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CENTRAL COUNCIL

Tlingit and Haida Indian Tribes of Alaska
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801

The Central Council of Tlingit and Haida Indian Tribes of Alaska opposes Senate Bill 227 and all other current bills relating to the licensure of social workers.

SB 227, in light of present circumstances, clearly discriminates against Alaska Natives and tribal organizations.

FIRST: There is no MSW program in the state of Alaska. Master workers would either have to be "imported" from outside the state or those Alaska citizens interested in obtaining a master's license would have to have the wherewithal to travel outside, pay tuition and other educational costs, and maintain themselves for two years while obtaining their MSW degree.

Year in and year out the Division of Family and Youth Services has had no Tlingit or Haida social worker in Southeast Alaska. This bill, if passed, would most certainly assure that this situation would continue into the foreseeable future.

Fifty percent of the children in custody of the state are Alaska Native. Sixty-four percent of the children placed outside their homes in SE Alaska are Native.

SECOND: The grandfathering provisions of this bill will not help most of the Alaska Native workers now practicing in social services. It will take care of most of the social workers employed by the Division of Family and Youth Services, who can be provided supervision by personnel already eligible for licensure (MSW's). Many tribal agencies, through federal and state contracts, now provide culturally relevant services with supervision provided by staff who would not be eligible for licensure. Many highly effective workers would not be eligible for professional licensure **EVEN IF A LICENSED SUPERVISOR WERE AVAILABLE** because they did not have a bachelor's degree in a related field. This despite the fact that they may have been in this work for 15 years and more, providing effective culturally relevant social work services to their tribal members.

The insidiousness of this bill is the fact that they wouldn't simply be denied the right to be called social worker, if they tried to render these services to their people they could be jailed.

THIRD: Even though the percentage of Alaska Native to non-Native population in the service area is by far the highest in the nation, no tribal entity was involved, or was asked to be involved, in the preparation of this bill. It is reasonable to assume that the regulations promulgated and the examination that will be administered will have little or no relevancy to the culture which will be the dominant recipient of these services. It is reasonable because the framers of this bill give more credence to the credentials of a recent MSW graduate of, say, an eastern college who has never laid eyes on an Eskimo, Aleut or Alaskan Indian than to one who may not have the diploma but has practiced social work for 15 years within his or her culture.

The Tlingit and Haida Central Council is not opposed to professionalism. It certainly has no problem with ethical standards. The Central Council simply questions why the Alaska Chapter of the National Association of Social Workers, with minimal Native membership, has assumed the mantle of standard setting and rule making all by itself.

The Central Council has some suggestions:

Establish an MSW program in Alaska available to all Alaskans.

Have the curriculum include instruction in the Alaska Native cultures, mores and traditions as they apply to social work service delivery.

Have the examination reflect this cultural relevancy.

Provide for grandfathering provisions which recognize competency within the Alaska Native community, not just within the dominant culture.

And next time involve the Alaska Native community in the planning.

As it now stands, this is a very discriminatory bill.

*Noway
see me
get a better
copy*

DATE: 02/06/94 TIME: 10:42
TOPIC: FINAL STATE - SOCIAL WORK

LEGISLATIVE TELECONFERENCE NETWORK

FINAL STATE

DATE: 02-06-94
SITE COORDINATOR: ELEN ALLEN-REDA
HOUSE N.E.P.C.
SOCIAL WORK

- 0 REGISTERED
- 0 DELETED
- 0 TOTAL

TELECONFERENCE BEGAN: 10:45
TELECONFERENCE ENDED: 11:07
MODERATOR: JOHN LACH

NAME REPRESENTING ADDRESS PHONE

RECEIVED
RONALD HURD 3750 BOX 314 COPPER CENTER ARIZONA

DATE: 07/07/88 TIME 17:00

***** DELTA FINAL TO STATE *****

DATE: MARCH 2, 1984

SUBJECT: HOUSE NEWS

SUBJECT: SS 207, HD 317 - SOCIAL WORK LICENSURE ...

SITE: DELTA

LOCAL MODERATOR: LINDA HARRIS

TELETYPE
NONE

OBSERVED
NONE

TESTIFIED: 0
RESERVED: 1
TOTAL: 1

PLEASE NOTE - DELTA'S SSC SVC CALLED AND ASKED TO BE ADDED TO THIS TO AND THEN NEVER SHOWED UP

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INFORMATION ON THE... (mirrored text)

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ANCHORAGE, ALASKA

DATE:

TIME: 09 35

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FINAL STATUS: N MISS-UNABD, 317

DATE: 03/07/84 TIME: 09 35

ANCHORAGE, ALASKA

NAME REPRESENTING	ADDRESS	PHONE
LEON WELSH	3700 LANTANA DR ANCH.	561-2117
BOB WELSH	3700 LANTANA DR ANCH.	562-1562

NAME REPRESENTING	ADDRESS	PHONE
BONNY JOHNSON	3700 BRITANNY DR. ANCH.	873-2013
DEBBIE JESS	1165 S HALLWAY RD. ANCH.	345-2675
ANN STOKMAN	2500 DEBARD DR. ANCH.	250-7575

WANTED TO TESTIFY BUT RAN OUT OF TIME:

NAME REPRESENTING	ADDRESS	PHONE
LOUISE ROSONI/ANCH.	FOSTER PARENTS ASSOC.	353-2223
GARY LICHTENSTEIN	410 W. 2ND AVE. ANCH.	250-7231
ANNIE EDNER	2500 PROVIDENCE DR. ANCH.	561-1533
BILL WESS	1165 S HALLWAY RD. ANCH.	345-2675
JOANNE DEARY	7200 STAMPS CIR. ANCH.	344-1070
TALLY INEELAND	3422 GLACIER ANCH.	357-1234
MARGARET HOLFE	P.O. BOX 1372 ANCH.	272-7698

WANTED TO TESTIFY	07	
TESTIFIED:	03	TIME START: 4:45
RESERVED:	03	TIME END: 6:37
TOTAL:	13	

REPORTED TO TEAM

DATE: 03/07/81 TIME: 09:15
TYPE: TCHAT
PROJECT: FHL STTS 2/6 MESS SOC SVCS
DATE TIME: 03/07/81 TIME: 09:15

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*** FINAL T/C STATE ***

DATE: 3/7/81
SITE: M-2 LIO
SPONSOR: M/MESS
SUBJECT: SOCIAL SERVICES: MP 317, 424, SD 207
LOCAL OPERATOR: WIM MATHIS

NAME REPRESENTING	ADDRESS	PHONE
1. KIRBY SUMNER	SDS BOX 7026 PALMER 99645	745-7777
2. YEN TALLEY	SRD BOX 9555 PALMER 99645	745-3740

OBSERVED:

1. TOM WHISTONE	SDS BOX 7477	PALMER 99645	745-2036
2. PENNY VOIT	POB 871350	MARILLA 99607	376-2672
3. LOIS WOODEN	POB 871068	MARILLA 99607	376-2000
4. BOB EDWINE	POB 871693	MARILLA 99607	376-2411

TESTIFIED: _____
OBSERVED: _____
TOTAL: _____

TIME START: 4:30
TIME END: _____

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* TELETYPE TO: TOLNM
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* ORIGINAL
* 03/07/86 TIME: 00:10
* 02501
* INCIDENT FINAL STATE
* PRINT DATE: 03/07/86 TIME: 00:10
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*** FINAL STATE ***

DATE 03/07/86
TIME 00:10
02501
SUBJECT SOCIAL WORK LICENSURE

TESTIFIED
L. BARON BARNARD BOX 1508, COLLECTNA 003-3676

TOTAL TESTIFIED

MEMORANDUM FOR: STJMU

DATE: 03/06/84 TIME: 17:00
SUBJECT: ELAINE BOND
EVENT DATE: 02/04/84 TIME: 17:00

TO: [REDACTED]

FROM: ELAINE BOND

FINAL STATE 3/4/84 WENESS SOCIAL WORK

PARTICIPATING:

1. SUZIE WITTMALF, 4004 KOENIG, ANCHORAGE 343-4077

UNABLE TO PARTICIPATE (LEFT FOR AIRPORT)

1. JOHN TEGAN, 2022 DENALI, SUITE 905, ANCHORAGE 274-3027

OBSERVING IN SITKA:

1. HANNETTE LAROCKI, 100 TENCASS DRIVE, SITKA 914-8324

TOTAL: 2 WITNESSES 2 OBSERVERS

Cramer -
3/26/86

Original sponsor: Fahrenkamp by request

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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. 08.87.90. 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

or a Bach. degree in a
Scientific, Scientific field
related to animal work

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 ;
17 social work as determ:

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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

*or a Bach. degree in a
behavioral sciences field
related to social work*

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 (d) This section does not limit or affect the activities or
29 practice of a person who is not licensed under this chapter.

1 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board shall provide
2 for licensing a person as a bachelor, master or independent social
3 worker without examination if the person

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

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

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

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

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

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

19 (7) pays all required fees.

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

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

25 ARTICLE 3. PROHIBITIONS AND PENALTIES.

26 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
27 licensed under this chapter, a person may not use the title "social
28 worker" or a title, designation, or device indicating or tending to
29 indicate that the person is a social worker. A person may not use the

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

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

13 (c) A person who uses a title other than the titles included in
14 (a) and (b) of this section is not subject to this chapter.

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

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

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

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

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

29 (5) client is a minor, the communication discloses that the

1 client was the victim of a crime or harmful act, and the social work
2 reveals the communication only during the course of an official exami-
3 nation, trial or other proceeding in which the commission of t
4 crime or harmful act is a subject of inquiry;

5 (6) client brings charges against the social worker and t
6 social worker reveals the communication only as necessary to defe
7 the charges;

8 (7) information is revealed as part of the discovery
9 evidence related to a court proceeding or introduced in evidence in
10 suit, action, or proceeding in court.

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

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

17 Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SAN
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 t
20 licensee

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

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

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

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

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 service;

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 nor.

27 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the
28 superior court for an order enjoining a person subject to this chapter
29 or whose license is suspended, revoked, or expired from violating this

1 chapter.

2 ARTICLE 4. GENERAL PROVISIONS.

3 Sec. 08.87.450. EXEMPTION. Employees of a regional or village
4 nonprofit corporation organized under 43 U.S.C. 1601 - 1628 (Alaska
5 Native Claims Settlement Act) are exempt from this chapter.

6 Sec. 08.87.500. DEFINITION. In this chapter "board" means the
7 Board of Social Worker Examiners.

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

10 * Sec. 6. Within 60 days after the effective date of this Act the
11 governor shall appoint initial members to the Board of Social Worker Exam-
12 iners. Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,
13 initial members must consist of three persons who have a master's degree in
14 social work from a school with a social work program accredited by the
15 Council on Social Work Education, at least one of whom is engaged in the
16 private practice of social work, one person with a bachelor's degree in
17 social work from a school with a social work program accredited by the
18 Council on Social Work Education, and one public member. Notwithstanding
19 AS 08.87.020 as enacted in sec. 4 of this Act and AS 39.05.055(3), one
20 initial member shall serve a one-year term, one initial member shall serve
21 a two-year term, one initial member shall serve a three-year term, and two
22 initial members shall serve four-year terms, as determined by the governor.

