

HOUSE
COMMITTEE REPORT

4/1
-1-5

(7)

Date referred: 2/7/86

FURTHER REFERRALS: FINANCE

FINANCE (circled)

DATE: March 26, 1986

HEALTH, EDUCATION AND
SOCIAL SERVICES

Committee has considered CSSB 227 (Fin)

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

of

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCSB 227 (HES) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature] no rec

[Signature] no rec

[Signature] co-chair

Chairman

[Signature]

Offered: 4/1/86
Referred: Finance

22-745

Original sponsor: Fabrenkamp by request

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE OR FOR OR 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 Examiner .

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(a) is amended by adding a new paragraph to read:

18 (2) 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

COMMITTEE COPY

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 chairman 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 19.20.180.

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 specialty design-
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. 08.97.080. ADMINISTRATIVE PROCEDURES. The Administrative
10 Procedure Act (AS 44.62) applies to regulations and proceedings under
11 this chapter.

12 ARTICLE 7. LICENSING OF SOCIAL WORKERS.

13 Sec. 08.97.100. LICENSING OF SOCIAL WORKERS. (a) A person is
14 eligible for a license as a bachelor social worker (BSW) 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 (MSW) 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. 06.07.110. 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 specialty on the person's license;

24 (3) the license bearing a designation of specialty 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 (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. 08.37.130. 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. 08.37.130. LICENSE RENEWAL REQUIRED. A license issued
22 under this chapter shall be renewed in accordance with AS 08.01.100.

23 Sec. 08.37.140. 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. 08.37.200. 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. 09.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.
19 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 low 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. 08.27.236. DISCIPLINARY SANCTIONS. (a) If it finds that a
20 licensee has committed an act set out in AS 08.27.220, 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 (5) 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 misdemeanor.
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 44.67.330(a) is amended by adding a new paragraph to read:
10 (5) 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 (C) 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 08.87.100, 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.

Offered: 1/29/86
Referred: Rules

Original sponsor: Fahrenkamp by request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 227 (Finance)

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
S

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 specialty design-
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. 08.37.080. 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 (BSW) 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.

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

29 (c) A person is eligible for a license as an independent social

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

7 Sec. 98.87.119. SCOPE OF PRACTICE. (a) A person licensed as a
8 bachelor, master, or independent social worker may provide services
9 that enhance, protect, or restore people's capacity for social func-
10 tioning whether impaired by physical, environmental, or emotional
11 factors, guided by professional social work ethics, knowledge and
12 intervention methods.

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

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

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

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

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

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

28 Sec. 98.87.120 LICENSE BY CREDENTIALS. The board shall provide
29 for licensing a person as a bachelor, master or independent social

1 worker without examination if the person

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

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

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

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

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

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

17 (7) pays all required fees.

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

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

23 ARTICLE 3. PROHIBITIONS AND PENALTIES.

24 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
25 licensed under this chapter, a person may not use the title "social
26 worker" or a title, designation, or device indicating or tending to
27 indicate that the person is a social worker or practices social work.
28 A person may not use the letters "LBSW" as part of a title unless the
29 person is licensed as a bachelor social worker under this chapter. A

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

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

11 (c) A person who is not licensed under this chapter may use the
12 title "associate social worker" or a similar title while the person is
13 providing services as a social worker to the state or a political
14 subdivision of the state under the supervision of a social worker li-
15 censed under this chapter.

16 Sec. 08.37.215. CONFIDENTIALITY OF COMMUNICATIONS. A social
17 worker licensed under this chapter or an associate social worker may
18 not disclose information provided to the social worker by a client in
19 the course of their professional contact. This prohibition does not
20 apply if the

21 (1) client provides written consent to the social worker to
22 reveal the communication;

23 (2) client is incompetent and the guardian or personal
24 representative provides written consent to the social worker to reveal
25 the communication;

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

29 (4) communication discloses that a crime has been committed

1 or reveals an intent to commit a crime;

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

7 (6) client brings charges against the social worker and the
8 social worker reveals the communication only as necessary to defend
9 the charges;

10 (7) social worker is subpoenaed to testify in court;

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

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

17 Sec. 98.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS. After a hearing, the board may impose a disciplinary sanction
18 on a person licensed under this chapter when the board finds that the
19 licensee
20

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

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

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

28 (4) has been convicted of a crime that has a substantial
29 relationship to the licensee's activities and services or that affects

1 the licensee's ability to continue to practice competently and safely;

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

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

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

9 (A) professional incompetence;

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

13 (C) physical or mental disability;

14 (8) engaged in lewd conduct in connection with the delivery
15 of professional services;

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

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

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

21 (1) permanently revoke a license to practice;

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

23 (3) censure a licensee;

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

25 (5) place a licensee on probationary status and require the
26 licensee to

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

29 (B) limit practice to those areas prescribed;

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

4 (6) impose limitations or conditions on the practice of a
5 licensee;

6 (7) refuse to renew a license.

