

1 IN THE HOUSE

BY POURCHOT AND PHILLIPS

2

HOUSE BILL NO. 526

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH 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 public
11 that persons providing services under the title "social worker" have com-
12 pleted professional social work education or training, adhere to a code of
13 professional ethics, and are subject to licensing by the Board of Social
14 Worker Examiners.

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

16 CHAPTER 90. SOCIAL WORKERS.

17 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

18 Sec. 08.90.010. CREATION AND MEMBERSHIP OF BOARD. There is
19 created a Board of Social Worker Examiners consisting of five members,
20 including three licensed master social workers, one of whom is li-
21 censed as an independent social worker, one licensed bachelor social
22 worker, and one public member. To the extent possible members shall
23 be appointed from different geographic regions of the state.

24 Sec. 08.90.020. ELECTION OF OFFICERS. The board shall elect
25 officers from among its members. Officers serve for a term not ex-
26 ceeding two years.

27 Sec. 08.90.030. DUTIES OF THE BOARD. The board shall

28 (1) provide for the examination of eligible applicants for
29 licenses under this chapter;

1 (2) submit an annual report of its proceedings to the
2 governor, including recommended changes to this chapter;

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

6 (4) after a hearing, impose disciplinary sanctions against
7 a person who violates this chapter, an order of the board, or a regu-
8 lation of the board;

9 (5) adopt regulations relating to requirements for the
10 supervision of persons engaged in social work under this chapter who
11 are not licensed master social workers, including qualifications for
12 supervisors;

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

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

17 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

18 Sec. 08.90.050. LICENSING OF SOCIAL WORKERS. (a) A person is
19 eligible for a license as a bachelor social worker (LBSW) if the
20 person

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

23 (2) has satisfactorily completed the state examination for
24 the license;

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

26 (4) has

27 (A) a bachelors degree in social work from a school
28 with a social work program accredited by the Council on Social
29 Work Education or a bachelors degree in a behavioral sciences

1 field related to social work; or

2 (B) satisfactorily completed the provisional social
3 worker program under AS 08.90.060.

4 (b) A person is eligible for a license as a master social worker
5 (LMSW) if the person meets the requirements of (a)(1) - (3) of this
6 section and has a masters degree in social work from a school with a
7 social work program accredited by the Council on Social Work Educa-
8 tion.

9 (c) A person is eligible for a license as an independent social
10 worker (LISW) if the person meets the requirements of (a)(1) - (3) of
11 this section, has a masters degree in social work from a school with a
12 social work program accredited by the Council on Social Work Educa-
13 tion, and has completed at least 24 months of supervised post-graduate
14 experience approved by the board in the specialty in which the person
15 intends to engage as a private practitioner.

16 Sec. 08.90.060. LICENSING OF PROVISIONAL SOCIAL WORKERS. (a)
17 The board shall license provisional social workers and establish a
18 program for training and education of provisional social workers. The
19 requirements of the program must include at least three years of
20 supervised practice consisting of at least 35 hours each week for 44
21 weeks each year.

22 (b) The board shall issue a provisional social worker license to
23 a person who

24 (1) applies on a form provided by the department;

25 (2) is a resident of the state; and

26 (3) submits evidence satisfactory to the board

27 (A) that the applicant has or will have regular or
28 full-time employment in the practice of social work under the
29 personal supervision of a licensed master social worker; and

1 (B) from a social worker who has been licensed in this
2 state for at least two years as a master social worker, that the
3 applicant is or will be employed as a provisional social worker
4 and that the social worker will act as supervisor for the appli-
5 cant and will instruct the applicant in the practice of social
6 work.

7 (c) The board may refuse to license an applicant for a provi-
8 sional social workers license who fails to satisfy the board of the
9 validity of a statement in the application. The board may revoke a
10 provisional social worker license if the licensee has not completed
11 the program within six years after initial issuance of the license.