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

26 (1) holds a degree in social work from a school with a social
27 work program that is not accredited by the Council on Social Work Education
28 or a bachelor's or master's degree in a social sciences field related to
29 social work as defined by the board, and has been practicing under the

1 title "social worker"

2 (A) for at least 24 consecutive months before July 1,
3 1988; or

4 (B) before July 1, 1988 and is employed on the date of
5 application for a license in the administration of an agency that
6 has employees who use the title "social worker";

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

8 or

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

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

14 (c) A person who does not meet the requirements under AS 08.87.-
15 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
16 for and receive a license as an independent social worker.

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

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

23 * Sec. 9. This Act takes effect July 1, 1986.
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Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCHV
JUNEAU, AK 99811
465-3759

CHANGES IN HOUSE COMMITTEE SUBSTITUTE FOR SB 227 - AN ACT RELATING TO THE PRACTICE OF SOCIAL WORK AND ESTABLISHING THE BOARD OF SOCIAL WORK EXAMINERS.

- Page 4, lines 28-29 Adds a new subsection (d) to provide that this act does not limit the activities or practice of a person not licensed under this chapter.
- Page 6, lines 13-14 Adds a new subsection (c) to provide that a person using a title other than the titles "social worker", "social worker student" or "social worker intern" is not subject to this chapter.
- Page 7, lines 8-10 Section (7), relating to confidentiality in court proceedings, is restated to make it clear that the section does not change existing court rules.
- Page 9, line 28 Adds a new provision "subject to this chapter" to clarify that violations of this chapter only apply to those subject to licensure by the board of social worker examiners.
- Page 10, lines 3-5 Adds a new section, EXEMPTION, to the bill, which provides that any person employed by a regional or village non-profit corporation organized under ANCSA is exempt from the chapter.

Original sponsor: Fahrenkamp by request

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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.

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 (d) This section does not limit or affect the activities or
29 practice of a person who is not licensed under this chapter.

1 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board shall provide
2 for licensing a person as a bachelor, master or independent social
3 worker without examination if the person

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

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

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

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

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

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

19 (7) pays all required fees.

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

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

25 ARTICLE 3. PROHIBITIONS AND PENALTIES.

26 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
27 licensed under this chapter, a person may not use the title "social
28 worker" or a title, designation, or device indicating or tending to
29 indicate that the person is a social worker. A person may not use the

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

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

13 (c) A person who uses a title other than the titles included in
14 (a) and (b) of this section is not subject to this chapter.

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

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

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

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

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

29 (5) client is a minor, the communication discloses that the

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

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

8 (7) information is revealed as part of the discovery of
9 evidence related to a court proceeding or introduced in evidence in a
10 suit, action, or proceeding 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

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 service;

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 nor.

27 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the
28 superior court for an order enjoining a person subject to this chapter
29 or whose license is suspended, revoked, or expired from violating this

1 chapter.

2 ARTICLE 4. GENERAL PROVISIONS.

3 Sec. 08.87.450. EXEMPTION. Employees of a regional or village
4 nonprofit corporation organized under 43 U.S.C. 1601 - 1628 (Alaska
5 Native Claims Settlement Act) are exempt from this chapter.

6 Sec. 08.87.500. DEFINITION. In this chapter "board" means the
7 Board of Social Worker Examiners.

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

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

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

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

26 (1) holds a degree in social work from a school with a social
27 work program that is not accredited by the Council on Social Work Education
28 or a bachelor's or master's degree in a social sciences field related to
29 social work as defined by the board, and has been practicing under the

1 title "social worker" for at least 24 consecutive months before July 1,
2 1988;

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

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

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

11 (c) A person who does not meet the requirements under AS 08.87.-
12 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
13 for and receive a license as an independent social worker.

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

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

20 * Sec. 9. This Act takes effect July 1, 1986.
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Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



P O BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services

February 12, 1986

Representative Max Gruenberg, Co-Chair
Representative Niilo Koponen, Co-Chair
House Committee on Health, Education and
Social Services
P.O. Box V
Juneau, AK 99811

Dear Max and Niilo:

On February 4, 1986 the Senate passed SB 227, relating to licensure of social workers, by an overwhelming margin of votes, 19-1. The bill now rests in your committee and I am writing to request that it be scheduled for public hearing.

As you know, the practice of social work is not currently addressed in state law and anyone, regardless of education or training, can represent him or herself as a social worker. Licensing will enhance consumer protection by enabling the public to identify social workers who've met minimum education and experience standards and will provide a mechanism to monitor quality.

In my mind, the quality of social work service being provided in both the public and private sectors is paramount in the state's effort to protect our children from abuse and neglect. I urge your consideration of SB 227.

Sincerely,

A handwritten signature in cursive script that reads "Bettye".

Bettye Fahrenkamp
Chairman

BF/ss

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG DE VRIES



P O BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services February 12, 1986

BILL ANALYSIS

CS SB 227 (Fin), An Act relating to the practice of social work and establishing the Board of Social Work Examiners.

Section 08.03.010(c) Sunset Provision

The Board would come up for sunset review in 1990.

Section 08.87.010 Board Make-up

The Board would be composed of 2 master social workers (MSW), 1 independent social worker (ISW), 1 bachelor social worker (BSW), and 1 public member. The Board would meet at least once a year.

Section 08.87.070 Duties of the Board

Duties would include: examinations, setting standards for specialty designations, setting supervision standards, and establishing disciplinary sanctions.

Section 08.87.100 Licensing

<u>Bachelor's (LBSW)</u>	<u>Master's (LMSW)</u>	<u>Independent (LISW)</u>
Good professional standing	Same	Same
Passed state examination	Same	Same
3 references	Same	Same
Bachelor's degree in social work from school with program accredited by Council on Social Work Education	Master's degree in social work	Master's degree in social work
Supervision may be required by regulation of the Board	None	Must have completed at least 24 months of supervised post graduate experience approved by the board.

Section 08.87.110 Scope of Practice

"Enhance, protect, or restore people's capacity for social functioning."

Section 08.87.110(b) Practice of Psychotherapy

Limited to independent social workers with a clinical specialty or a master social worker (MSW) supervised in a clinical setting.

Section 08.87.110(c) Autonomous Practice

Limited to licensed independent social workers who have Board approval.

Section 08.87.120 License by Credentials

No exam would be required for social workers who hold an active license in another jurisdiction.

Section 08.87.130 License Renewal

Required every 24 months. No continuing education requirement, but Board must adopt regulations requiring proof of continued competency (08.87.070(6)).

Section 08.87.140 Fees

To be established by the Department with the approval of the Board. Intended to cover the Board's operational and administrative costs.

Section 08.87.200 Use of Title

Use of "social worker" title limited to licensed social workers. However, students enrolled in accredited program may use "social worker student" title; unlicensed state employees may use "associate social worker" title when operating under the supervision of a licensed social worker.

Section 08.87.210 Confidentiality

Required except under certain conditions (including written consent, death, criminal acts, and court proceedings). Reporting of child abuse is required.

Section 08.87.220-.240 Sanctions and Penalties

Board may impose disciplinary sanctions as outlined in the bill. Class B misdemeanor (maximum 90 day sentence) for improper use of "social worker" title.

Section 7

Grandfather Clause

For 24 months following enactment of the bill, licenses will be awarded without exam to applicants who hold a degree in social work or a related field and have been practicing for 24 consecutive months prior to application. Licenses will also be awarded to non-degreed persons who pass the exam and have been practicing for two years under a person eligible to be licensed. Application must be made prior to July 1, 1988.

ADOPTED BY SENATE FINANCE

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						
---------	--	--	--	--	--	--

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)

1/27/86
 Fiscal Note
 Occupational Licensing

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

Position Title OCCUPATIONAL LICENSING EXAMINER I		Range/Step 12A		Base Unit Election District		Gov. L-8		Approv.		Disapp.	
Time Status PFT		Staff Months 12		Location AWA		No. of Positions 1		No. of Positions 1		No. of Positions 1	
Type of Expenditure		Amount		RP Number		RP Number		RP Number		RP Number	
1		2		3		3		3		3	
Salary		24.9									
Benefits		8.2									
Premium Pay											
Other											
Total Personal Services		33.1									
Travel		.5									
Contractual		2.0									
Commodities		1.0									
Equipment		3.6									
Other											
Total Cost		40.2									
Receipt Code		Funding Source									
		Federal Receipts		1002							
		G. F. Match		1003							
		General Funds		1004		40.2					
		I-A Receipts		1005							
		Program Receipts		1028							
		CIP Receipts		1061							
		Other									
For B&M Use Only		Key Number									

Justification
 This position is necessary to assist in the implementation of the provisions of CSSB 227. The position would assist the Board in establishing necessary files, prepare application forms for printing, publish notices of meetings and exams, prepare travel authorizations for board members, arrange for meeting rooms and exams, keep minutes and other records of the board, correspond and coordinate with professional associations and organizations for use of exams, correspond with and assist applicants in applying for licensure, and perform other administrative duties as needed.

FY 87

Page 4 of 4
 Revised Date 1/27/86

Agency Commerce & Economic Development
 BRU Occupational Licensing
 Component Administration

**Request For
 New Position**

Michelle Schmitt

FEB 6 1985

SOCIAL WORK LICENSING REPORT

2-5-85

ESTIMATE OF NUMBER OF SOCIAL WORKERS ELIGIBLE FOR LICENSING

Total Number of NASW Members as of 10/31/85 226
Total number of NASW members not eligible or exempted.

(1) Students (BSW and MSW) 20

Number of NASW members that potentially might not choose to be licensed.

(1) Unemployed 11
(2) Retired 2
(3) Associates 5

Total number of NASW members impacted by licensure.

high estimate 206
Low estimate 188

Over 50% of social workers that belong to NASW have MSW's and are certified by ACSW (Academy of Certified Social Workers).

Total number of social workers employed by DFYS 138*

Number of DFYS social workers that are NASW members. We estimate from a 1982 report that approximately 20-26% of DFYS workers belong to NASW (projecting a 15% increase from 1982).

DFYS NASW members 36
DFYS non-members 102

Number of social workers employed by private non-profit agencies, in private practice, etc. that are non-NASW members.

Estimate 25-50

TOTAL SOCIAL WORKERS ELIGIBLE FOR LICENSURE - UNDUPLICATED COUNT

Low estimate 315
High estimate 358

WHY LICENSE SOCIAL WORKERS?