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

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

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

20 (e) The board shall seek consistency in the application of
21 disciplinary sanctions. The board shall explain significant departure
22 from prior decisions involving similar situations in findings of fact
23 or orders.

24 Sec. 08.87.240. CRIMINAL PENALTY. A person who violates AS 08.-
25 87.200 or 08.87.210 of this chapter is guilty of a class B misdemea-
26 or.

27 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the
28 superior court for an order enjoining a person not licensed under this
29 chapter or whose license is suspended, revoked, or expired from

1 violating this chapter.

2 ARTICLE 4. GENERAL PROVISIONS.

3 Sec. 08.87.300. DEFINITION. In this chapter "board" means the
4 Board of Social Worker Examiners.

5 * Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:
6 (53) Board of Social Worker Examiners (AS 08.87.010).

7 * Sec. 6. Within 60 days after the effective date of this Act the
8 governor shall appoint initial members to the Board of Social Worker Exam-
9 iners. Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,
10 initial members must consist of three persons who have a master's degree in
11 social work from a school with a social work program accredited by the
12 Council on Social Work Education, at least one of whom is engaged in the
13 private practice of social work, one person with a bachelor's degree in
14 social work from a school with a social work program accredited by the
15 Council on Social Work Education, and one public member. Notwithstanding
16 AS 08.87.020 as enacted in sec. 4 of this Act, one initial member shall
17 serve a one-year term, one initial member shall serve a two-year term, one
18 initial member shall serve a three-year term, and two initial members shall
19 serve four-year terms, as determined by the governor.

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

23 (1) holds a degree in social work from a school with a social
24 work program that is not accredited by the Council on Social Work Education
25 or a bachelor's or master's degree in a social sciences field related to
26 social work as defined by the board, and has been practicing under the
27 title "social worker" for at least 24 consecutive months before July 1,
28 1988;

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

1 or

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

5 (b) A person who does not meet the requirement under AS 08.87.100-
6 (a)(1) but otherwise meets the requirements of AS 08.87.100(b) may apply
7 for and receive a license as a master social worker.

8 (c) A person who does not meet the requirements under AS 08.87.-
9 100(a)(1) but otherwise meets the requirements of AS 08.87.100(c) may apply
10 for and receive a license as an independent social worker.

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

13 * Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work
14 on July 1, 1986, may use a title and letters as part of the title that
15 indicate that the person is a social worker or practices social work until
16 June 30, 1988, even if the person is not licensed under AS 08.87.100 or
17 08.87.120.

18 * Sec. 9. This Act takes effect July 1, 1986.
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STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 1/27/86

REQUEST

Bill/Resolution No.: CSSB 227 (Finance)
 Title: Practice of Social Work & estab.
 a Board of Social Work Examiners

Sponsor: Senator Fahrenkamp
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing

Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		33.1	34.8	36.5	38.3	40.2
TRAVEL		2.3	2.4	2.5	2.7	2.8
CONTRACTUAL		4.8	5.0	5.3	5.6	5.8
SUPPLIES		1.0	1.1	1.1	1.2	1.2
EQUIPMENT		3.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		44.8	43.3	45.4	47.8	50.0

CAPITAL						
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REVENUE		87.5	6.3	81.3	6.3	91.3
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FUNDING : (Thousands of Dollars)

GENERAL FUND		44.8	43.3	45.4	47.8	50.0
FEDERAL FUNDS						
OTHER						
TOTAL		44.8	43.3	45.4	47.8	50.0

POSITIONS :

FULL-TIME		1				
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The bill creates a Board of Social Work Examiners to implement the licensing of all practitioners utilizing the title "social worker". Three categories of licenses are established: the bachelor, master and independent. The bill also authorizes the Board to designate a nationally recognized specialty area of practice for independent social workers. (See attached for further analysis.)

Prepared by: Jennifer Strickler, Mgnt. Analyst Phone: 465-2144
 Division: Occupational Licensing Date: Jan 27 1986

Approved by Commissioner: Loren H. Lounsbury Date: 1/27/86
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

10/25/85

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 227 (Finance)

The fiscal note is reduced from previous notes as a result of reductions in the number of meetings and exam costs based on an estimated number of exam applicants during the initial implementation stages of the bill.

PERSONAL SERVICES:

Request: 1 Licensing Examiner I, Range 12A, GGU, 12 months, to be located
in Juneau \$33,145.82

The primary concern of this agency is that current responsibilities prohibit new licensing functions from being assumed without additional support staff. While it is possible that approximately half of the Licensing Examiner's time may be required to manage the function of licensing social workers, it is necessary that a full time position be requested since inquiries from the general public are not geared toward 'part-time' services in licensing. Staff availability to respond to the public during normal State working hours is crucial to this agency. The lack of available staff support would cause additional burden to the workload of the present staff.

