

Original sponsors: Pourchot, Phillips
and Collins

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 526 (Finance)

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 clinical social
7 work and exempting certain persons from licensure as
8 clinical social workers; and providing for an effective
9 date."

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

11 * Section 1. PURPOSE. The purpose of this Act is to protect the public
12 by

13 (1) setting standards for the education, training, and experi-
14 ence for persons practicing clinical social work; and

15 (2) promoting high standards of professional performance by
16 those persons licensed to practice clinical social work.

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

18 CHAPTER 95. CLINICAL SOCIAL WORK.

19 ARTICLE 1. BOARD OF CLINICAL SOCIAL WORK EXAMINERS.

20 Sec. 08.95.010. CREATION AND MEMBERSHIP OF THE BOARD. (a)

21 There is created the Board of Clinical Social Work Examiners composed
22 of five members. Four members must be persons licensed under this
23 chapter, including at least one person who is not an employee of a
24 federal, state, or local government or of a private nonprofit organi-
25 zation that is exempt from federal income tax. One member must be a
26 public member.

27 (b) Members of the board shall elect a member of the board as
28 chair. The chair serves for a term of one year.

29 Sec. 08.95.020. BOARD MEETINGS. The board shall hold at least

1 one meeting each year. The board may hold additional meetings at the
2 call of the chair or of a majority of the board members.

3 Sec. 08.95.030. DUTIES. The board shall

4 (1) issue licenses to qualified applicants;

5 (2) submit an annual report of its proceedings to the
6 department;

7 (3) after a hearing, impose disciplinary sanctions on a
8 person who violates this chapter or the regulations or orders of the
9 board;

10 (4) adopt regulations requiring that continuing education
11 requirements be satisfied before a license is renewed;

12 (5) adopt regulations necessary to carry out the purpose of
13 this chapter.

14 Sec. 08.95.040. CONTINUING EDUCATION REQUIREMENT. (a) The
15 board shall adopt continuing education requirements for persons li-
16 censed under this chapter. Continuing education requirements must
17 include a minimum of 45 hours per biennium of education or training
18 with a minimum of six hours in substance abuse and six hours in cross-
19 cultural education emphasizing Alaskan Natives.

20 (b) The board shall appoint three persons licensed under this
21 chapter to serve as a continuing education committee. The committee
22 shall advise the board on matters related to continuing education for
23 clinical social workers. One person appointed to the committee must
24 be familiar with social problems in the rural areas of the state.

25 ARTICLE 2. LICENSING.

26 Sec. 08.95.100. LICENSE REQUIRED. (a) A person who practices
27 clinical social work without obtaining a license issued by the board
28 and without qualifying for an exemption from this chapter is guilty of
29 a class B misdemeanor.

1 (b) A person who is not licensed as a clinical social worker, or
2 whose license is suspended or revoked, or whose license has lapsed,
3 who uses in connection with the person's name the words or letters
4 "L.C.S.W.," "Licensed Clinical Social Worker," or other letters,
5 words, or insignia indicating or implying that the person is a li-
6 censed clinical social worker, or who in any way, orally, or in writ-
7 ing, directly or by implication, holds out as a licensed clinical
8 social worker is guilty of a class B misdemeanor.

9 (c) A person not licensed under this chapter may use the title
10 of "social worker."

11 Sec. 08.95.110. LICENSE TO PRACTICE CLINICAL SOCIAL WORK. The
12 board shall issue a license to practice clinical social work to a
13 person who

14 (1) has received a master's degree or a doctoral degree in
15 social work from a college or university accredited by the Council on
16 Social Work Education;

17 (2) has completed, within the 10 years before application
18 for licensure and under the supervision of a licensed clinical social
19 worker, licensed psychologist, licensed psychiatrist, or, with ap-
20 proval of the board, a clinical social worker who is exempt from this
21 chapter under AS 08.95.910, either (A) a minimum of two years of
22 continuous full-time employment in postgraduate clinical social work;
23 or (B) a minimum of 3,000 hours of less than full-time employment in a
24 period of not less than two years in postgraduate clinical social
25 work; at least 100 hours of supervision required under this paragraph
26 shall be conducted by a qualified person approved by the board;

27 (3) is in good professional standing and is fit to practice
28 social work as determined by the board;

29 (4) has provided three professional references to the

1 board;

2 (5) has satisfactorily completed the examination given by
3 the board; and

4 (6) has paid required fees.

5 Sec. 08.95.120. LICENSING BY CREDENTIALS. The board shall issue
6 a license to practice clinical social work without examination if the
7 applicant

8 (1) holds a current license to practice clinical social
9 work in another jurisdiction that at the time of original issuance of
10 the license had requirements for licensure equal to or more stringent
11 than those of this state;

12 (2) is not the subject of an unresolved complaint or disci-
13 plinary action before a regulatory authority or a professional social
14 work association;

15 (3) has not failed the examination for a license to prac-
16 tice clinical social work in this state;

17 (4) has not had a license to practice clinical social work
18 revoked or suspended in this state or another jurisdiction;

19 (5) has submitted proof of continued competency satis-
20 factory to the board; and

21 (6) has paid required fees.

22 Sec. 08.95.130. DISPLAY OF LICENSE. A person licensed under
23 this chapter shall display the license in a conspicuous place where
24 the licensee practices.

