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COMMITTEE REPORT

2/26

HOUSE

HEALTH, EDUCATION AND SOCIAL SERVICES

(7)

FURTHER: FINANCE

3/25/85

Date: Feb. 10, 1986

The Committee on LABOR & COMMERCE has had HB 317

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

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 317 (L+C)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  <sup>FIRST</sup> New Fiscal Note Sup 9/1
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

[Signature]

[Signature]

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[Signature]  
CHAIRMAN

Offered: 2/26/86

Referred: Health, Education &  
Social Services and Finance

*First time - Sep 91*

*Cramer*

Original sponsors: Koponen, Larson,  
Hurley, et al

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 317 (L&C)

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 (26) Board of Social Worker Examiners (AS 08.27.010).

17 \* Sec. 3. AS 08.01.050(a) is amended to read:

18 (a) The department shall provide the following administrative  
19 and budgetary services when appropriate:

20 (1) collect fees and issue receipts;

21 (2) maintain records and files;

22 (3) issue and receive application forms;

23 (4) notify applicants of acceptance or rejection of appli-  
24 cants as determined by the board;

25 (5) designate dates examinations are to be held and notify  
26 applicants;

27 (6) publish notice of examination;

28 (7) arrange space for holding examinations;

29 (8) notify applicants of results of examinations;

1 (9) issue licenses and certificates or temporary licenses  
2 or certificates as authorized by the board;

3 (10) issue duplicate licenses or certificates upon proof by  
4 the licensee of loss of the original and payment by the licensee of a  
5 fee of \$2 except as otherwise provided in this title;

6 (11) notify licensees of renewal dates at least 30 days  
7 before the expiration date of their licenses;

8 (12) compile and maintain current a register of licenses;

9 (13) answer routine inquiries;

10 (14) maintain files relating to individual licensees;

11 (15) arrange for printing and advertising;

12 (16) purchase supplies;

13 (17) employ secretarial help when needed;

14 (18) perform other services which may be requested by the  
15 board;

16 (19) provide investigative services to the boards estab-  
17 lished under AS 08.04, AS 08.20, AS 08.36, AS 08.64, AS 08.68, AS 08.  
18 70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, [AND] AS 08.86, and AS  
19 08.87, for the purpose of assisting those boards in matters of profes-  
20 sional discipline and in responding to consumer complaints.

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

22 (21) Board of Social Worker Examiners (AS 08.87.010) --  
23 June 30, 1990.

24 \* Sec. 5. AS 08 is amended by adding a new chapter to read:

25 CHAPTER 87. SOCIAL WORKERS.

26 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

27 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is  
28 created a Board of Social Worker Examiners consisting of five members,  
29 including two licensed master social workers, one licensed independent

1 social worker, one licensed bachelor social worker, and one public  
2 member. The public member may not be licensed as a social worker or  
3 employed by a licensed social worker. To the extent possible members  
4 shall be appointed from different geographic regions of the state. A  
5 member who has served two successive full terms may not be reappointed  
6 until four years after the expiration of the second term.

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

10 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least  
11 two times a year. The board may hold special meetings at the call of  
12 the chair or of a majority of the board members if the meetings are  
13 conducted over the state teleconference network.

14 Sec. 08.87.040. ELECTION OF OFFICERS. The board shall elect  
15 from among its members a chairperson and a secretary. Officers serve  
16 for a term not exceeding two years.

17 Sec. 08.87.050. REMOVAL OF BOARD MEMBERS. The governor may  
18 remove a member of the board for cause. Unexcused absences from  
19 meetings are cause for removal as determined by the board.

20 Sec. 08.87.060. PER DIEM AND TRAVEL. Board members receive no  
21 compensation but are entitled to per diem and travel expenses author-  
22 ized for members of boards and commissions under AS 39.20.130.

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

24 (1) provide for the examination of eligible applicants for  
25 licenses under this chapter;

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

29 (3) establish standards for specialty designations for the

1 private practice of social work and authorize speciality designations  
2 on licenses issued under this chapter;

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

6 (5) adopt regulations relating to requirements for the  
7 supervision of persons engaged in social work under this chapter who  
8 are not licensed as master or independent social workers;

9 (6) adopt regulations requiring proof of continued compe-  
10 tence before a license is renewed;

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

13 Sec. 08.87.080. ADMINISTRATIVE PROCEDURES. The Administrative  
14 Procedure Act (AS 44.62) applies to regulations and proceedings under  
15 this chapter.

16 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

17 Sec. 08.87.100. LICENSING OF SOCIAL WORKERS. (a) A person is  
18 eligible for a license as a bachelor social worker (LBSW) if the  
19 person

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

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

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

25 (4) has a bachelor's degree in social work from a school  
26 with a social work program accredited by the Council on Social Work  
27 Education or has successfully completed training as a provisional  
28 social worker under AS 08.87.140.