12 (d) The supervisor shall personally supervise the work of the
13 provisional social worker and administer written examinations on a
14 schedule and on subjects established by the board. The supervisor
15 shall submit as the board may require,

16 (1) reports concerning the course work studied and the
17 results of examinations; and

18 (2) the completed examinations taken by the provisional
19 social worker.

20 (e) A person may not serve as supervisor of a provisional social
21 worker if the person is the subject of a disciplinary proceeding under
22 this chapter or if the person has been disciplined under this chapter
23 or under similar provisions of another licensing jurisdiction.

24 (f) A licensed provisional social worker may request permission
25 to change supervisors by submitting a new application for licensure.

26 Sec. 08.90.070. SCOPE OF PRACTICE. (a) A person licensed as a
27 provisional, bachelor, master, or independent social worker may
28 provide services that enhance, protect, or restore a person's capacity
29 for social functioning whether impaired by physical, environmental, or

1 emotional factors, guided by professional social work ethics, knowl-
2 edge, and intervention methods.

3 (b) A social worker may practice psychotherapy only if the
4 social worker is licensed as an independent social worker with a
5 clinical specialty or as a master social worker and is employed and
6 supervised in a clinical setting.

7 (c) A social worker may practice social work autonomously only
8 if

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

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

13 (3) the license bearing a designation of speciality is
14 prominently displayed in the place the person practices; and

15 (4) the person limits the private practice of social work
16 to the designated specialty.

17 (d) This section does not limit or affect the activities or
18 practice of a person who is exempt from licensing under this chapter.

19 Sec. 08.90.080. LICENSE BY CREDENTIALS. The board shall provide
20 for the licensing of a person as a bachelor, master, or independent
21 social worker without examination if the person

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

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

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

1 procedure, or disciplinary proceeding undertaken by a professional
2 social worker association or regulatory authority;

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

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

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

8 (7) pays all required fees.

9 Sec. 08.90.090. FEES. An applicant for examination, reexamina-
10 tion, or issuance or renewal of a license shall pay the fees estab-
11 lished by the department under AS 08.01.065.

12 ARTICLE 3. GENERAL PROVISIONS.

13 Sec. 08.90.100. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
14 licensed under this chapter, a person may not use the title "social
15 worker" or a title, designation, or device indicating or tending to
16 indicate that the person is a social worker. A person may not use the
17 letters "LBSW" as part of a title unless the person is licensed as a
18 bachelor social worker under this chapter. A person may not use the
19 letters "LMSW" as part of a title unless the person is licensed as a
20 master social worker under this chapter. A person may not use the
21 letters "LISW" as part of a title unless the person is licensed as an
22 independent social worker under this chapter. Except as provided in
23 (b) and (c) of this section, a person may not use the title "provi-
24 sional social worker," "social worker intern," or "social worker
25 student."

26 (b) A person licensed under this chapter as a provisional social
27 worker may use the title "provisional social worker."

28 (c) A student enrolled in an accredited social work program may
29 use the title "social worker intern" or "social worker student" if the

1 person's activities constitute a part of the person's supervised
2 course of study.

3 Sec. 08.90.110. CONFIDENTIALITY OF COMMUNICATIONS. A social
4 worker licensed under this chapter may not disclose information pro-
5 vided to the social worker by a client in the course of their profes-
6 sional contact. This prohibition does not apply if the

7 (1) client provides written consent to the social worker to
8 reveal the communication;

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

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

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

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

22 (6) client brings charges against the social worker and the
23 social worker reveals the communication only as necessary to defend
24 the charges;

25 (7) information is revealed as part of the discovery of
26 evidence related to a court proceeding or introduced in evidence in a
27 court proceeding;

28 (8) social worker is collaborating or consulting with
29 professional colleagues or an administrative superior on behalf of the

1 client;

2 (9) communication discloses information that the social
3 worker is required by state or federal laws or regulations to dis-
4 close.