25 ARTICLE 3. GENERAL PROVISIONS.

26 Sec. 08.95.900. CONFIDENTIALITY OF COMMUNICATION. (a) A li-
27 censed clinical social worker may not reveal to another person a
28 communication made to the licensee by a client about a matter concern-
29 ing which the client has employed the licensee in a professional

1 capacity. This section does not apply to

2 (1) a case conference with other clinical social workers or
3 with psychologists, psychological associates, physicians, or surgeons;

4 (2) the release of information which the client in writing
5 authorized the licensee to reveal; or

6 (3) information revealed as part of the discovery of evi-
7 dence related to a court proceeding or introduced in evidence in a
8 court proceeding.

9 (b) Notwithstanding (a) of this section, a licensed clinical
10 social worker shall report incidents of child abuse or neglect as
11 required by AS 47.17.020.

12 Sec. 08.95.910. EXEMPTIONS. This chapter does not apply to a
13 person who

14 (1) practices clinical social work as an employee of a
15 federal, state, or local government or of a private nonprofit orga-
16 nization that is exempt from federal income tax; or

17 (2) is a qualified member of a recognized profession, other
18 than clinical social work, and does not represent to the public by
19 title or description of service as practicing clinical social work.

20 Sec. 08.95.990. DEFINITIONS. In this chapter

21 (1) "board" means the Board of Clinical Social Work Ex-
22 aminers;

23 (2) "clinical social work" means a service in which a
24 special knowledge of social resources, human capabilities, and the
25 part that unconscious motivation plays in determining behavior is
26 directed, through the application of social work principles and meth-
27 ods, at helping individuals to achieve more adequate, satisfying, and
28 productive social adjustments;

29 (3) "clinical social worker" means a person who practices

1 clinical social work;

2 (4) "department" means the Department of Commerce and
3 Economic Development;

4 (5) "social work principles and methods" include counseling
5 and using techniques of applied psychotherapy of a nonmedical nature
6 to assist in the diagnosis and treatment of mental and emotional
7 conditions of individuals, families, and groups; providing information
8 and referral services; providing or arranging for the provision of
9 social services; explaining and interpreting the psychosocial aspects
10 in the situations of individuals, families, or groups; helping commu-
11 nities to organize, provide, or improve social and health services;
12 and doing research related to social work.

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

14 (28) Board of Clinical Social Work Examiners (AS 08.95.010).

15 * Sec. 4. AS 08.02.010(a) is amended to read:

16 (a) An audiologist licensed under AS 08.11, a person licensed in
17 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,
18 a medical practitioner or osteopath under AS 08.64, a registered nurse
19 under AS 08.68, an optometrist under AS 08.72, a registered pharmacist
20 under AS 08.80, a registered physical therapist or occupational thera-
21 pist under AS 08.84, [OR] a psychologist under AS 08.86, or a clinical
22 social worker licensed under AS 08.95, shall use as professional
23 identification appropriate letters or a title after that person's name
24 which represents that person's specific field of practice. The let-
25 ters or title shall appear on all signs, stationery, or other ad-
26 vertising in which the person offers or displays personal professional
27 services to the public. In addition, a person engaged in the practice
28 of medicine or osteopathy under AS 08.64.380(2) or a person engaged in
29 any manner in the healing arts who diagnoses, treats, tests, or

1 counsels other persons in relation to human health or disease and uses
2 the letters "M.D." or the title "doctor" or "physician" or another
3 title that tends to show that the person is willing or qualified to
4 diagnose, treat, test, or counsel another person, shall clarify the
5 letters or title by adding the appropriate specialist designation, if
6 any, such as "dermatologist", "radiologist", "audiologist", "naturo-
7 path", or the like.

8 * Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:
9 (21) Board of Clinical Social Work Examiners (AS 08.95.010)
10 -- June 30, 1992.

11 * Sec. 6. INITIAL APPOINTMENTS TO THE BOARD OF CLINICAL SOCIAL WORK
12 EXAMINERS. Notwithstanding AS 08.95.010, as enacted by sec. 2 of this Act,
13 a person is eligible for an initial appointment as a professional member of
14 the Board of Social Work Examiners, if the person

15 (1) has received a master's degree or a doctoral degree in
16 social work from a college or university accredited by the Council on
17 Social Work Education;

18 (2) has completed, within the preceding 10 years, either

19 (A) a minimum of two years of continuous full-time employ-
20 ment in postgraduate clinical social work; or

21 (B) a minimum of 3,000 hours of less than full-time employ-
22 ment in postgraduate clinical social work in a period of not less than
23 two years;

24 (3) is in good professional standing; and

25 (4) has practiced clinical social work in this state within the
26 year preceding appointment.

27 * Sec. 7. TRANSITIONAL LICENSURE. (a) Notwithstanding AS 08.95.110,
28 as enacted by sec. 2 of this Act, the Board of Clinical Social Work Ex-
29 aminers shall issue a license to practice clinical social work to a person

1 who

2 (1) applies for a license before July 1, 1989; and

3 (2) satisfies the requirements of AS 08.95.110(1) - (4) and (6).

4 (b) Notwithstanding AS 08.95.110(2) as enacted by sec. 2 of this Act,
5 the board shall issue a license to practice clinical social work to a
6 person who applies for licensure under this section without regard to
7 whether the supervising clinical social worker is licensed in this state.

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