TRAVEL:

Travel costs were based on one meeting in Anchorage, assuming appointed members are from Anchorage, Fairbanks, Juneau, Kenai and Nome, in accordance with Sec. 08.87.010 which require that members be appointed from 'different geographic regions' of the State.

CONTRACTUAL SERVICES:

The State Teleconference Network has increased charges to \$50 per site, per hour. The teleconference network is also unavailable to boards during the legislative session. Therefore, the Alascom teleconference system would be utilized. Costs for an additional full-day teleconference meeting and a special one-hour teleconference meeting are included. The request also includes funding for public notices required by AS 44.62, printing, postage, and telephone service. Costs to cover contracting for use of licensing examinations are also included based on 20 exam candidates upon effective date of the bill.

COMMODITIES:

This funding will cover stationery and other miscellaneous desk supplies required to support the function.

EQUIPMENT: (One time costs only)

These costs are to purchase equipment for the Licensing Examiner I position.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 227 (Finance)

PROJECTED REVENUES:

FY 87:	Based on the number of practitioners identified, it is anticipated that 350 practitioners will be seeking initial licensure. 350 x \$250	\$ 87.5
FY 88:	Based on the assumption that there will be at least 25 new applicants. 25 x \$250 This will make a total of 375 licensees.	6.3
FY 89:	Projections for this fiscal year are based on the assumption that all licenses will be renewed. Based on 375 licensees x \$200 (renewal fee) In addition, another 25 new licensees to make a total of 400 licensees. 25 x \$250	75.0 <u>6.3</u> 81.3
FY 90:	Based on an estimate of 25 new licensees, this would make a total of 425 licensees.	6.3
FY 91:	Assuming this will also be a renewal year, and based on 425 licensees x \$200 renewal fee. In addition, another 25 new licensees, to make a total of 450 licensees.	85.0 <u>6.3</u> 91.3

W13
53911

0584
Cramer

ALASKA STATE LEGISLATURE

1986 Legislature FIRST Session

SENATE BILL NO. 237

By EARL WEAVER BY REQUEST

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

Introduced in the Senate 3/12, 1986

HISTORY IN THE SENATE

19 85	3 12	Read first time and referred to Committee on LABOR & COMMERCE, WESS AND FINANCE <i>for waiver</i>
	3 18	Reported back with HESS recommendation that <i>replace</i>
	4 22	<i>w/CS, 5 do pass to forward.</i>
	1 29	<i>F.D.C. replace w/CS, 2 do pass, 1 do not pass 2 do not, new F.Y. vote, to Rules.</i>
	2 7	<i>Reacts to...</i>
	2 7	Read second time and <i>for CS adopted and ad</i>
	2 7	Read third time and
	2 4	PASS <i>ed</i> Effective Date Yeas - 19 Yeas Nays - 1 Nays <i>done</i> Absent - Absent Excused - Excused
	2 4	<i>Sacked</i> Reconsideration <i>not taken up</i>
	2 5	PASS <i>ed</i> Effective Date Yeas - 19 Yeas Nays - 1 Nays <i>done</i> Absent - 0 Absent Excused - 0 Excused
	2 5	Reported correctly engrossed Signed by President Sent to House

Reggie Mulligan
SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 86	Feb 7	Read first time and referred to Committee on <i>Hess, Finance</i>
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reconsideration
		PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reported correctly engrossed Signed by Speaker Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

Offered: 4/1/86
Referred: Finance

Original sponsor: Fahrenkamp by request

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

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 specialty.

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 misdemea-
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.

Offered: 1/29/86
Referred: Rules

Original sponsor: Fahrenkamp by request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 227 (Finance)

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
30

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.

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

29 (c) A person is eligible for a license as an independent social

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

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

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

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

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

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

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

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

28 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board shall provide
29 for licensing a person as a bachelor, master or independent social

1 worker without examination if the person

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

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

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

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

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

15 (6) submit: proof of continued competence as required by
16 regulation of the board; and

17 (7) pays all required fees.

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

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

23 ARTICLE 3. PROHIBITIONS AND PENALTIES.

24 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
25 licensed under this chapter, a person may not use the title "social
26 worker" or a title, designation, or device indicating or tending to
27 indicate that the person is a social worker or practices social work.
28 A person may not use the letters "LBSW" as part of a title unless the
29 person is licensed as a bachelor social worker under this chapter. A

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

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

11 (c) A person who is not licensed under this chapter may use the
12 title "associate social worker" or a similar title while the person is
13 providing services as a social worker to the state or a political
14 subdivision of the state under the supervision of a social worker li-
15 censed under this chapter.