5 Sec. 08.90.120. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
6 TIONS. After a hearing, the board may impose a disciplinary sanction
7 on a person licensed under this chapter when the board finds that the
8 licensee

9 (1) secured a license through deceit, fraud, or intentional
10 misrepresentation;

11 (2) engaged in deceit, fraud, or intentional misrepresenta-
12 tion in the course of providing professional services or engaging in
13 professional activities;

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

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

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

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

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

26 (A) professional incompetence;

27 (B) addiction or dependence on alcohol or other drugs
28 that may endanger the public by impairing the licensee's ability
29 to practice;

- 1 (C) physical or mental disability;
- 2 (8) engaged in lewd conduct in connection with the delivery
- 3 of professional service;
- 4 (9) has been held liable for malpractice in a civil action;
- 5 (10) has had a license revoked in another jurisdiction.

6 Sec. 08.90.130. CRIMINAL PENALTY. A person who violates AS 08.-

7 90.100 or 08.90.110 of this chapter is guilty of a class B misdemea-

8 or.

9 Sec. 08.90.140. INJUNCTIVE RELIEF. The board may apply to the

10 superior court for an order enjoining a person subject to this chapter

11 or whose license is suspended, revoked, or expired from violating this

12 chapter.

13 Sec. 08.90.150. EXEMPTIONS. (a) Employees of a regional, or

14 village nonprofit corporation organized under 43 U.S.C. 1601 - 1628

15 (Alaska Native Claims Settlement Act) are exempt from this chapter.

16 (b) A person who uses a title other than a title included in

17 AS 08.90.100 is exempt from this chapter.

18 Sec. 08.90.190. DEFINITION. In this chapter "board" means the

19 Board of Social Worker Examiners.

20 * Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

21 (28) Board of Social Worker Examiners (AS 08.90.010).

22 * Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:

23 (21) Board of Social Worker Examiners (AS 08.90.010) --

24 June 30, 1992.

25 * Sec. 5. Within 60 days after the effective date of this Act the

26 governor shall appoint initial members to the Board of Social Worker Exam-

27 iners. Notwithstanding AS 08.90.010 as enacted in sec. 2 of this Act,

28 initial members shall consist of three persons who have a masters degree in

29 social work from a school with a social work program accredited by the

1 Council on Social Work Education, at least one of whom is engaged in the
2 private practice of social work, one person with a bachelors degree in
3 social work from a school with a social work program accredited by the
4 Council on Social Work Education, and one public member.

5 * Sec. 6. (a) Notwithstanding AS 08.90.050(a) as enacted in sec. 2 of
6 this Act, a person may apply for and receive a license as a bachelor social
7 worker if the person

8 (1) holds a degree in social work from a school with a social
9 work program that is not accredited by the Council on Social Work Education
10 or a bachelors or masters degree in a social sciences field related to
11 social work as defined by the board, and has been practicing under the
12 title "social worker"

13 (A) for at least 24 consecutive months before July 1, 1990;
14 or

15 (B) before July 1, 1990, and is employed on the date of
16 application for a license in the administration of an agency that has
17 employees who use the title "social worker";

18 (2) meets the requirements of AS 08.90.050(a)(1), (3), and (4);
19 or

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

22 (b) A person who does not meet the requirement under AS 08.90.-
23 050(a)(2) but otherwise meets the requirements of AS 08.90.050(b) may apply
24 for and receive a license as a master social worker.

25 (c) A person who does not meet the requirements under AS 08.90.-
26 050(a)(2) but otherwise meets the requirements of AS 08.90.050(c) may apply
27 for and receive a license as an independent social worker.

28 (d) An application for a license under this section must be filed
29 before July 1, 1990.

1 * Sec. 7. Notwithstanding AS 08.90.100 as enacted by sec. 2 of this
2 Act, a person practicing social work on July 1, 1988, may use a title and
3 letters as part of the title that indicate that the person is a social
4 worker until June 30, 1990, even if the person is not licensed under
5 AS 08.90.050 or 08.90.080 as enacted by this Act.

6 * Sec. 8. This Act takes effect July 1, 1988.