1. Licensing will enable the public to identify those social workers who have met minimum standards required for licensing. Presently, anyone can use the title of "social worker", even if they have no training or experience whatsoever. With licensing, the public will have the assurance that anyone representing themselves as a social worker will have the required professional preparation, regardless of the setting in which they practice.
2. Licensing will ensure an enforceable code of professional conduct. Licensure would provide consumers with easy access to investigative and adjudicative procedures through a regulatory body, supported by effective penalties for offending practitioners. The National Association of Social Workers believes that one of the most important reasons for enacting State licensure is the accountability it provides to the public.
3. Since a majority of states do have licensing of social workers, an Alaskan license would assure that uniform standards of social work practice exist from state to state. This will better serve the consumer, and allow reciprocity to the licensed professional.
4. Licensing will ensure that social workers are screened and evaluated carefully in terms of specific standards before they are allowed to have an independent practice.
5. Insurance reimbursement is possible. If a social worker is licensed, insurance companies have a standard for recognition and payment of this important health benefit to their subscribers. This will assist the consumer who uses both public and private services of social workers. A large percentage of mental health services are provided by unlicensed social workers in this State. The cost of these services are not retrievable by the public agencies who employ them. Many "denied claims" are now being written off at State expense because of the lack of a State social work license.
6. Licensing of social workers will provide consumers lower cost mental health services. A recent Defense Department Champus insurance report indicated "that in the majority of states the comparative prevailing fee profiles for social workers' psychotherapy sessions are lower than those for psychiatrists. DOD reports that no quality of care problems have arisen". The Champus insurance program for dependents of military personnel (a substantial population of Alaska) estimates that it saved over \$253,000 between December 1980 and March 1982 through its experimental reimbursement of clinical social workers.
7. Licensing social workers will ensure privileged communications between the professional social worker and their client. Confidentiality is at this time not regulated.
8. Licensing will assist consumers in locating qualified social work services. It will provide referral sources a clear understanding of specialization, education, and experience of a particular social worker. It is important to understand that the great majority of clients receiving social work services have no choice about who is to be their social worker. Where they have a choice, such as when seeking private therapy or family counseling, the consumer has no guidelines to judge the competence of the worker.

9. The provision of competent social work services requires professional education. Experience shows that the only way to ensure that persons giving services are capable, is to establish minimum standards for practice. Such regulation is essential for the public, as well as for the profession.
10. Legislation to license social workers needs to recognize clinically trained social workers as equally qualified to the other mental health professionals identified by law as competent in the evaluation of the mentally disturbed for purposes of commitment. The only non-licensed profession now included in Alaska's mental health commitment law is social work. Without regulating the practice of social work, there is concern in the profession that Alaskans could be subject to the improper use of State-given sanction.

Additional Notes

- Approximately 300-350 social workers in the State of Alaska would be licensed under legislation proposed by the Alaska Chapter, National Association of Social Workers
- Licensing fees collected from at least the above referenced numbers of individuals would more than off-set the costs of the Social Work Licensing Board needing to be established as part of the licensing law.

- CSHB 424: An Act establishing the Board of Behavioral Science;
- CSHB 317: Practice of Social Work and establishing the Board of Social Work Examiners;
- CSSB 227: Practice of Social Work and establishing the Board of Social Work Examiners;

The Department of Commerce and Economic Development, Division of Occupational Licensing, supports the consolidated board approach inherent in HB 424. There are three general areas of comment the division would like to address: the board configuration, the need for documentation of need on grounds of consumer protection, and documentation of numbers of professionals affected, for preparation of a fiscal note. Because the bill for the combined board, as currently written, is the most expensive of the three, the division proposes consideration of a five-member board to reduce costs. Since at least one professional group regulated, family and marital therapists, has only 20 members. We do not think the requirement of three board members for these 20 professionals is cost-effective.

The division would propose the following configuration:

Five board members, composed of 1 each of the professions (3), plus 2 public members.


The idea would be that the board member associated with each of the three professions would be the lead person with respect to standards for that group, but would get assistance from one other professional member as well as a public member. The benefits are:

1. More cooperation.
2. More economical approach.
3. More communication between related groups to ensure that standards, i.e., regulations, are not promulgated by one standards committee at the expense of another professional group on the board which frequently provides the same services.

Where there is overlap in professional responsibilities the board structure should reflect this rather than support autonomy, which may result in competition and fractionalism.

The division is neutral on these bills otherwise, pending receipt of both documentation of need (consumer protection aspects) and documentation of numbers of professionals affected (fiscal impact).

We hope that this documentation will be provided to us directly or through the committee via testimony by interested parties.



Loren H. Lounsbury, Commissioner
 Department of Commerce and
 Economic Development

Date: 3/6/85

Information Outline Regarding
House Bills 424,317 and Senate Bill 227

Prepared by

Dr. James T. Morris Jr.

Human Services
Chukchi Community College

Currently the House HESS committee is considering three bills related to the licensing of Behavioral Science professionals. These are HB 317, 424, and SB 227. These bills do not serve the public. These bills do not understand or represent the Behavioral Sciences or the the helping professions. The following comments are specifically addressed, however, to the helping profession of Social Work.

When those in need are helped and can receive services which allow them to function effectively within society, then society and those in need are served. As social problems continue to exist and increase with population growth, more and more social workers will be needed in the state. Any bill which would limit the potential pool of workers does not serve, but rather does a disservice to the public. The public is served when funds become available to hire more social workers to decrease caseloads, where funds are available to provide ongoing training for those employed in the field, when funds are available to increase the access of those in need to those that can help.

The vast majority of social workers in the state are employed by the state. I would suggest that the current mechanisms for employment, supervision, and oversight that currently exist at the state level are quite adequate. If there is doubt in the committee that social workers trained in non-BSW/MSW related fields are somehow less competent, less professional, or less dedicated as social workers, then I ask you to consider the following:

Currently the state of Alaska employs the majority of social workers in the state. According to statistics from the Division of Youth and Family Services, state Social Workers with degrees break down as follows:

PhD = 2

MSW = 32

BSW = 15

MA = 20

BA = 57

Thus, at this time 38% of those Social Workers with degrees have a BSW or MSW, and 68% of the state Social Workers have degrees in related fields. Call Mike Price, the director of Family and Youth Services. Ask him directly if there is any discernible differences in the two groups. Ask if BSW MSW social workers are superior, more professional, or held in higher regard by clients as helping professionals than the majority of his other social workers. Then ask why is it in the best interest of the state of Alaska to limit this license to one, and only one, degree program.

There appears to be no great overriding need for ANY social work or behavioral science licensing procedure at this time. If, however, you feel it is absolutely imperative that such a procedure be initiated, it is recommended that the following changes be incorporated to insure equity and true representation for this helping field.

Amend For an Act Entitled to read:

An act relating to the private practice in the field of social work and establishing a board of social work examiners; and providing for an effective date.

Amend Purpose to read:

Purpose. The purpose of this act is to assure the consumer that persons providing private services under the title of "social worker" have completed professional social work or social science education as defined by the board.

Amend Requirements to read:

has a bachelor's degree in social work or related field.

Amend Eligibility to read:

A person is eligible for a license as a master social worker if the person meets the requirements of (a)(1) - (3) of this section and has a master's degree in social work or related social science degree or is a licensed LBSW who has passed an exam and meets experience requirements as set forth by the Board.

Amend Eligibility for Independent SW to read:

A person is eligible for a license as an independent social worker (LISW) if the person meets the requirements of (a)(1) - (3) of this section, has a master's degree in social work or related social science degree or is licensed under (b) of this section, and has completed at least 24 months post-graduate (or post MLSW award) supervised experience approved by the board in the field of specialty in which the person intends to engage as a private practitioner.

Amend License by Credentials to read:

holds a degree in social work or related social science degree from an accredited college/university plus experience as evaluated by the board.

Amend Prohibitions and Penalties and insert to read as follows:

This section exempts State, Local government, and non-profit Native Organization personnel, and applies only to individuals engaged in private public practice.

DELETE any and ALL reference to National Organizations as the authority and model for the state of Alaska. This is a unique state, and most "model" outlines cannot, and do not, properly reflect the needs of this State or its people.

DELETE mandatory state EXAMINATIONS. Such requirements will inherently discriminate against rural and minority applicants. Require screening by exam ONLY for individuals wishing to open PRIVATE practice within the state.

POSITION PAPER

COMMITTEE SUBSTITUTE FOR SENATE BILL 227

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

This bill would establish a Board of Social Work Examiners which would set standards for specialty designations of Social Workers, provide for examination of eligible participants, adopt regulations for supervision of persons engaged in social work who are not Master Social Workers, and impose disciplinary sanctions. The bill would require that a person be licensed to use the title "Social Worker." The bill regulates confidentiality and the disclosure of information. The bill allows for a two year grandfathering of some persons currently employed as social workers.

The Department of Health and Social Services supports efforts to increase professional standards for social workers. The department is currently seeking to increase the number of M.S.W. and B.S.W. employees engaged in agency social work, by taking administrative actions which increase the availability and hiring of these degree'd professionals. In addition, the department believes that professional standards for social workers in the private sector would increase public confidence. The bill presents a number of complicated issues that have not been resolved quickly in other states. These areas require special scrutiny and analysis. This position paper first addresses two major issues, followed by a sectional analysis.

I. MAJOR DEPARTMENTAL ISSUES

A. Effect on Current State Employees:

There are currently 143 Division of Family and Youth Services social workers affected by the bill.

As of January 3, 1986, an Educational review of staff qualifications of Division of Family and Youth Services employees shows that of 143 social worker positions, 2 have Ph.D's, 32 have M.S.W. degrees, 20 have related master's degrees, 15 have B.S.W. degrees, and 57 have related bachelor's degrees. 52% of social work employees have a BSW or above, which represents the agency's strong management effort to continue to improve the credentials of social work staff.

Approximately 50% of social work supervisors have M.S.W. degrees from an accredited social work school. The department interprets the bill to indicate that under Section 7(a)(1) or (3) the majority of these persons would be eligible for licensure which would make it possible for their employees to qualify for licensure by related education [7(a)(1)] or experience and an examination [7(a)(3)].

Position Paper
CS SB 227
Page 2

The bill does allow for a limited license for "social workers" who do not meet all of the licensing standards, but who have degrees in social work or related fields and 24 months experience prior to July 1, 1987. The department is concerned that provisions be made for paraprofessional development and training to become licensed social workers after July 1, 1987.

B. Effect on State Hiring Practices, Including Local Hire and Affirmative Action Goals:

After the enactment of the bill, the department would be required to hire licensed social workers, with the exception of "associate social workers" who must be supervised by a licensed social worker. After July 1, 1987, it may be difficult to fill all positions, whether public or private, with licensed social workers, especially in rural areas. The bill's strict educational requirements for licensure after July 1, 1987 may impede the state's long-term goals of employing paraprofessional employees and developing a career ladder for them. The department often hires Alaska Native "Social Services Associates" who may eventually become social workers. Many of these employees possess Alaska Native language skills essential to providing services in some rural areas of the state. The bill would probably prevent these persons from advancing beyond the paraprofessional level unless they leave their communities for further education.