16 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
17 worker licensed under this chapter or an associate social worker may
18 not disclose information provided to the social worker by a client in
19 the course of their professional contact. This prohibition does not
20 apply if the

21 (1) client provides written consent to the social worker to
22 reveal the communication;

23 (2) client is incompetent and the guardian or personal
24 representative provides written consent to the social worker to reveal
25 the communication;

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

29 (4) communication discloses that a crime has been committed

1 or reveals an intent to commit a crime;

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

7 (6) client brings charges against the social worker and the
8 social worker reveals the communication only as necessary to defend
9 the charges;

10 (7) social worker is subpoenaed to testify in court;

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

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

17 Sec. 08.87.270. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANG-
18 TIONS. After a hearing, the board may impose a disciplinary sanction
19 on a person licensed under this chapter when the board finds that the
20 licensee

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

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

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

28 (4) has been convicted of a crime that has a substantial
29 relationship to the licensee's activities and services or that affects

the licensee's ability to continue to practice competently and safely;

5) intentionally or negligently engaged in or permitted the performance of social work by persons under the licensee's supervision that does not conform to minimum professional standards regardless of whether actual injury occurred;

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

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

(8) engaged in low conduct in connection with the delivery of professional service;

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

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

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

(1) permanently revoke a license to practice;

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

(3) censure a licensee;

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

(5) place a licensee on probationary status and require the licensee to

(A) report regularly to the board upon matters involving the basis of probation;

(B) limit practice to those areas prescribed;

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

4 (6) impose limitations or conditions on the practice of a
5 licensee;

6 (7) refuse to renew a license.

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

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

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

20 (e) The board shall seek consistency in the application of
21 disciplinary sanctions. The board shall explain significant departure
22 from prior decisions involving similar situations in findings of fact
23 or orders.

24 Sec. 08.87.240. CRIMINAL PENALTY. A person who violates AS 08.-
25 87.200 or 08.87.210 of this chapter is guilty of a class B misdemea-
26 or.

27 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the
28 superior court for an order enjoining a person not licensed under this
29 chapter or whose license is suspended, revoked, or expired from

1 violating this chapter.

2 ARTICLE 4. GENERAL PROVISIONS.

3 Sec. 08.87.300. DEFINITION. In this chapter "board" means the
4 Board of Social Worker Examiners.

5 * Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:
6 (53) Board of Social Worker Examiners (AS 08.87.010).

7 * Sec. 6. Within 60 days after the effective date of this Act the
8 governor shall appoint initial members to the Board of Social Worker Exam-
9 iner Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,
10 initial members must consist of three persons who have a master's degree in
11 social work from a school with a social work program accredited by the
12 Council on Social Work Education, at least one of whom is engaged in the
13 private practice of social work, one person with a bachelor's degree in
14 social work from a school with a social work program accredited by the
15 Council on Social Work Education, and one public member. Notwithstanding
16 AS 08.87.020 as enacted in sec. 4 of this Act, one initial member shall
17 serve a one-year term, one initial member shall serve a two-year term, one
18 initial member shall serve a three-year term, and two initial members shall
19 serve four-year terms, as determined by the governor.

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

23 (1) holds a degree in social work from a school with a social
24 work program that is not accredited by the Council on Social Work Education
25 or a bachelor's or master's degree in a social sciences field related to
26 social work as defined by the board, and has been practicing under the
27 title "social worker" for at least 24 consecutive months before July 1,
28 1988;

29 (2) meets the requirements of AS 08.87.100(a)(1), (3) and (4);
CSSB 227(Fin)

1 or

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

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

8 (c) A person who does not meet the requirements under AS 08.87.-
9 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
10 for and receive a license as an independent social worker.

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

13 * Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work
14 on July 1, 1986, may use a title and letters as part of the title that
15 indicate that the person is a social worker or practices social work until
16 June 30, 1988, even if the person is not licensed under AS 08.87.100 or
17 08.87.120.

18 * Sec. 9. This Act takes effect July 1, 1986.
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Offered: 1/29/86
Referred: Rules

Original sponsor: Fahrenkamp by request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 227 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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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:

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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.

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9 once a year.

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11 from among its members a chairperson and a secretary. Officers serve
12 for a term not exceeding two years.

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14 remove a member of the board for cause. Unexcused absences from
15 meetings are cause for removal as determined by the board.

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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.

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

29 (c) A person is eligible for a license as an independent social

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

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

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

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

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

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

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

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

28 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board shall provide
29 for licensing a person as a bachelor, master or independent social

1 worker without examination if the person

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

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

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

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

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

15 (6) submit: proof of continued competence as required by
16 regulation of the board; and

17 (7) pays all required fees.

