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1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 227 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH 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 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 (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, 1990.

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 licensed master social workers, one of whom is li-
26 censed as an independent social worker, one licensed bachelor social
27 worker, and one public member. The public member may not be licensed
28 as a social worker, employed by a licensed social worker, or have a
29 financial interest in the social work profession. To the extent

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

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

8 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least
9 once a year.

10 Sec. 08.87.040. ELECTION OF OFFICERS. The board shall elect
11 from among its members a chairperson and a secretary. Officers serve
12 for a term 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. Unexcused absences from
15 meetings are cause for removal as determined by the board.

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

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

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

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

25 (3) adopt nationally recognized specialty designations for
26 the private practice of social work and authorize speciality desig-
27 nations on licenses issued under this chapter;

28 (4) after a hearing, impose disciplinary sanctions against
29 a person who violates this chapter, an order of the board, or a

1 regulation of the board;

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

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

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

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

12 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

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

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

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

21 (4) has a bachelor's degree in social work from a school
22 with a social work program accredited by the Council on Social Work
23 Education, or a bachelor's degree in a behavioral sciences field
24 related to social work.

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 speciality.

29 (d) This section does not limit or affect the activities or

1 practice of a person who is not licensed under this chapter.

2 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board shall provide
3 for licensing a person as a bachelor, master or independent social
4 worker without examination if the person

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

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

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

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

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

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

20 (7) pays all required fees.

21 Sec. 08.87.130. LICENSE RENEWAL REQUIRED. A license issued
22 under this chapter shall be renewed in accordance with AS 08.01.100.

23 Sec. 08.87.140. FEES. An applicant for examination, reexamina-
24 tion, or issuance or renewal of a license shall pay the fees estab-
25 lished by the department under AS 08.01.065.

26 ARTICLE 3. PROHIBITIONS AND PENALTIES.

27 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
28 licensed under this chapter, a person may not use the title "social
29 worker" or a title, designation, or device indicating or tending to

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

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

14 (c) A person who uses a title other than the titles included in
15 (a) and (b) of this section is not subject to this chapter.

16 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
17 worker licensed under this chapter may not disclose information pro-
18 vided to the social worker by a client in the course of their profes-
19 sional contact. This prohibition 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 (7) information is revealed as part of the discovery of
10 evidence related to a court proceeding or introduced in evidence in a
11 suit, action, or proceeding in court.

12 (8) social worker is collaborating or consulting with
13 professional colleagues or an administrative superior on behalf of the
14 client;

15 (9) communication discloses information that the social
16 worker is required by state or federal laws or regulations to dis-
17 close.

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

22 (1) secured a license through deceit, fraud, or intentional
23 misrepresentation;

24 (2) engaged in deceit, fraud, or intentional misrepresenta-
25 tion in the course of providing professional services or engaging in
26 professional activities;

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

29 (4) has been convicted of a crime that has a substantial

1 relationship to the licensee's activities and services or that affects
2 the licensee's ability to continue to practice competently and safely;

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

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

9 (7) continued to practice after becoming unfit due to
10 (A) professional incompetence;
11 (B) addiction or dependence on alcohol or other drugs
12 that may endanger the public by impairing the licensee's ability
13 to practice;

14 (C) physical or mental disability;

15 (8) engaged in lewd conduct in connection with the delivery
16 of professional service;

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

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

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

22 (1) permanently revoke a license to practice;

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

24 (3) censure a licensee;

25 (4) issue a letter of reprimand to the licensee;

26 (5) place a licensee on probationary status and require the
27 licensee 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;
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 before final
11 hearing or during the appeal process if the board finds that the
12 licensee poses a clear and immediate danger to the public health and
13 safety if the licensee continues to practice. A person whose license
14 is suspended under this section is entitled to a hearing by the board
15 no later than seven days after the effective date of the order. The
16 person may appeal the suspension after a hearing to a court of compe-
17 tent jurisdiction.
18 (d) The board may reinstate a license that has been suspended or
19 revoked if the board finds after a hearing that the applicant is able
20 to practice with reasonable skill and safety.
21 (e) The board shall seek consistency in the application of
22 disciplinary sanctions. The board shall explain significant departure
23 from prior decisions involving similar situations in findings of fact
24 or orders.
25 Sec. 08.87.240. CRIMINAL PENALTY. A person who violates AS 08.-
26 87.200 or 08.87.210 of this chapter is guilty of a class B misdemean-
27 or.
28 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the
29 superior court for an order enjoining a person subject to this chapter

1 or whose license is suspended, revoked, or expired from violating this
2 chapter.

3 ARTICLE 4. GENERAL PROVISIONS.

4 Sec. 08.87.450. EXEMPTION. Employees of a regional or village
5 nonprofit corporation organized under 43 U.S.C. 1601 - 1628 (Alaska
6 Native Claims Settlement Act) are exempt from this chapter.

7 Sec. 08.87.500. 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 and AS 39.05.055(3), one
21 initial member shall serve a one-year term, one initial member shall serve
22 a two-year term, one initial member shall serve a three-year term, and two
23 initial members shall serve four-year terms, as determined by the governor.

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

27 (1) holds a degree in social work from a school with a social
28 work program that is not accredited by the Council on Social Work Education
29 or a bachelor's or master's degree in a social sciences field related to

1 social work as defined by the board, and has been practicing under the
2 title "social worker"

3 (A) for at least 24 consecutive months before July 1,
4 1988; or

5 (B) before July 1, 1988 and is employed on the date of
6 application for a license in the administration of an agency that
7 has employees who use the title "social worker";

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

9 or

10 (3) has been practicing social work under the supervision of a
11 person eligible to be licensed under this Act for at least two years.

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

15 (c) A person who does not meet the requirements under AS 08.87.-
16 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
17 for and receive a license as an independent social worker.

18 (d) An application for a license under this section must be filed
19 before July 1, 1988.

20 * Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work
21 on July 1, 1986, may use a title and letters as part of the title that
22 indicate that the person is a social worker until June 30, 1988, even if
23 the person is not licensed under AS 08.87.100 or 08.87.120.

24 * Sec. 9. This Act takes effect July 1, 1986.