II. SECTIONAL ANALYSIS

A. Supervision

In addition to the concerns mentioned above, the department wishes to note other problem areas, section by section.

The bill, at 08.87.070(5), states that the licensing board must promulgate regulations determining how non-master social workers would be supervised. At this time the department cannot know how these supervision standards would relate to the department's supervisory structures. However, the department can attempt to deal with this issue when regulations are proposed in the future.

B. Powers of the Board

In Section 08.87.240, the penalty section of the bill, the department urges clarification of subsection (a) which creates a Class B misdemeanor. The present language states that "a person who violates this chapter" has committed a crime. This criminal provision should state what specific activity is made criminal, whether it is only practice without a license or, as an extreme example, whether it would be a crime for a social worker to breach confidentiality under 08.87.210.

The department also urges that Subsection (b) of 08.87.240 be set out as a separate section, as the Board's right to seek a civil injunction

would be better placed separately from the criminal penalty provisions of the bill. Also, the department urges the amendment of 08.87.240 as follows, to clarify that the Board is not empowered to issue injunctive type orders:

- (b) The Board may apply to the Superior Court for an order enjoining [MAY SEEK TO ENJOIN OR RESTRAIN] a person not licensed under this chapter or whose license is ~~suspended~~, revoked or expired from violating this chapter.

C. "Grandfathering"

The details of the waiver or "grandfathering" for present social workers are contained in Section 7 of the bill. The department interprets Section 7 to mean that this license is renewable by those who are licensed through grandfathering if the license has not been revoked for disciplinary reasons.

Section (7)(a)(1) broadens who may be licensed as a social worker to include related degrees or (3) practicing social work for 2 years under the supervision of someone eligible for licensure and by successfully completing the exam.

The department continues to be concerned about the grandfathering clause in that it does not take into consideration persons who have performed the duties of social work for two years or more and are now employed in the administration of an agency which employs social workers. The department therefore recommends that the following be added to Section 7 (a): "has practiced under the title Social Worker within the last five years and is now employed in the administration of an agency that employs people under that title."

III. FINANCIAL IMPACT

Sec. 8.87.140 sets out the fee structure. This would have an impact on State employees by imposing an application fee to be determined by the board. These fees could be very significant and costly to the state employee who does not presently pay any fees.

IV. OBSERVATION

This bill is designed to guarantee high standards of social work practice in the private and public sector. In reality, the real issues for the public sector are high caseloads, high ratios of supervisees to supervisors and inadequate training funds for state employed social workers.

V. RECOMMENDATION

The department supports the licensure of social workers in both the public and private sector as an additional method to monitor quality and

to protect the public, and the department believes accommodation should be made for persons currently employed as social workers or in the administration of an agency which employs social workers. The department prefers a licensing bill which establishes a Behavioral Science Board to oversee several counseling professions.

RECOMMENDED: Michael L. Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE: March 6, 1986

APPROVED: John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE: 3/6/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB No. 227
 Title : An Act relating to the practice
of social work and establishing the
board of Social Worker Examiners
 Sponsor : HESS Committee
 Requestor : _____
 Date of Request : 7/86

FISCAL DETAIL

Agency Affected : Health and Social Services
 BRU : Social Services

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

None

Prepared by : Michael L. Price, Director
 Division : Family and Youth Services

Phone : 465-3170

Date : 3/6/86

Approved by Commissioner : John R. Pugh
 Agency : Health and Social Services

Date : 3/6/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

Fairbanks Community Mental Health Center

209 Forty Mile Ave., Grachi • Fairbanks, Alaska 99701
Phone (907) 452-1575

January 7, 1985

Dear State Legislators:

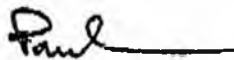
Senate Bill 227 offers an opportunity for the licensure of Alaska's social work professionals. The majority of states have a licensure law for social workers in order to assure competency. This protects the consumer, professional and employer.

The Fairbanks Community Mental Health Center, an employer of master level social workers, wishes to encourage passage of SB 227. One of our reasons for advocating for licensure pertains to the necessity of billing third party payors such as insurance companies and Medicaid. Insurance companies in particular request information on the respective state's assurances of professional competency. Without a license the professional has no recognition.

Personally, I endorse licensure and have lived and professionally practiced in three states with licensure laws. In these states the public was better assured of competency, and had the alternative of using a licensed clinical social worker when selecting a therapist. Based on pure economic the licensed social worker was cheaper to obtain services from than a psychiatrist.

Your support for this bill will be appreciated by our staff and Board of Directors.

Warm Regards,



Paul W. Trussell, Jr., ACSW
Executive Director

PWT:cj

LIBBY FINESMITH STORTZ, MSW, ACSW

P.O. Box 83003 College, Alaska 99708

600 University Avenue

(907) 455-8878

January 4, 1986

Dear Legislators:

I am writing you to express my support of your activities toward Social Work Licensure. As a Clinical Social Worker, I deliver therapeutic services to a wide variety of people. I work with children who have been victims of child abuse, neglect and sexual abuse. I work with their parents. I work with couples whose marriages are not working and individuals who are experiencing separation from the termination of their marital relations, through divorce, separation or death. I often work with adults who were abused as children. Some of my clients are seriously emotionally disturbed. Many are also the clients of the Division of Family and Youth Services. There are others.

As is the case in the lower 48, Social Workers deliver over 750 of therapeutic services. There are few psychiatrists available to treat these clients and community agencies are often overflowing, unable to meet their requests for service.

There are a number of very sound reasons for licensing Social Work practitioners. Some regulation of the practice of therapy is needed for the protection of the consumer. Currently, almost anyone may call themselves a social worker or hang out a shingle. As a Clinical Social Worker, I am bound by a code of ethics, but others may not be. Nor is there a structure in our State, for complaints by clients regarding ethical problems. In practicing with the wide variety of clients whom I see, I need the legal support of the State for privileged communication. A final important consideration is dollars and cents. With State licensing, the Clinical Social Worker is eligible to receive third party payments such as Medicaid. Without it, servicing children in foster care or in State custody, requires that the State pay for services through the administration of special funds. This would be virtually an unnecessary State expenditure if Social Workers were licensed.

I support HB 317 and SB227 or any bill which would result in some reasonable regulation of the practice of social work. Thank you for your attention to this important matter.

Sincerely,

Libby Finesmith Stortz

Libby Finesmith Stortz, ACSW

Individual, Couple, Family, Group Therapy

(2)

ARCTIC ALLIANCE FOR PEOPLE

805 College Rd.
Fairbanks, AK. 99701

RESOLUTION

WHEREAS: Social workers are the largest professional group providing mental health and social services in Alaska as well as in the nation;

WHEREAS: The National Institute of Mental Health has called psychiatry, psychology, psychiatric nursing and social work, "the four major mental health professions" and social work is the only one of the four groups not regulated in Alaska;

WHEREAS: Social work is legally regulated in 34 other states plus the District of Columbia;

WHEREAS: There is actual and potential harm to the public from unregulated social work practice;

WHEREAS: Licensure would further the development of quality of services by establishing educational and ethical standards;

BE IT RESOLVED: That the Legislature should pass a law licensing social workers in Alaska.

Reference: 08227



Fairbanks Counseling and Adoption

222 Front St. Graehl
P.O. Box 1544
Fairbanks, Alaska 99707
(907) 458-4729

March 6, 1986

Dear Representative Koponen and Representative Gruenberg,

On behalf of the Board of Directors and staff of Fairbanks Counseling and Adoption, I'm writing to you about social work licensure. Our agency strongly supports the need for licensure of social workers, and requests that you make licensure possible by passing legislation this session.

Our support is based on three areas of concern:

- guaranteeing quality treatment services for clients in need
- designing a standardized and accountable method of insuring quality services
- expanding the means to make the increased demands for quality treatment services possible

People who seek counseling services are often at their most vulnerable. Improper inadequate services do not help a client, and can be disastrously emotionally damaging. Skilled appropriate services can help a client to improve his life situation, as well as to ease personal pain. A person who is vulnerable and hurting is not in a position to first interview his helper to be sure that person is indeed well trained. He needs to know he can rely upon quality services.

Licensure guarantees standards for training, ethics, and professional conduct. It also establishes a system of accountability for whose conduct is in question.

FCA is one of a network of Fairbanks agencies committed to delivering quality counseling services. I'm sure as a legislator, you've heard of the increasing demands for individual and family services. The incidence of child abuse - emotional, physical and sexual - is increasing. The incidence of mental illness is increasing. Families need skilled assistance in changing their ways of communicating and behaving toward one another. Individuals need skilled assistance in changing the way they feel about themselves, the ways they view and relate to others in their world. Fairbanks does not have enough skilled therapists to meet our community needs. In fact we have a serious shortage of resources.



A United Way Member Agency

①

Licensing can help to make funding new positions possible. Insurance companies require that providers of clinical treatment be licensed in order to be eligible for third party collection. A few will accept national licensure. Most require state licensure as well. We do not have enough psychiatrists and clinical psychologists, (the only licensed clinicians in this state), to deliver needed services. Social workers provide well over half the treatment needs. However payment for social work services must primarily be out-of-pocket from clients or rely on state or city grants, or community funding efforts. As you know, state dollars for treatment services are shrinking. Yet our community needs more dollars to meet the increased demand for services.

Our agency is a non-profit one. We offer our services on a sliding fee scale. Many of our clients pay only \$5 or \$10 an hour! Increasing our insurance collections would help to subsidize seeing more low-income clients who do not have funds to pay.

Most of our agency counseling staff are eligible for licensure under the proposed social work licensure bills. We're committed to employing trained skilled professionals who can and will offer quality services. Our reputation in the community confirms their opinion of our quality services.

Our Board and staff ask that you make it possible to increase resources of our agency and others like us to help more clients in need. We ask that you make it possible to guarantee anyone in the state using the title Social Worker has the training and skills necessary to offer the quality services the consumer deserves. We ask you support social work licensure.

Sincerely,



Colleen Patrick-Riley, MSW, ACSW
Executive Director

ALASKA WOMEN'S LOBBY

POST OFFICE BOX 10-1571, ANCHORAGE, ALASKA 99510

March 6, 1986

Honorable Max Gruenberg, Co-Chairman
Honorable Niilo Koponen, Co-Chairman

Mr. Chairmen and members of the Committee:

The Alaska Women's Lobby would like to express its support for SB 227 which provides for the licensing of social workers.

We believe that the establishment of professional, nationally recognized standards will increase the public confidence in those who provide these needed services.

Persons requiring the services of a social worker are often in a time of crisis. When a social worker intervenes in a family situation that family should be assured that this person has the experience, education and training to competently and ethically provide the needed services.

A licensing board will allow for the monitoring of the quality of service and will protect the public.

The bill allows for those without the required degree to become licensed through experience and examination, allowing qualified paraprofessionals to advance in their careers.