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

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

23 ARTICLE 3. PROHIBITIONS AND PENALTIES.

24 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
25 licensed under this chapter, a person may not use the title "social
26 worker" or a title, designation, or device indicating or tending to
27 indicate that the person is a social worker or practices social work.
28 A person may not use the letters "LBSW" as part of a title unless the
29 person is licensed as a bachelor social worker under this chapter. A

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

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

11 (c) A person who is not licensed under this chapter may use the
12 title "associate social worker" or a similar title while the person is
13 providing services as a social worker to the state or a political
14 subdivision of the state under the supervision of a social worker li-
15 censed under this chapter.

16 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
17 worker licensed under this chapter or an associate social worker may
18 not disclose information provided to the social worker by a client in
19 the course of their professional contact. This prohibition does not
20 apply if the

21 (1) client provides written consent to the social worker to
22 reveal the communication;

23 (2) client is incompetent and the guardian or personal
24 representative provides written consent to the social worker to reveal
25 the communication;

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

29 (4) communication discloses that a crime has been committed

1 or reveals an intent to commit a crime;

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

7 (6) client brings charges against the social worker and the
8 social worker reveals the communication only as necessary to defend
9 the charges;

10 (7) social worker is subpoenaed to testify in court;

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

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

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

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

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

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

28 (4) has been convicted of a crime that has a substantial
29 relationship to the licensee's activities and services or that affects

the licensee's ability to continue to practice competently and safely;

5) intentionally or negligently engaged in or permitted the performance of social work by persons under the licensee's supervision that does not conform to minimum professional standards regardless of whether actual injury occurred;

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

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

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

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

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

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

(1) permanently revoke a license to practice;

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

(3) censure a licensee;

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

(5) place a licensee on probationary status and require the licensee to

(A) report regularly to the board upon matters involving the basis of probation;

(B) limit practice to those areas prescribed;

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

4 (6) impose limitations or conditions on the practice of a
5 licensee;

6 (7) refuse to renew a license.

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

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

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

20 (e) The board shall seek consistency in the application of
21 disciplinary sanctions. The board shall explain significant departure
22 from prior decisions involving similar situations in findings of fact
23 or orders.

24 Sec. 08.87.240. CRIMINAL PENALTY. A person who violates AS 08.-
25 87.200 or 08.87.210 of this chapter is guilty of a class B misdemea-
26 or.

27 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the
28 superior court for an order enjoining a person not licensed under this
29 chapter or whose license is suspended, revoked, or expired from

1 violating this chapter.

2 ARTICLE 4. GENERAL PROVISIONS.

3 Sec. 08.87.300. DEFINITION. In this chapter "board" means the
4 Board of Social Worker Examiners.

5 * Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:

6 (53) Board of Social Worker Examiners (AS 08.87.010).

7 * Sec. 6. Within 60 days after the effective date of this Act the
8 governor shall appoint initial members to the Board of Social Worker Exam-
9 iners. Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,
10 initial members must consist of three persons who have a master's degree in
11 social work from a school with a social work program accredited by the
12 Council on Social Work Education, at least one of whom is engaged in the
13 private practice of social work, one person with a bachelor's degree in
14 social work from a school with a social work program accredited by the
15 Council on Social Work Education, and one public member. Notwithstanding
16 AS 08.87.020 as enacted in sec. 4 of this Act, one initial member shall
17 serve a one-year term, one initial member shall serve a two-year term, one
18 initial member shall serve a three-year term, and two initial members shall
19 serve four-year terms, as determined by the governor.

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

23 (1) holds a degree in social work from a school with a social
24 work program that is not accredited by the Council on Social Work Education
25 or a bachelor's or master's degree in a social sciences field related to
26 social work as defined by the board, and has been practicing under the
27 title "social worker" for at least 24 consecutive months before July 1,
28 1988;

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

1 or

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

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

8 (c) A person who does not meet the requirements under AS 08.87.-
9 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
10 for and receive a license as an independent social worker.

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

13 * Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work
14 on July 1, 1986, may use a title and letters as part of the title that
15 indicate that the person is a social worker or practices social work until
16 June 30, 1988, even if the person is not licensed under AS 08.87.100 or
17 08.87.120.

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

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Offered: 4/22/85
Referred: Finance

Original sponsor: Fahrenkamp by request

1 IN THE SENATE
2 CS FOR SENATE BILL NO. 227 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST 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, 1989.
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 or employed by a licensed social worker. To the
29 extent possible members shall be appointed from different geographic

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 speciality.

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 ori_ginal 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 vic-
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.

