have been remedied.

13 (c) The board may summarily suspend a license before final  
14 hearing or during the appeal process if the board finds that the  
15 licensee poses a clear and immediate danger to the public health and  
16 safety if the licensee continues to practice. A person whose license  
17 is suspended under this section is entitled to a hearing by the board  
18 no later than seven days after the effective date of the order. The  
19 person may appeal the suspension after a hearing to a court of compe-  
20 tent jurisdiction.

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

24 (e) The board shall seek consistency in the application of  
25 disciplinary sanctions. The board shall explain significant departure  
26 from prior decisions involving similar situations in findings of fact  
27 or orders.

28 Sec. 08.87.240. CRIMINAL PENALTY. A person who violates  
29 AS 08.87.200 or 08.87.210 of this chapter is guilty of a class B

1       misdemeanor.

2               Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the  
3 superior court for an order enjoining a person not licensed under this  
4 chapter or whose license is suspended, revoked, or expired from vio-  
5 lating 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 60 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 a license as a bachelor social  
27 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 social sciences field related to  
2 social work as defined by the board, and has been practicing under the  
3 title "social worker" for at least 24 consecutive months before July 1,  
4 1987;

5 (2) meets the requirements of AS 08.87.100(a)(1), (3) and (4);  
6 or

7 (3) has been practicing social work under the supervision of a  
8 person eligible to be licensed under this Act for at least two years, and  
9 successfully completes the examination required by AS 08.87.100(a)(2).

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

13 (c) A person who does not meet the requirements under AS 08.87.-  
14 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply  
15 for and receive a license as an independent social worker.

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

18 \* Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work  
19 on July 1, 1985, may use a title and letters as part of the title that  
20 indicate that the person is a social worker or practices social work until  
21 June 30, 1987, even if the person is not licensed under AS 08.87.100 or  
22 08.87.120.

23 \* Sec. 9. This Act takes effect July 1, 1985.