The establishment of nationally recognized standards for those practicing social work in our state will provide an incentive for continuing education which we believe can only benefit those providing and receiving social work services and would be in the best interests of the state.

We urge your favorable consideration of SB 227.

Thank you.

Sherrie Goll

Sherrie Goll, lobbyist
Alaska Women's Lobby

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

COMMITTEE COPY

-1-

CSSB 227(Fin) engrossed

possible members shall be appointed from different geographic regions of the state. A member who has served two successive full terms may not be reappointed until four years after the expiration of the second term.

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

Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least once a year.

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

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

Sec. 08.87.060. PER DIEM AND TRAVEL. Board members receive no compensation but are entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180.

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

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

(2) submit an annual report of its proceedings to the governor, including recommended changes to this chapter and a statement of money received and disbursed;

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

(4) after a hearing, impose disciplinary sanctions against a person who violates this chapter, an order of the board, or a

regulation of the board;

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

(6) adopt regulations requiring proof of continued competency before a license is renewed;

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

Sec. 08.87.090. ADMINISTRATIVE PROCEDURES. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under this chapter.

ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

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

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

(3) provides three professional references to the board;

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

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

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

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

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

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

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

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

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

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

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

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

worker without examination if the person

(1) holds a degree in social work from a school with a social work program accredited by the Council on Social Work Education;

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

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

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

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

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

(7) pays all required fees.

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

Sec. 08.87.140. FEES. An applicant for examination, reexamination, or issuance or renewal of a license shall pay the fees established by the department under AS 08.01.065.

ARTICLE 3. PROHIBITIONS AND PENALTIES.

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

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

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

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

Sec. 08.97.210. CONFIDENTIALITY OF COMMUNICATIONS. A social worker licensed under this chapter or an associate social worker may not disclose information provided to the social worker by a client in the course of their professional contact. This prohibition does not apply if the

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

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

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

(4) communication discloses that a crime has been committed

or reveals an intent to commit a crime;

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

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

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

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

(9) communication discloses information that the social worker is required by state or federal laws or regulations to disclose.

Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS. After a hearing, the board may impose a disciplinary sanction on a person licensed under this chapter when the board finds that the licensee

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

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a crime that has a substantial 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 services;

(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 proscribed;

(C) continue professional education until a satisfactory degree of skill has been attained in those areas that are the basis of probation;

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

(7) refuse to renew a license.

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

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

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

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

Sec. 08.87.240. CRIMINAL PENALTY. A person who violates AS 08.-27.200 or 08.87.210 of this chapter is guilty of a class B misdemeanor.

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

violating this chapter.

ARTICLE 4. GENERAL PROVISIONS.

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

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

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

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

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

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

or

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

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

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

(d) An application for a license under this section must be filed before July 1, 1986.

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

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

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						
---------	--	--	--	--	--	--

REVENUE		87.5	6.3	81.3	6.3	91.3
---------	--	------	-----	------	-----	------

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, CGU, 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



Official Business

Alaska State Legislature


House of Representatives

Representative Mike Szymanski

SR-A-Box 1304B
Anchorage, Alaska 99502
Phone (907) 349-3373

While in Session:
Pouch V
State Capitol
Juneau, Alaska 99811

February 13, 1986

TO: House HESSS Committee
FROM:  Representative Mike Szymanski
SUBJECT: SB 227.

I have some concerns with SB 227, the licensing of social workers, which is presently before the Committee.

Under the provisions of Sec. 08.87.110 (Scope of Practice) and Sec. 08.87.200 (License Required for Use of Title), would an individual be prohibited from

- 1) participating as a volunteer in a workshop situation, such as one on crisis intervention.
- 2) functioning as a counselor in the field of crisis intervention?

There are those who work in these areas who would not necessarily be a licensed social worker but who would, nevertheless, be qualified to counsel or intervene in different types of situations.

I would be interested to know if these concerns have been addressed by others and if the issues will be dealt with during the committee hearings.

Thank you.

NASW

FACTS ABOUT COMMITTEE SUBSTITUTE FOR SENATE BILL 227(Fin.) LICENSURE OF SOCIAL WORKERS

- Licensure of Social Workers protects the consumer by assuring that persons using the title "Social Worker" have professional educational preparation and by creating a licensing board to provide for an avenue for complaints about unprofessional or unethical conduct.
- CSSB227(Fin.) provides for licensure at three levels:
 - LBSW for persons holding a Bachelor's Degree in Social Work
 - LMSW for persons holding a Master's Degree in social Work
 - LISW (licensed independent social worker) for persons holding a Master's or Doctors Degree in Social Work plus two years of specialized practice.
- Licensure of Social Workers will be achieved at no cost to the State of Alaska. CSSB227(Fin.)'s Fiscal Note demonstrates that license fees will offset the cost of the operation of the Board of Social Work Examiners.
- Persons who have related Bachelor's Degrees and who have practiced under the title "Social Worker" for two years will be "grandparented" at the LBSW level. Thus, no one currently practicing under the title will lose their job, and the consumer will still be assured of the oversight of the Board should unprofessional or unethical conduct occur.
- Only the title "Social Worker" would be regulated by CSSB227(Fin.).
- Social Work licensing will increase the consumer's ability to receive insurance reimbursement for services rendered by clinical and health care social workers.

FACTS ABOUT SOCIAL WORK IN ALASKA

- Three hundred fifty (350) or more persons in Alaska who have the BSW or MSW degree and/or who have practiced under the title "Social Worker" for two years would be licensed.

- Social Workers in Alaska in public and private agencies as well as in independent practice are engaged in child protective services, mental health, community organization and administration as well as senior citizens, health and family counseling services.
- Social Work is the only one of the four major mental health professions which is not licensed in by the State of Alaska (psychiatry, psychology, nursing, and Social Work and which authorizes by statute to commit persons to mental health facilities.
- Clinical Social Workers provide over 50% of all mental health services rendered in Alaska and the United States.
- Professional Social Work education is available in Alaska at the BSW level.
 - UAA has a nationally accredited BSW Degree Program with 90 students majoring in that area. UAA graduates an average of 15 BSW's each year.
 - UAF has a BSW Degree Program in progress of being nationally accredited, 36 majors.
 - Like many other States, Alaska does not have an MSW program but individuals with a BSW degree can complete an MSW in less than two years in 30% of MSW programs
 - BSW degrees differ from BA or BS degrees in:
 - The applied nature of the curriculum
 - The requirement of at least 400 clock hours of supervised internship nationally
 - The inclusion of curriculum on theories of helping, human growth and behavior, social welfare system, and programs and statistics and research

Margaret R. Wolfe
P. O. Box 1572
Anchorage, Alaska 99510

February 18, 1986

Representative Max Gruenberg
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Gruenberg: *Max*

I urge your support of the licensing bill for social workers, and since CSSB 227 has passed the Senate already, hope that you will be able to report that bill favorably for full house action.

We need a licensing program for social workers, as a consumer protection service especially. As a past president of the Alaska Chapter of the National Association of Social Workers and as a fully-committed-to-services mental health professional, I have been frustrated on receiving complaints about social work services and having no way to resolve those questions. Once I referred such a matter to the chapter ethics board--only to have the worker in question drop NASW membership and therefore be left with no jurisdiction in the issue in question. In the early 1970's we tried to sanction a state worker for malpractice, and the result was an order to not hire NASW members! (note that the state does not use such tactics under the present leadership--but it remains as a potential in the future under less enlightened leadership.) Only an independent licensing program for any one purporting to be a social worker can deal with these questions. Social workers are the only mental health practitioners authorized to hospitalize mentally ill folks and not governed by a licensing authority in this state! It seems to me that there could be some serious liability issues for the state in such a situation.

I understand the concern about new boards. However, there is current statute which requires all boards to be self-supporting. So the fact is that licensing fees would be set at a sufficient level to pay the costs of the board.

There is also the question of a combined board of behavioral services providers. I do not object to a combined board, providing the parts of such a bill would incorporate at least the provisions of CSSB 227 where the bill speaks to the licensing of social workers. My concern is practical in nature. CSSB 227 has passed the senate already. Is there time for all of the research which needs to be done for the other members of such a board and still obtain licensing this Year? (The social work part would be CSSB 227.) And we NEED social work licensing this year...this is the concern for me. I suggest passing 227 (with an amendment NASW will propose) and next year working on a combined bill. As the first year of a two year session, there would be more time.

Thanks for listening.

Margaret
Margaret Rouse Wolfe, ACSW

*And please excuse the typing -
I am Not a typist!*



6406 Garners Ferry Rd.

Columbia, SC 29209

(803) 776-6029

February 28, 1986

TO: Deans and Directors of Graduate and Undergraduate
Social Work Programs

FROM: David Jeffreys, Ph.D., Executive Director

The multi-level licensure examination owned by the member boards of the American Association of State Social Work Boards will be used this year in at least 27 states. Since the exam was first administered, in March 1983, we have tested 11,650 candidates. We are grateful to the Lois and Samuel Silberman Fund for financial support which helped us to acquaint state boards with our program.

Some social work educators are familiar with our exam through service on a state licensing board, through their involvement on our national Examination Committee, by having participated in one of our Item Writing Workshops or by having heard our presentations at the CSWE meetings in Detroit and Washington.

Since our exam will have an impact on the careers of many of your students, we thought it would be helpful to send you the enclosed materials:

1. A map indicating the jurisdictions which have some form of social work regulation and those which are members of our Association. Sometime during March we expect to color in the District of Columbia, when their recently passed bill finally becomes law.
2. A map showing the states using our exam.
3. Our Candidate Handbook, which includes a listing of the content areas on our exam.
4. The Summary Report of our Content Validity Study.