Offered: 4/22/85
Referred: Finance

Original sponsor: Fahrenkamp by request

1 IN THE SENATE BY THE HEALTH, EDUCATION AND
2 CS FOR SENATE BILL NO. 227 (HESS) SOCIAL SERVICES COMMITTEE
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST 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, 1989.
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 or employed by a licensed social worker. To the
29 extent possible members shall be appointed from different geographic

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 08.87.110.

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

Introduced: 3/12/85
Referred: Labor & Commerce, Health, Education
& Social Services and Finance

1 IN THE SENATE BY FAHRENKAMP BY REQUEST

2 SENATE BILL NO. 227

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST 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, adhere to a code of profes-
13 sional ethics, and are subject to review by the Board of Social Work Exami-
14 ners.

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, 1989.

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 master social workers, one of whom is an independent
26 social worker, one bachelor social worker, and one public member.
27 Professional members shall be licensed under this chapter. The public
28 member may not be licensed as a social worker or employed by a li-
29 censed social worker. To the extent possible members shall be

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

8 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least
9 two times a year. The board may hold special meetings at the call of
10 the chair or of a majority of the board members.

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. The board may by regulation
16 provide that unexcused absences from meetings are cause for removal.

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 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 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

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

16 (2) has satisfactorily completed the state examination for
17 the license;

18 (3) provides three references acceptable to the board;

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

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

27 (c) A person is eligible for a license as an independent social
28 worker (LISW) if the person meets the requirements of (a)(1) - (3) of
29 this section, has a master's degree in social work from a school with

1 a social work program accredited by the Council on Social Work Educa-
2 tion, and has completed at least 24 months of supervised post-graduate
3 experience approved by the board in the field of specialty in which
4 the person intends to engage as a private practitioner.

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

- 11 (1) identifying and evaluating social problems;
- 12 (2) developing statistics and data on social problems;
- 13 (3) assisting people and organizations to solve problems
14 relating to social functioning;
- 15 (4) client advocacy;
- 16 (5) developing community resources relating to social
17 services;
- 18 (6) planning and administering social services programs;
- 19 (7) therapeutic counseling;
- 20 (8) consultation regarding social service programs and the
21 provision of social services;
- 22 (9) training and supervising social workers under AS 08.-
23 87.070(5).

24 (b) A social worker may practice psychotherapy only if the
25 social worker is licensed as an independent social worker with a
26 clinical specialty or as a master social worker and is employed and
27 supervised in a clinical setting.

28 (c) A person may practice social work autonomously only if

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

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

4 (3) the license bearing a designation of speciality is
5 prominently displayed in the place the person engages in private
6 practice; and

7 (4) the person limits the private practice of social work
8 to the designated specialty.

9 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board may provide
10 for licensing a person as a bachelor, master or independent social
11 worker without examination if the person

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

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

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

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

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

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

27 (7) pays all required fees.

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

1 Sec. 08.87.140. FEES. The following fees are imposed under this
2 chapter:

- 3 (1) application.....\$ 100
- 4 (2) initial license by examination..... 150
- 5 (3) license by credentials..... 100
- 6 (4) license renewal..... 200
- 7 (5) reexamination..... 150

8 ARTICLE 3. PROHIBITIONS AND PENALTIES.

9 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
10 licensed under this chapter, a person may not use the title "social
11 worker" or a title, designation, or device indicating or tending to
12 indicate that the person is a social worker or practices social work.
13 A person may not use the letters "LBSW" as part of a title unless the
14 person is licensed as a bachelor social worker under this chapter. A
15 person may not use the letters "LMSW" as part of a title unless the
16 person is licensed as a master social worker under this chapter. A
17 person may not use the letters "LISW" as part of a title unless the
18 person is licensed as an independent social worker under this chapter.
19 Except as provided in (b) of this section, a person may not use the
20 title "social worker intern" or "social worker student."

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

25 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
26 worker licensed under this chapter may not disclose information pro-
27 vided to the social worker by a client in the course of their profes-
28 sional contact. This prohibition does not apply if the

- 29 (1) client provides written consent to the social worker to

1 reveal the communication;

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

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

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

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

15 (6) client brings charges against the social worker and the
16 social worker reveals the communication only as necessary to defend
17 the charges;

18 (7) licensee is subpoenaed to testify in court concerning
19 adult abuse, child abuse, or child neglect;

20 (8) licensee is collaborating or consulting with profes-
21 sional colleagues or an administrative superior on behalf of the
22 client.