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

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

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

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

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

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

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

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

28 (3) the license bearing a designation of speciality is  
29 prominently displayed in the place the person engages in private

1 practice; and

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

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

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

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

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

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

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

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

22 (7) pays all required fees.

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

25 Sec. 08.87.140. PROVISIONAL SOCIAL WORKERS. (a) The board  
26 shall establish a program for provisional social workers and may  
27 request assistance from the University of Alaska in conducting the  
28 program. The requirements of the program must include at least three  
29 years of study of at least 35 hours each week for 44 weeks each year.

1 Supervised practice fulfills the study requirement.

2 (b) The board shall issue a registration as a provisional social  
3 worker to a person who applies on a form provided by the board, is a  
4 resident of this state, and submits evidence satisfactory to the board

5 (1) that the applicant has or will have regular or full  
6 time employment under the supervision of a licensed master social  
7 worker in the practice of social work; and

8 (2) from a person who has been licensed in this state for  
9 at least two years as a master social worker, that the applicant is or  
10 will be employed as a provisional social worker, that the person will  
11 act as tutor for the applicant and will instruct the applicant in the  
12 branches of social work required by the board.

13 (c) The board may refuse to register an applicant who fails to  
14 satisfy the board of the validity of a statement in the application  
15 and may cancel a registration if the provisional social worker has not  
16 completed the program within six years after initial admission.

17 (d) The tutor shall personally supervise the work of the provi-  
18 sional social worker and administer written examinations at least once  
19 each month on the work performed during the preceding month. The  
20 provisional social worker shall answer the examination questions  
21 without research or assistance. The tutor shall submit a certificate  
22 each month to the board concerning the course work studied during the  
23 preceding month and the results of the examination and shall submit  
24 the examination and answers. The board may not give credit for a  
25 month in which the tutor fails to submit the certificate and examina-  
26 tion in a timely manner.

27 (e) The board shall establish standards for the qualification of  
28 tutors by regulation. A person may not serve as tutor to a provi-  
29 sional social worker if the person is the subject of a disciplinary

1 proceeding under this chapter or if the person has been disciplined  
2 under this chapter or under similar provisions of another licensing  
3 jurisdiction.

4 (f) A registered provisional social worker may request permis-  
5 sion to change tutors by submitting a new application for registration  
6 to the board. The board may approve the transfer of credits towards  
7 completion of the course of study.

8 (g) A registered provisional social worker may request credit  
9 for previous study at a social work school that meets the standards of  
10 the Council on Social Work Education or the National Association of  
11 Social Workers or from a school in the state that offers a course of  
12 study approved by the board as equivalent to a year's study in social  
13 work under this section. The board may not give credit for fractional  
14 parts of a school term or for correspondence study.

15 Sec. 08.87.150. FEES. The department shall adopt regulations  
16 under AS 08.01.065 that set fees for examination and investigation,  
17 permits, licenses, and license renewals.

18 ARTICLE 3. PROHIBITIONS AND PENALTIES.

19 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless  
20 licensed under this chapter, a person may not use the title "social  
21 worker" or a title, designation, or device indicating or tending to  
22 indicate that the person is a social worker or practices social work.  
23 A person may not use the letters "LBSW" as part of a title unless the  
24 person is licensed as a bachelor social worker under this chapter. A  
25 person may not use the letters "LMSW" as part of a title unless the  
26 person is licensed as a master social worker under this chapter. A  
27 person may not use the letters "LISW" as part of a title unless the  
28 person is licensed as an independent social worker under this chapter.  
29 Except as provided in (b) of this section, a person may not use the

1 title "social worker intern," "social worker student," or "provisional  
2 social worker."

3 (b) A student enrolled in an accredited social work program may  
4 use the title "social worker intern" or "social worker student" if the  
5 person's activities constitute a part of the person's supervised  
6 course of study. A person registered as a provisional social worker  
7 under AS 08.87.140 may use the title "provisional social worker."

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

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

18 (1) client provides written consent to the social worker to  
19 reveal the communication;

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

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

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

28 (5) client is a minor, the communication discloses that the  
29 client was the victim of a crime or harmful act, and the social worker

1 reveals the communication only during the course of an official exam-  
2 ination, trial or other proceeding in which the commission of the  
3 crime or harmful act is a subject of inquiry;

4 (6) client brings charges against the social worker and the  
5 social worker reveals the communication only as necessary to defend  
6 the charges;

7 (7) licensee or registrant is subpoenaed to testify in  
8 court;

9 (8) licensee or registrant is collaborating or consulting  
10 with professional colleagues or an administrative superior on behalf  
11 of the client;

12 (9) communication discloses information that the licensee  
13 or registrant is required by state or federal laws or regulations to  
14 disclose.