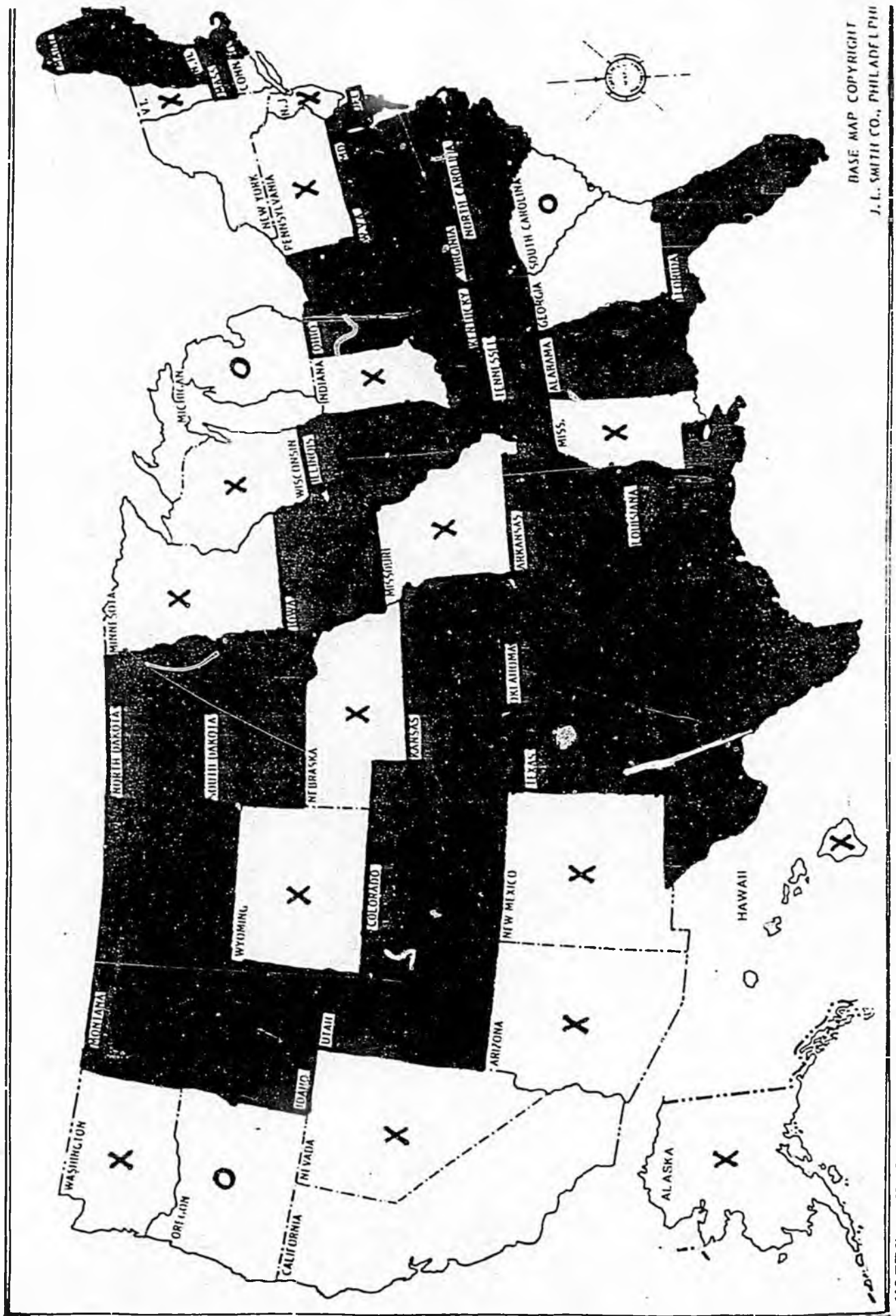
Many practitioners and some educators have gained understanding of our examination through the Item Writing Workshops which we conduct around the country. These workshops have been presented at meetings of state and local NASW units, state Clinical Societies, state social welfare conferences, state social work educator groups and other groups. If you would be interested in sponsoring a workshop, please let me know.

The Association is a member of CSWE and I will be attending the meeting in Miami. I would be pleased to discuss our program with you.

American Association of State Social Work Boards

AMERICAN ASSOCIATION OF STATE SOCIAL WORK BOARDS
States Which Have Adopted the AASSWB Examination

November 21, 1985



BASE MAP COPYRIGHT
J. I. SMITH CO., PHILADELPHIA

NOTES: X denotes those states, and the District of Columbia, with no social work regulation.
O denotes those states with social work regulation where no examination is required.



STATE BOARDS REGULATING SOCIAL WORK

October, 1985

Practice Advancement Department
National Association of Social Workers
7981 Eastern Avenue
Silver Spring, Maryland 20910



STATE BOARDS REGULATING SOCIAL WORK

October, 1985

Practice Advancement Department
National Association of Social Workers
7981 Eastern Avenue
Silver Spring, Maryland 20910

STATE BOARDS REGULATING SOCIAL WORK - page 1

<u>STATE</u>	<u>BOARD ADDRESS</u>	<u>ADMINISTRATION</u>	<u>CHAIRPERSON</u>
ALABAMA	Alabama State Board of Social Work Examiners 100 Commerce Street, #406 Montgomery, AL 36104	Alice W. King 205/261-5860	Erma Wesley
ARKANSAS	Social Work Licensing Board P.O. Box 55033 Hillicrest Station Little Rock, AR 72205	Troylene Jones 501/372-5071	Conseulla James
CALIFORNIA	Board of Behavioral Science Examiners Department of Consumer Affairs 1021 O Street, Room A-198 Sacramento, CA 95814	Kathleen Callahan 916/445-4933	Steven Alexander
COLORADO	Colorado State Board of Social Work Examiners 1525 Sherman Street, Room 128 Denver, CO 80203	Karen D. Brumley 303/866-2208	Clara Villarosa
DELAWARE	Board of Social Work Examiners Office of Health-Related Professional Licensing P.O. Box 1401 Dover, DE 19901	E. I. Slacum 302/736-4796	Charles E. Sample
FLORIDA	Department of Professional Regulation Division of Professions 130 N. Monroe Street Tallahassee, FL 32301	Linda Biedermann 904/487-2520	(No Board)
GEORGIA	Georgia Composite Board of Professional Counselors, Social Workers and Marriage and Family Therapists	Lori Gold 404/656-3989	(Not yet selected)

STATE BOARDS REGULATING SOCIAL WORK - page 2

<u>STATE</u>	<u>BOARD ADDRESS</u>	<u>ADMINISTRATION</u>	<u>CHAIRPERSON</u>
IDAHO	Bureau of Occupational Licensing Board of Social Work Examiners 2404 Rank Drive, #312 Boise, ID 83705	M. D. Gregerson 208/334-3233	Mary Reichman
ILLINOIS	Social Workers Examining Committee Department of Registration and Education 320 West Washington Street Springfield, IL 62786	Judy Vargas 217/785-0500	Robert R. Wohlgemuth
IOWA	Board of Social Work Examiners State Health Department Lucas State Office Building Des Moines, IA 50319	Erene Howard, Director Professional Licensing 515/281-4401	Judith K. Rinehart
KANSAS	Behavioral Science Regulatory Board 214 West 6th Street Topeka, KS 66603	Mary Ann Gabel 913/296-3240	Barbara Kovarovic
KENTUCKY	State Board of Examiners of Social Work P.O. Box 456 Frankfort, KY 40602	Betty Sapp 502/564-3296	Kenneth Phillips
LOUISIANA	Louisiana State Board of Certified Social Work Examiners P.O. Box 345 Prairieville, LA 70769	Suzanne Pevey 504/673-3037	Martha Forbes, BCSW
MAINE	State Board of Social Work Registration Department of Business Regulation State House Station #35 Augusta, ME 04333	Patricia Beaudoin 207/289-3671	John Slavin

STATE BOARDS REGULATING SOCIAL WORK - page 3

<u>STATE</u>	<u>BOARD ADDRESS</u>	<u>ADMINISTRATION</u>	<u>CHAIRPERSON</u>
MARYLAND	State Board of Social Work Examiners 201 W. Preston Street Baltimore, MD 21201	Leslie Sporn 301/225-5855	Jacqueline Fasset
MASSACHUSETTS	Board of Registration of Social Workers 100 Cambridge Street Boston, MA 02202	James French 617/727-5511	Dale L. Van Meter
MICHIGAN	Board of Examiners of Social Workers P.O. Box 30018 Lansing, MI 48909	Suzanne U. Jolicoeur 517/373-1653	Ann P. Gross
MONTANA	Board of Social Work Examiners Department of Commerce 1424 9th Avenue Helena, MT 59620-0407	Joan Haubein 406/444-4285	James J. Pomroy
NEW HAMPSHIRE	Board of Examiners of Psychologists c/o Department of Psychology Conant Hall, Univ. of New Hampshire Durham, NH 03824	Stephen J. Seeman, Ph.D. 603/868-1578	Edna-Ann Katz, Ed.D. Social Worker Rep. 603/878-2488
NEW YORK	State Board for Social Work State Education Department Cultural Education Center Albany, NY 12230	Phillip R. Johnston 518/474-4975	Kenneth Skinner
NORTH CAROLINA	Certification Board for Social Work P.O. Box 1928 Cullowhee, NC 28723	(No administrator)	Wilburn Hayden, Jr.
NORTH DAKOTA	Board of Social Work Examiners P.O. Box 6145 Bismarck, NH 58202	Ole Om11d 701/222-0255	Barbara Norton

STATE BOARDS REGULATING SOCIAL WORK - page 4

<u>STATE</u>	<u>BOARD ADDRESS</u>	<u>ADMINISTRATOR</u>	<u>CHAIRPERSON</u>
OHIO	Counselor & Social Worker Board 65 South Front Street, Suite 210 Columbus, OH 43215	David M. Holford 614/466-0912	Susan Sears, Ph.D.
OKLAHOMA	State Board of Licensed Social Workers 4145 N.W. 61st Terrace Oklahoma City, OK 73112	Mary Sue Counts 405/946-7230	Jim D. Johnson
OREGON	State Board of Clinical Social Workers 895 Summer Street, N.E. Salem, OR 97310	Deanna Montgomery 503/378-5735	Beverly MacKensie
PUERTO RICO	Board of Examiners of Social Work Box 3271 San Juan, PR 00904	Illia Ivette Amador 809/725-0142 Examining Board Director	
RHODE ISLAND	Department of Social & Rehabilitation Services Board of Social Work Examiners 600 New London Avenue Cranston, RI 02920	Daniel Wheelan, RSW 401/464-3111	Anthony C. Perry
SOUTH CAROLINA	Board of Social Worker Examiners P.O. Box 1083 Columbia, SC 29202	Judy Weesner 803/254-3661	Sue Hawkins
SOUTH DAKOTA	Department of Commerce & Consumer Affairs Board of Social Work Examiners P.O. Box 1037 Pierre, SD 57501	Paula Knudson 605/224-1034 Mon. thru Fri A.M. only	Ernest O. Peters
TENNESSEE	Board of Social Work Certification and Licensing Department of Health & Environment 283 Plains Park Boulevard Nashville, TN 37219	Louise Blair 615/361-6705	Jean Altfield Cohen

STATE BOARD REGULATING SOCIAL WORK - page 5

<u>STATE</u>	<u>BOARD ADDRESS</u>	<u>ADMINISTRATION</u>	<u>CHAIRPERSON</u>
TEXAS	Council for Social Work Certification Texas Department of Human Services P.O. Box 2960 Austin, TX 78769	Michael Doughty, CSW 512/450-3255	Frances Powell, CSW
UTAH	Division of Registration 160 East 300 South Salt Lake City, UT 94110	Robert Bowen 801/530-6620	J. Richard Macfarland
VIRGIN ISLANDS	Board of Social Work Licensure P.O. Box 2820 St. Croix, VI 00820		Jane D. Christiansen
VIRGINIA	Virginia Board of Social Work Department of Health Regulatory Boards P.O. Box 27708 517 West Grace Street Richmond, VA 23261	John W. Braymer 804/786-7703	Vesta Downer
WEST VIRGINIA	Board of Social Work Examiners P.O. Box 5477 Charleston, WV 25311	Margy Hale 304/348-2400	Barbara Matz



UNIVERSITY OF ALASKA, FAIRBANKS
Fairbanks, Alaska 99701

March 10, 1986

Niilo Koponen
524 4th Ave. Suite B
Fairbanks, Alaska 99701

Dear Representative Koponen,

Since time was not sufficient on March 6 for me to provide testimony via audioconference, I am writing to express some concerns about the proposed legislation leading to State license for social workers. I speak from the point of view of an educator responsible for training social workers and other categories of human services providers alike. I have been involved in this work for a decade, I am the immediate past Head of the Cross-Cultural Educational Development (X-CED) program, and I have now been asked to develop a comprehensive human services baccalaureate program to serve Fairbanks and rural Alaska. I feel that I am in a good position to evaluate the need for human services education in Alaska, particularly in the Bush.

