

1 IN THE SENATE BY RODEY, STURGULEWSKI, KERTTULA

2 SENATE BILL NO. 318

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;

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

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

16 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

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

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

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

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

29 (b) A person is eligible for a license as a master social worker

1 (LMSW) if the person meets the requirements of (a)(1) - (3) of this  
2 section and has a master's degree in social work from a school with a  
3 social work program accredited by the Council on Social Work Educa-  
4 tion.

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

12 Sec. 08.90.060. SCOPE OF PRACTICE. (a) A person licensed as a  
13 bachelor, master, or independent social worker may provide services  
14 that enhance, protect, or restore people's capacity for social func-  
15 tioning whether impaired by physical, environmental, or emotional  
16 factors, guided by professional social work ethics, knowledge, and  
17 intervention methods.

18 (b) A social worker may practice psychotherapy only if the  
19 social worker is licensed as an independent social worker with a  
20 clinical specialty or as a master social worker and is employed and  
21 supervised in a clinical setting.

22 (c) A social worker may practice social work autonomously only  
23 if

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

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

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

1 (4) the person limits the private practice of social work  
2 to the designated specialty.

3 (d) This section does not limit or affect the activities or  
4 practice of a person who is not subject to licensing under this chap-  
5 tar.

6 **Sac. 08.90.070. LICENSE BY CREDENTIALS.** The board shall provide  
7 for the licensing of a person as a bachelor, master, or independent  
8 social worker without examination if the person

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

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

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

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

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

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

24 (7) pays all required fees.

25 **Sac. 08.90.080. FEES.** An applicant for examination, reexamina-  
26 tion, or issuance or renewal of a license shall pay the fees estab-  
27 lished by the department under AS 08.01.065.

28 **ARTICLE 3. GENERAL PROVISIONS.**

29 **Sac. 08.90.100. 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. A person may not use the  
4 letters "LBSW" as part of a title unless the person is licensed as a  
5 bachelor social worker under this chapter. A person may not use the  
6 letters "LMSW" as part of a title unless the person is licensed as a  
7 master social worker under this chapter. A person may not use the  
8 letters "LISW" as part of a title unless the person is licensed as an  
9 independent social worker under this chapter. Except as provided in  
10 (b) of this section, a person may not use the title "social worker  
11 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 Sec. 08.90.110. 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 court proceeding;

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. 08.90.120. 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. 08.90.130. CRIMINAL PENALTY. A person who violates AS 08.-  
20 90.100 or 08.90.110 of this chapter is guilty of a class B misdemea-  
21 or.

22 Sec. 08.90.140. INJUNCTIVE RELIEF. The board may apply to the  
23 superior court for an order enjoining a person subject to this chapter  
24 or whose license is suspended, revoked, or expired from violating this  
25 chapter.

26 Sec. 08.90.150. EXEMPTIONS. (a) Employees of a regional or  
27 village nonprofit corporation organized under 43 U.S.C. 1601 - 1628  
28 (Alaska Native Claims Settlement Act) are exempt from this chapter.

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

1 AS 08.90.100 is exempt from this chapter.

2 Sec. 08.90.190. DEFINITION. In this chapter "board" means the  
3 Board of Social Worker Examiners.

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

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

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

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

8 June 30, 1992.

9 \* Sec. 5. Within 60 days after the effective date of this Act the  
10 governor shall appoint initial members to the Board of Social Worker Exam-  
11 iners. Notwithstanding AS 08.90.010 as enacted in sec. 2 of this Act,  
12 initial members shall consist of three persons who have a master's degree  
13 in social work from a school with a social work program accredited by the  
14 Council on Social Work Education, at least one of whom is engaged in the  
15 private practice of social work, one person with a bachelor's degree in  
16 social work from a school with a social work program accredited by the  
17 Council on Social Work Education, and one public member.

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

21 (1) holds a degree in social work from a school with a social  
22 work program that is not accredited by the Council on Social Work Education  
23 or a bachelor's or master's degree in a social sciences field related to  
24 social work as defined by the board, and has been practicing under the  
25 title "social worker"

26 (A) for at least 24 consecutive months before July 1,  
27 1990; or

28 (B) before July 1, 1990, and is employed on the date  
29 of application for a license in the administration of an agency

1           that has employees who use the title "social worker";

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

3 or

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

6           (b) A person who does not meet the requirement under AS 08.90.-  
7 050(a)(2) but otherwise meets the requirements of AS 08.90.050(b) may apply  
8 for and receive a license as a master social worker.

9           (c) A person who does not meet the requirements under AS 08.90.-  
10 050(a)(2) but otherwise meets the requirements of AS 08.90.050(c) may apply  
11 for and receive a license as an independent social worker.

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

14       \* Sec. 7. Notwithstanding AS 08.90.100, a person practicing social work  
15 on July 1, 1988, may use a title and letters as part of the title that  
16 indicate that the person is a social worker until June 30, 1990, even if  
17 the person is not licensed under AS 08.90.050 or 08.90.070.

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