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

27 (1) secured a license through deceit, fraud, or intentional
28 misrepresentation;

29 (2) engaged in deceit, fraud, or intentional

1 misrepresentation in the course of providing professional services or
2 engaging in professional activities;

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

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

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

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

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

15 (A) professional incompetence;

16 (B) addiction or severe dependency on alcohol or other
17 drugs that may endanger the public by impairing the licensee's
18 ability to practice;

19 (C) physical or mental disability;

20 (8) engaged in lewd or immoral conduct in connection with
21 the delivery of professional service;

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

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

24 Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) When it finds that
25 a licensee is guilty of an offense under AS 08.87.220, the board may
26 impose the following sanctions singly or in combination:

27 (1) permanently revoke a license to practice;

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

29 (3) censure a licensee;

- 1 (4) issue a letter of reprimand to the licensee;
- 2 (5) place a licensee on probationary status and require the
- 3 licensee to
 - 4 (A) report regularly to the board upon matters involv-
 - 5 ing the basis of probation;
 - 6 (B) limit practice to those areas prescribed;
 - 7 (C) continue professional education until a satisfac-
 - 8 tory degree of skill has been attained in those areas that are
 - 9 the basis of probation;
- 10 (6) impose limitations or conditions on the practice of a
- 11 licensee;
- 12 (7) refuse to renew a license.
- 13 (b) The board may withdraw probationary status if it finds that
- 14 the deficiencies that required the sanction have been remedied.
- 15 (c) The board may summarily suspend a license before final
- 16 hearing or during the appeal process if the board finds that the
- 17 licensee poses a clear and immediate danger to the public health and
- 18 safety if the licensee continues to practice. A person whose license
- 19 is suspended under this section is entitled to a hearing by the board
- 20 no later than seven days after the effective date of the order. The
- 21 person may appeal the suspension after a hearing to a court of compe-
- 22 tent jurisdiction.
- 23 (d) The board may reinstate a license that has been suspended or
- 24 revoked if the board finds after a hearing that the applicant is able
- 25 to practice with reasonable skill and safety.
- 26 (e) The board shall seek consistency in the application of
- 27 disciplinary sanctions. The board shall explain significant departure
- 28 from prior decisions involving similar situations in findings of fact
- 29 or orders.

1 Sec. 08.87.240. PENALTY. (a) A person who violates this chap-
2 ter is guilty of a class B misdemeanor.

3 (b) The board may seek to enjoin or restrain a person not li-
4 censed under this chapter or whose license is suspended, revoked or
5 expired from violating 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 30 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 an original license as a
27 bachelor social 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 field related to social work and
2 has been practicing under the title "social worker" for at least 24
3 consecutive months before July 1, 1987; or

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

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

8 (c) A person who does not meet the requirements under AS 08.87.-
9 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
10 for and receive an original license as an independent social worker.

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

13 * Sec. 8. This Act takes effect July 1, 1985.

Introduced: 3/12/85
Referred: Labor & Commerce, Health, Education
& Social Services and Finance

1 IN THE SENATE

BY FAHRENKAMP BY REQUEST

2

SENATE BILL NO. 227

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST 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, adhere to a code of profes-
13 sional ethics, and are subject to review by the Board of Social Work Exami-
14 ners.

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, 1989.

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 master social workers, one of whom is an independent
26 social worker, one bachelor social worker, and one public member.
27 Professional members shall be licensed under this chapter. The public
28 member may not be licensed as a social worker or employed by a li-
29 censed social worker. To the extent possible members shall be

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

8 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least
9 two times a year. The board may hold special meetings at the call of
10 the chair or of a majority of the board members.

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. The board may by regulation
16 provide that unexcused absences from meetings are cause for removal.

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 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 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

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

16 (2) has satisfactorily completed the state examination for
17 the license;

18 (3) provides three references acceptable to the board;

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

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

27 (c) A person is eligible for a license as an independent social
28 worker (LISW) if the person meets the requirements of (a)(i) - (3) of
29 this section, has a master's degree in social work from a school with

1 a social work program accredited by the Council on Social Work Educa-
2 tion, and has completed at least 24 months of supervised post-graduate
3 experience approved by the board in the field of specialty in which
4 the person intends to engage as a private practitioner.

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

- 11 (1) identifying and evaluating social problems;
- 12 (2) developing statistics and data on social problems;
- 13 (3) assisting people and organizations to solve problems
14 relating to social functioning;
- 15 (4) client advocacy;
- 16 (5) developing community resources relating to social
17 services;
- 18 (6) planning and administering social services programs;
- 19 (7) therapeutic counseling;
- 20 (8) consultation regarding social service programs and the
21 provision of social services;
- 22 (9) training and supervising social workers under AS 08.-
23 87.070(5).

24 (b) A social worker may practice psychotherapy only if the
25 social worker is licensed as an independent social worker with a
26 clinical specialty or as a master social worker and is employed and
27 supervised in a clinical setting.