First, I would like to establish a distinction between undergraduate and graduate education in human services, including social work. It is important to recognize that with regard to function all graduates of baccalaureate programs should be considered para-professionals. This is consistent with practices in the field and is substantiated by such authorities as the National Institutes of Health and Mental Health. What this means in practical terms is that a graduate with a B.A. degree, whether in social work, human services, psychology, etc., is limited to practice under the direct supervision of someone holding a professional degree, e.g., the Ph.D., an M.S.W. II. It is only within the National Association of Social Workers that claims of professional status are made for Baccalaureate graduates in social work. This has its genesis in national organizational politics rather than in client needs; the NASW, while making the claim of professionalization and seeking legal license, backs away from allowing B.A. social workers independent practice. In function, it is difficult to see any evidence that would differentiate Baccalaureate social workers from their other colleagues with similar training.

Second, private and/or independent practice is the norm for advanced M.S.W. social workers, along with Ph.D. psychologists, Ed.D. marriage and family counselors, etc. At this level standards established by Board examination, private practice, third-party reimbursement, and even title protection have a reasonable basis for existence. At the Baccalaureate level they do not.

UNIVERSITY OF ALASKA

Third, I would question the wisdom of State license for B.A. level practitioners of any category. Certainly, it would seem that the desire for license of B.A. social workers by NASW has more to do with their national professional agenda than with any identifiable benefits to Alaska. All B.A. practitioners should be limited in practice and should be well supervised by better trained professionals. I would be extremely uncomfortable with the idea of the social work, human services, psychology, and sociology students that I train being placed in positions of unlimited, unsupervised practice. If the license is to be merely pro forma, i.e., not connoting professional status, then it should be extended to all categories of para-professionals with equivalent training. In either case the argument for title protection is without merit.

I envision serious consequences as the result of the existing proposed legislation. There appears to be no justifiable basis for designating the major category of social service jobs in Alaska as the sole domain of social work graduates. There is no evidence from my experience, or within my knowledge of the research literature, that would substantiate the functional superiority of social work graduates over other similarly trained graduates in other helping disciplines.

At UAF we have strong B.A. degree programs in both human services and social work. I presently teach social work students in the same course with human services majors and I can see no difference in their abilities or their achievement. Further, we require equivalent clinical training: two semesters of counseling, two semesters of supervised practicum. The two programs may differ academically only in historical context, and in the emphasis upon an applied problem area, e.g., substance abuse, crisis intervention, child and family, etc., for the human services majors. I have enclosed brochures for each so that you may compare the two programs.

There is a real difference between social work and, for example, our human services program in the eyes of rural students. While the social work degree carries with it a respected reputation that often translates into some advantage in certain job markets (usually urban agencies), rural students must relocate to either Anchorage or Fairbanks to pursue the degree. By contrast, our human services degree is being developed so that it articulates directly with lower division (Associate of Arts) degrees, with an emphasis in human services, available through CCREE. A similar emphasis in social work does not yet exist. This means that the human services degree can be started close to home, a very important concern for career ladders within the Native non-profits, and can be continued to the B.A. degree on campus, and soon in the field. In fact, we will commence our field based B.A. program in human services this September with the placement of a UAF faculty member in Nome to serve the Bering Straits and NANA regions. Cooperative efforts between UAF and the local community colleges have already begun.

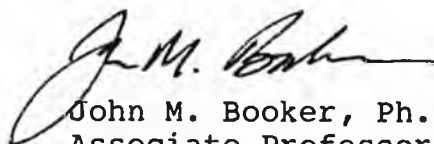
UNIVERSITY OF ALASKA

Comparable opportunities in social work are not available, and are limited by national policies for social work accreditation. While social work borrows directly from clinical theory and practices in psychology, these areas must be taught only by social workers themselves to meet national standards. The counseling and practicum courses in human services at UAF are taught by a licensed clinical psychologist who is a graduate of UC Berkeley and a practitioner with many years of experience, but these same areas must be covered by a faculty member in social work for the social work program. This and other limitations make the delivery of social work to rural Alaska a much more difficult proposition. Our plan is to pursue human services in conjunction with the community colleges, while making every effort to encourage students to transfer to UAF to take advantage of the range of degree opportunities there. Students with A.A. degrees will lose some credits in the transfer to social work (6 - 12), with the transfer to human services they will lose none. I believe we need to build bridges between the various parts of the University in order to meet the needs of all students, but particularly rural students. If we make a distinction between social work and other comparable graduates, even a nominal one, the issue of access is only made more critical.

I had already voiced my concern to the local NASW representatives over a testing provision that amounted to discrimination. This was apparently heard by them, and my colleague in social work at UAA, leading to their motion to amend their proposal, H.B.227. I hope we can all continue to work together to best meet the needs of the people of Alaska. However, I am very fearful that adoption of an exclusive license legislation for social service workers at the baccalaureate level will have long lasting negative ramifications. Such a step will undermine the few existing career paths for rural Alaskans, and will establish in tone a two class system in the helping professions. While practitioners at the graduate level have a variety of options, para-professionals do not. Removing the options to rural Alaskans will likely lead to a lost decade in our attempts to develop the needed cadre of providers for human services in the Bush.

I appreciate this opportunity to participate in establishing policies to guide and develop human services manpower in Alaska. The issues are extremely complex, and I can only hope that my views are useful in arriving at a reasonable solution. I would like to thank you for your concern in this vital area.

Sincerely,



John M. Booker, Ph.D.
Associate Professor of Sociology
Coordinator of Human Services
College of Human & Rural Development
University of Alaska-Fairbanks
907/474-6958



ALASKA
CHAPTER

NATIONAL ASSOCIATION OF
SOCIAL WORKERS

March 17, 1986

The Honorable Max Gruenberg, Jr.
The Honorable Nilo Koponen
Alaska State Legislature
Co-Chairs, House HESS
P.O. Box V
Juneau, Alaska 99811

Dear Sirs:

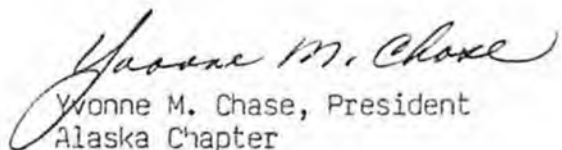
The Alaska Chapter of the National Association of Social Workers has discussed the concerns raised in the recent hearing of CSSu 227 before your Committee, and wishes to propose the following amendments to the Bill.

1. Page 4, line 6: propose the addition of wording that indicates that nothing in the Chapter shall be construed to regulate any title other than "social worker."
2. Page 5, line 27: propose deleting the words "or practice of social work."
3. Page 6: propose deletion of subsection C, lines 11-15.
4. Page 11: subsection C, propose deletion of lines 2-4.
5. Page 11: line 15, propose deletion of words "or practice of social work."


In addition to the above amendments, the Chapter also proposes that language be drafted which would exempt Native non-profit corporations from all provisions of this Act, and that this language be inserted wherever it is appropriate in the Bill.

Thank you for consideration of the above amendments. We appreciate your continued support on the licensing of social workers.

Sincerely,


Yvonne M. Chase, President
Alaska Chapter

cc: Senator Bettye Fahrenkamp
Representative Albert Adams
Barbara Dale, Special Assistant to the Governor, Boards and Commissions
Peter Froelich, Assistant Attorney General, Department of Law
Michael Price, Director, Division of Family and Youth Services
Alaska Native Non-Profit Corporations
Julie Kitka, AFN