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

19 (1) secured a license or registration through deceit,  
20 fraud, or intentional misrepresentation;

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

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

26 (4) has been convicted of a crime that has a substantial  
27 relationship to the person's activities and services or that affects  
28 the person's ability to continue to practice competently and safely;

29 (5) intentionally or negligently engaged in or permitted

1 the performance of social work by persons under the licensee's super-  
2 vision that does not conform to minimum professional standards regard-  
3 less of whether actual injury occurred;

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

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

7 (A) professional incompetence;

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

11 (C) physical or mental disability;

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

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

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

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

19 (1) permanently revoke a license or registration to prac-  
20 tice;

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

23 (3) censure a licensee or registrant;

24 (4) issue a letter of reprimand to the licensee or regis-  
25 trant;

26 (5) place a licensee or registrant on probationary status  
27 and require the person 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 or registrant;

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 or registration  
11 before final hearing or during the appeal process if the board finds  
12 that the licensee or registrant poses a clear and immediate danger to  
13 the public health and safety if the licensee or registrant continues  
14 to practice. A person whose license or registration is suspended  
15 under this section is entitled to a hearing by the board no later than  
16 seven days after the effective date of the order. The person may  
17 appeal the suspension after a hearing to a court of competent juris-  
18 diction.

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

22 (e) The board shall seek consistency in the application of  
23 disciplinary sanctions. The board shall explain a significant depar-  
24 ture from prior decisions involving similar situations in findings of  
25 fact or orders.

26 Sec. 08.87.240. CRIMINAL PENALTY. A person who violates AS 08.-  
27 87.200 or 08.87.210 of this chapter is guilty of a class B misdemea-  
28 or.

29 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the

1 superior court for an order enjoining a person not licensed under this  
2 chapter or whose license is suspended, revoked, or expired from vio-  
3 lating this chapter.

4 ARTICLE 4. GENERAL PROVISIONS.

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

7 \* Sec. 6. AS 44.62.330(a) is amended by adding a new paragraph to read:  
8 (53) Board of Social Worker Examiners (AS 08.67.010).

9 \* Sec. 7. Within 60 days after the effective date of this Act the  
10 governor shall appoint initial members to the Board of Social Worker Exam-  
11 iners. Notwithstanding AS 08.87.010 as enacted in sec. 5 of this Act,  
12 initial members must consist of three persons who have a master's degree in  
13 social work from a school with a social work program accredited by the  
14 Council on Social Work Education, at least one of whom is engaged in the  
15 private practice of social work, one person with a bachelor's degree in  
16 social work from a school with a social work program accredited by the  
17 Council on Social Work Education, and one public member. Notwithstanding  
18 AS 08.87.020 as enacted in sec. 5 of this Act, one initial member shall  
19 serve a one-year term, one initial member shall serve a two-year term, one  
20 initial member shall serve a three-year term, one initial member shall  
21 serve a four-year term, and one initial member shall serve a five-year  
22 term, as determined by the governor.

23 \* Sec. 8. (a) Notwithstanding AS 08.87.100(a) as enacted in sec. 5 of  
24 this Act, a person may apply for and receive a license as a bachelor social  
25 worker if the person

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

27 or

28 (2) has been practicing social work in this state for at least  
29 two years.

1 (b) A person who has not passed the examination under AS 08.87.100-  
2 (a)(2) may apply for and receive a license as a master social worker if the  
3 person

4 (1) meets the other requirements of AS 08.87.100(b); or

5 (2) has two years of experience in this state supervising per-  
6 sons practicing social work.

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

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

12 \* Sec. 9. Notwithstanding AS 08.87.200, a person practicing social work  
13 on July 1, 1985, may use a title and letters as part of the title to indi-  
14 cate that the person is a social worker or practices social work until  
15 June 30, 1987, even if the person is not licensed under AS 08.87.100 or  
16 08.87.120.

17 \* Sec. 10. (a) Notwithstanding AS 08.87.140, enacted by sec. 5 of this  
18 Act, a person who is not licensed as a master social worker may serve as  
19 tutor to a provisional social worker until June 30, 1987, if the person has  
20 applied for licensing under this Act and has not been den'ed licensure by  
21 the board.

22 (b) Notwithstanding AS 08.87.140, enacted by sec. 5 of this Act, a  
23 licensed master social worker who has been licensed for less than two years  
24 may serve as tutor to a provisional social worker until June 30, 1989, if  
25 the person meets the other requirements for tutors established by the board  
26 by regulation and has at least two years of experience supervising persons  
27 practicing social work.