28 (c) A person may practice social work autonomously only if
29 (1) the person is licensed as an independent social worker;

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

4 (3) the license bearing a designation of speciality is
5 prominently displayed in the place the person engages in private
6 practice; and

7 (4) the person limits the private practice of social work
8 to the designated specialty.

9 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board may provide
10 for licensing a person as a bachelor, master or independent social
11 worker without examination if the person

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

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

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

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

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

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

27 (7) pays all required fees.

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

1 Sec. 08.87.140. FEES. The following fees are imposed under this
2 chapter:

- 3 (1) application.....\$ 100
- 4 (2) initial license by examination..... 150
- 5 (3) license by credentials..... 100
- 6 (4) license renewal..... 200
- 7 (5) reexamination..... 150

8 ARTICLE 3. PROHIBITIONS AND PENALTIES.

9 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
10 licensed under this chapter, a person may not use the title "social
11 worker" or a title, designation, or device indicating or tending to
12 indicate that the person is a social worker or practices social work.
13 A person may not use the letters "LBSW" as part of a title unless the
14 person is licensed as a bachelor social worker under this chapter. A
15 person may not use the letters "LMSW" as part of a title unless the
16 person is licensed as a master social worker under this chapter. A
17 person may not use the letters "LISW" as part of a title unless the
18 person is licensed as an independent social worker under this chapter.
19 Except as provided in (b) of this section, a person may not use the
20 title "social worker intern" or "social worker student."

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

25 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
26 worker licensed under this chapter may not disclose information pro-
27 vided to the social worker by a client in the course of their profes-
28 sional contact. This prohibition does not apply if the

- 29 (1) client provides written consent to the social worker to

1 reveal the communication;

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

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

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

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

15 (6) client brings charges against the social worker and the
16 social worker reveals the communication only as necessary to defend
17 the charges;

18 (7) licensee is subpoenaed to testify in court concerning
19 adult abuse, child abuse, or child neglect;

20 (8) licensee is collaborating or consulting with profes-
21 sional colleagues or an administrative superior on behalf of the
22 client.

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

27 (1) secured a license through deceit, fraud, or intentional
28 misrepresentation;

29 (2) engaged in deceit, fraud, or intentional

1 misrepresentation in the course of providing professional services or
2 engaging in professional activities;

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

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

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

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

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

15 (A) professional incompetence;

16 (B) addiction or severe dependency on alcohol or other
17 drugs that may endanger the public by impairing the licensee's
18 ability to practice;

19 (C) physical or mental disability;

20 (8) engaged in lewd or immoral conduct in connection with
21 the delivery of professional service;

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

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

24 Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) When it finds that
25 a licensee is guilty of an offense under AS 08.87.220, the board may
26 impose the following sanctions singly or in combination:

27 (1) permanently revoke a license to practice;

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

29 (3) censure a licensee;

- 1 (4) issue a letter of reprimand to the licensee;
- 2 (5) place a licensee on probationary status and require the
3 licensee to
- 4 (A) report regularly to the board upon matters involv-
5 ing the basis of probation;
- 6 (B) limit practice to those areas prescribed;
- 7 (C) continue professional education until a satisfac-
8 tory degree of skill has been attained in those areas that are
9 the basis of probation;
- 10 (6) impose limitations or conditions on the practice of a
11 licensee;
- 12 (7) refuse to renew a license.
- 13 (b) The board may withdraw probationary status if it finds that
14 the deficiencies that required the sanction have been remedied.
- 15 (c) The board may summarily suspend a license before final
16 hearing or during the appeal process if the board finds that the
17 licensee poses a clear and immediate danger to the public health and
18 safety if the licensee continues to practice. A person whose license
19 is suspended under this section is entitled to a hearing by the board
20 no later than seven days after the effective date of the order. The
21 person may appeal the suspension after a hearing to a court of compe-
22 tent jurisdiction.
- 23 (d) The board may reinstate a license that has been suspended or
24 revoked if the board finds after a hearing that the applicant is able
25 to practice with reasonable skill and safety.
- 26 (e) The board shall seek consistency in the application of
27 disciplinary sanctions. The board shall explain significant departure
28 from prior decisions involving similar situations in findings of fact
29 or orders.

1 Sec. 08.87.240. PENALTY. (a) A person who violates this chap-
2 ter is guilty of a class B misdemeanor.

3 (b) The board may seek to enjoin or restrain a person not li-
4 censed under this chapter or whose license is suspended, revoked or
5 expired from violating 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 30 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 an original license as a
27 bachelor social 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 field related to social work and
2 has been practicing under the title "social worker" for at least 24
3 consecutive months before July 1, 1987; or

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

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

8 (c) A person who does not meet the requirements under AS 08.87.-
9 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
10 for and receive an original license as an independent social worker.

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

13 * Sec. 8. This Act takes effect July 1, 1985.