28 \* Sec. 11. This Act takes effect July 1, 1986.  
29

Introduced: 3/25/85  
Referred: Labor & Commerce  
Health, Education & Social  
Services and Finance

*Carroll*  
0953

BY KOPONEN, LARSON, HURLEY,  
GRUENBERG, GOLL AND DAVIS

1 IN THE HOUSE

2 HOUSE BILL NO. 317

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

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6 For an Act entitled: "An Act relating to the practice of social work and  
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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HB 317

COMMITTEE COPY

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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 "BSW" 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 "MSW" 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.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

*ae 4/26*  
*5/2/86*

Revision Date: \_\_\_\_\_

REQUEST Page 1 of 3  
 Bill/Resolution No.: CSHB 317 (L&C)  
 Title: Practice of Social Work & Establishing the Board of Social Work Examiners  
 Sponsor: House Labor & Commerce  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL  
 Agency Affected: Commerce & Econ. 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		5.3	5.6	5.9	6.2	6.5
CONTRACTUAL		4.3	4.5	4.8	5.0	5.2
SUPPLIES		1.0	1.1	1.1	1.2	1.2
EQUIPMENT		3.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		47.3	46.0	48.3	50.7	53.1
CAPITAL						
REVENUE		87.6	10.0	85.4	10.0	112.9

FUNDING : (Thousands of Dollars)

GENERAL FUND		47.3	46.0	48.3	50.7	53.1
FEDERAL FUNDS						
OTHER						
TOTAL		47.3	46.0	48.3	50.7	53.1

POSITIONS :

FULL-TIME		1				
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The bill establishes a five member Board of Social Work Examiners to license and regulate the practice of social work in three categories, the LBSW, LMSW and LISW. The bill requires members to be appointed from different geographical regions of the State and (see attached)

Prepared by: Jennifer Strickler, Mgnt. Analyst Phone: 465-2144  
 Division: Occupational Licensing Date: 2/21/86  
 Approved by Commissioner: [Signature] Date: 2/24/86  
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 317 (L&C) Page 2 of 3

provide for two meetings annually, and additional meetings at the call of the chair. It also establishes a provisional social worker registration for a setting similar to that of an apprenticeship; but makes no assurance that licensure may be granted at the end of the six year time period allowed for a provisional license.

### PERSONAL SERVICES:

Request: 1 Licensing Examiner I, Range 12A, GGU, 12 months  
to be located in Juneau \$33,145.92

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 one-third 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 are based on two meetings, one in Anchorage and one in Juneau. It is assumed that members will be appointed 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:

Contractual costs consist of one six-hour teleconference meeting, one one-hour special teleconference meeting, printing, postage, telephone and funding for public notices as well as a two-hour regulation hearing by teleconference.

### SUPPLIES:

This funding will cover stationary 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. CSHB 317 (L&C) Page 3 of 3

## PROJECTED REVENUES:

FY 87:	Based on the number of practitioners identified, it is anticipated that 219 practitioners will be seeking initial licensure. 219 x \$400	** \$ 87.6
FY 88:	Based on the assumption that there will be at least 25 new applicants. 25 x \$400	10.0
FY 89:	Projections for this fiscal year are based on the assumption that all licenses will be renewed. Based on 244 renewing x \$350 (renewal fee) In addition, 25 new licensees x \$400	85.4 <u>10.0</u> 95.4
FY 90:	Based on an estimate of 25 new licensees x \$400	10.0
FY 91:	Assuming this will also be a renewal year, 294 licensees x \$350 (renewal fee) In addition, 25 new licensees x \$400	102.9 <u>10.0</u> 112.9

\*\*Note: The 219 practitioners were determined as a result of the 131 State employees not required to be licensed by the bill. Total number of Social Workers identified in Alaska by the Alaska Chapter of the National Association of Social Workers were 350 practitioners.

ALASKA STATE LEGISLATURE

14th... Legislature FIRST.. Session

HOUSE ..... BILL ..... NO. 317.....

By KOPONEN, LARSON, HURLEY, ...  
GRUENBERG, GOLL, DAVIS

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

Board of Social Workers Examiners

Introduced in the House ... 3/25, 19... 85

HISTORY IN THE HOUSE

19 85  
Mar. 25 Read first time and referred to Committee on L&C, HESS AND FINANCE

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  
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19  
Read first time and referred to Committee on

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 President  
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 Received from Senate

Concurred in Senate amendment thus adopting:  
VOTE

Failed to concur in Senate amendment; asked Senate to recede  
VOTE

Senate receded from amendment  
VOTE

Senate failed to recede from amendment  
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House  
VOTE

CC adopted by Senate  
VOTE

To enrolling  
Reported correctly enrolled  
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No. ....