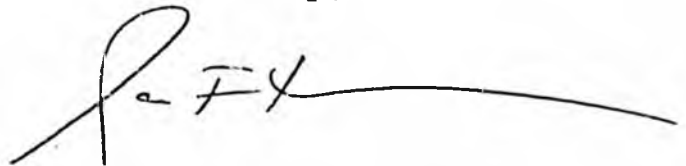
ALPA  Ψ ALASKA
PSYCHOLOGICAL
ASSOCIATION

3.18.86

To: Hon. Max Gruenberg
Alaska State Legislature
Juneau, Alaska

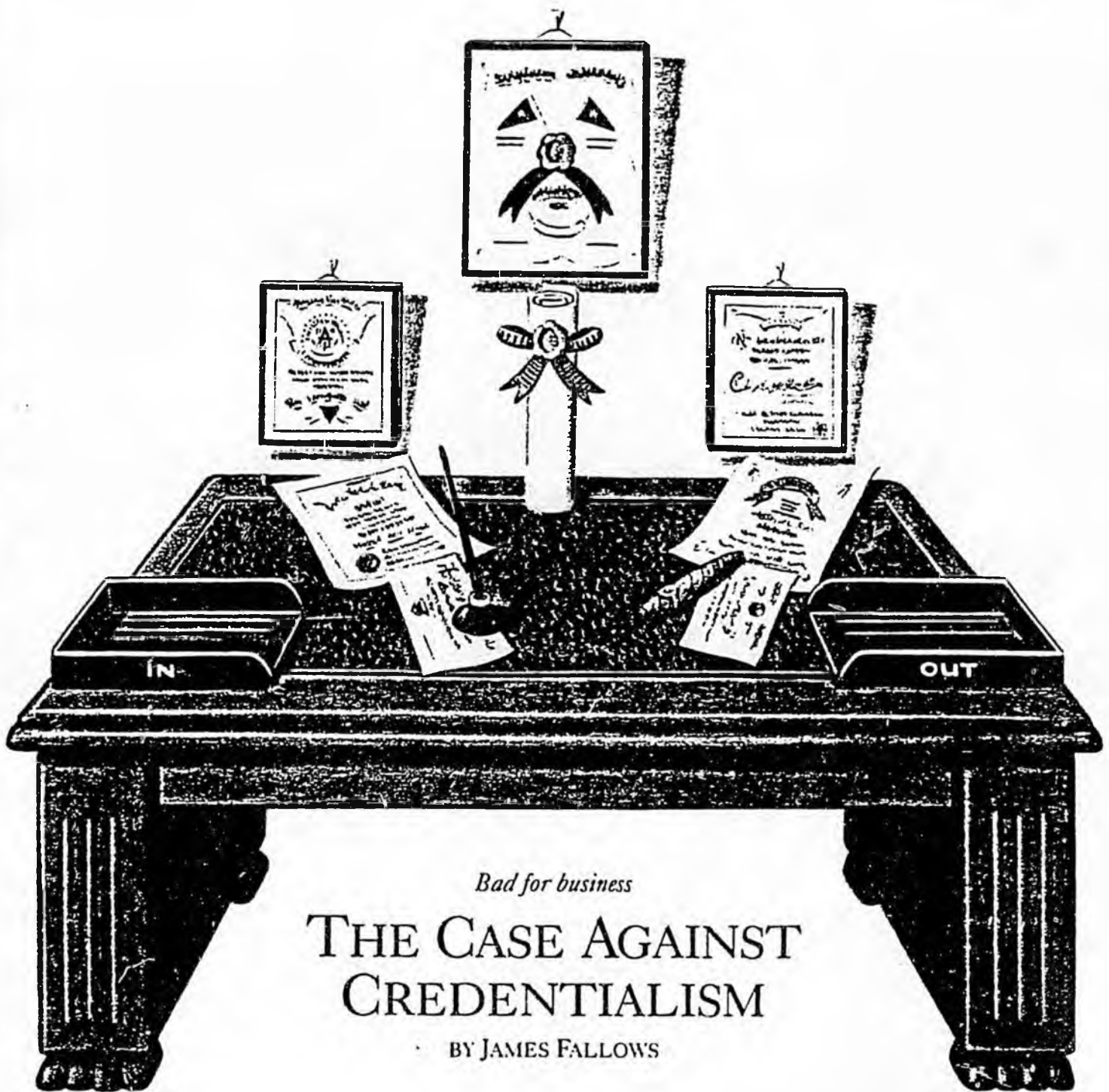
This letter is in support of licensure for marriage and family therapists. At the invitation of the Alaska Psychological Association, Mr. John Pagan spoke to our members on March third, 1986, and explained the qualifications necessary for licensure. It is our understanding that Alaska's Association of Marriage and Family Therapists (AAMFT) is seeking licensure, and we support their efforts in doing so.

Yours truly,



James F. Harper, Ph.D.

President: Alaska Psychological Assoc.



Bad for business

THE CASE AGAINST CREDENTIALISM

BY JAMES FALLOW'S

IN 1961 DAVID MCCLELLAND, A PSYCHOLOGIST AT HARVARD, published *The Achieving Society*, an extravagantly ambitious attempt to discover why certain cultures "worked" better than others. Why, among West African tribes, were the Ashanti and the Ibo so economically dominant? Why was so much of the commerce of Southeast Asia run by expatriate Chinese, and so little by the Malays among whom they lived? Why had Jewish immigrants to the United States risen faster than southern Italians?

McClelland's answer involved a value he called *n* Achievement, which varied from culture to culture and gave members of different societies ways to view the workings of fate. Some cultures taught that struggle was

fruitless, since success or failure ultimately depended on destiny and the gods. Others conveyed to their children the view that every person could control or at least influence his outcome in life. Luck mattered, but a prudent man could make his own luck. The odds might be long, but they were rarely insuperable. Indeed, in "achieving" societies people regularly underestimated the odds against them and launched ventures that on the facts seemed quite likely to fail. For indications about the *n* Achievement level of various cultures McClelland looked at nursery rhymes, children's stories, folktales, and other vehicles for the unconscious transmission of values.

When American culture was viewed through this lens.

its folktales seemed to promote an astronomically high level of *n* Achievement. Benjamin Franklin, Abraham Lincoln, Ulysses S. Grant, Thomas Edison, Andrew and even Dale Carnegie—these and countless other self-made men taught by their example what immigrants continued to prove, that hard work might well be rewarded and sights could never be set too high. Starting with *Poor Richard's Almanac* and running through the Horatio Alger series and such inspirational business tracts as *Acres of Diamonds* and *A Message to Garcia*, the flourishing self-improvement industry reflected the American faith that each person held the keys to success in his own hands.

With their regression charts and biographical data, sociologists have demonstrated that the saga of the self-made success was partly myth. The American business titan of the late nineteenth century was more likely to have been born to a comfortable, educated, urban family than to have been a son of toil. Still, McClelland never claimed that the folktales he analyzed—about bad fairies and magic spiders and friendly giants—were literally true. What mattered was that they were told and heard, and that they shaped a culture's attitude. Repeated in schoolrooms and parlors, emphasized in speeches, novels, and popular magazines, the folktales of American business successes emboldened the impressionable public to try. When the sociologist Ely Chinoy studied a community of autoworkers in the 1950s, many people told him that they viewed their jobs in the factory as temporary. Their real dream was to strike out on their own, with a farm, a gas station, or a store.

McClelland's most important point was probably his initial one: that there is a deep connection between the ways we hope to advance as individuals and the economic resiliency the entire culture displays. The nation's bookshelves now groan with analyses of America's productivity problems and competitive woes. Might part of what they seek to explain lie in the changing folklore of success and the private concepts of ambition?

To judge by the recent celebration of entrepreneurs, the American business folklore would seem to be as robustly *n* Achievement-laden as ever. Not since the 1920s has there been so little cynicism and so much public piety about the person who takes a risk, goes out on his own, makes it all work. But once we move past the admiring profiles of software titans and biotechnology kings, the idea that the United States has given itself over to a resurgent entrepreneurial culture is hard to believe. In fact, we are seeing a war between two quite different cultures of achievement, with quite different implications for America's economic ability to adapt and pay its way.

One is the assortment of informal, outside-normal-channels, no-guarantee, and low-prestige activities that is glossed over and glamorized by the term *entrepreneurialism*. Most of the entrepreneurs who rise to public notice have, of course, already proved themselves successful. When we read the inspiring chronicles of Jack Kilby, a co-inventor of the silicon chip, or Fred Smith, who founded Federal Express, we know that the early risks will eventually seem

prudent and the early scoffers will have the joke turned on them. But the thousands of people who are trying to develop tomorrow's new industries have no such certainty: they can't be sure whether they're starting the next Xerox or the next Osborne Computers. Perhaps more important, the world seems to suspect the worst of entrepreneurs. The term *inventor* still conjures up a character with a garage full of gadgets; how much more dignified is the sound of *banker, lawyer, or manager at IBM*. No one brags to friends about children who have signed up for the Learn Computer Repair schools advertised on matchbook covers, even though such self-help courses epitomize the *n* Achievement idea that individuals can improve their standing and control their own fate.

Parents brag, instead, about the son who has finished college or the daughter who has been accepted to law school. Even as modern America honors the successful entrepreneur, it reflects the tremendous pull exerted by the security, dignity, and order of the professionalized world. The basic tenet of this culture of achievement is that he who goes further in school will go further in life. American society is often described as a meritocracy, in the sense that those who show the most pluck and academic merit will prevail. The Houston housewife who labored in obscure solitude on her first novel, picked an agent's name out of a magazine, and then sold her book last summer for \$350,000 is a figure from the first culture, that of self-help; if she uses the money to send her son to Arden, Yale, and Harvard Law, he will be a citizen of the second, the meritocracy.

The rise to professional status is one of the most familiar and cherished parts of the American achievement ideal. What immigrant saga would be complete without the peddler's grandson receiving his M.D.? But such an ideal is also at odds with most analyses of what the society as a whole needs if it is to continue to achieve. If everyone has the tenure and security that come with professional status, who will take the risks?

NOWHERE IS THE TENSION BETWEEN THE TWO CULTURES, the entrepreneurial and the professional, more evident at the moment than in American business. At just the time when American business is said to need the flexibility and the lack of hierarchy that an entrepreneurial climate can create, more and more businessmen seem to feel that their chances for personal success will be greatest if they become not entrepreneurs but professionals, with advanced educational degrees.

In the past twenty years enrollment in graduate business schools has increased by a factor of ten. Next spring 67,000 new M.B.A.s will take their degrees to the marketplace. Alert to the workings of supply and demand, some business-school officials have predicted a glut; already, newer, weaker schools have been retrenching, and some recent graduates have settled for less attractive jobs than they might once have hoped to get. Still, overall enrollment

continues to rise, and graduates of the most prominent schools are heavily in demand. The business-school community closely studies each school's "return on investment" or "value added" ratio—how much an M.B.A. degree adds to a person's salary, compared with how much it costs to obtain. At Dartmouth's Amos Tuck School, the nation's oldest graduate business college, tuition this year is \$11,000, and the average starting salary for graduates is around \$43,000. "That four-to-one ratio has been constant for at least the fifteen or twenty years I've been aware of it," Colin Blaydon, Amos Tuck's dean, says. Harvard also reports a four-to-one ratio, down from the heady seven-to-one ratio of 1969, but not so far that Harvard has any trouble filling its admissions quotas.

The rise of the M.B.A. has occurred during precisely the era in which, as anyone who follows business magazines is aware, the content of graduate business training has come under increasing attack. "We have created a monster," H. Edward Wrapp, of the University of Chicago's business school, wrote in 1980, in *Dun's Review*. "The business schools have done more to insure the success of the Japanese and West German invasion of America than any one thing I can think of." "I'd close every one of the graduate schools of business," Michael Thomas, an investment banker and author, wrote in *The New York Times*.

The specific case against business schools is that they have neglected certain skills and outlooks that are essential to America's commercial renaissance while inculcating values that can do harm. The traditional strength of business education has been to provide students with a broad view of many varied business functions—marketing, finance, production, and so forth. But like sociology and political science, business training has gotten all wrapped up in mathematical models and such ideas as can be boiled down to numbers. This shift has led schools to play down two fundamental but hard-to-quantify business imperatives: creating the conditions that will permit the design and production of high-quality goods, and waging the constant struggle to inspire, cajole, discipline, lead, and in general persuade employees to work in common cause.

IT IS BY NOW CONVENTIONAL WISDOM THAT AN UNDER-emphasis on production and on leadership lay behind many of America's industrial difficulties in the 1970s. "Business is principally about design and building and selling, and basic management is not paying attention to those functions," says Thomas Peters, a co-author of the legendarily successful *In Search of Excellence*. "In business and in business schools we don't focus enough on how to lead people. Until you have managed people, you don't have any idea how complex it is. The difficulty now is that the youngster comes to business school without any experience or taste about managing people, so he or she can't ask challenging questions. So in the class you've got the standard business-school professor, who got a Ph.D. in statistics at age twenty and a half, talking to students who got

800s on their GMATs. It sure feels good to both parties, but it doesn't have much to do with business. I wouldn't let anybody in the place before age thirty."

In addition to what business school, because of its academic and theoretical emphasis, neglects, it is said to inculcate attitudes hostile to the flexibility and daring celebrated in today's entrepreneurial heroes. "The students I see are very concerned about resumé value, and very risk-averse," says Roger Muller, who got his M.B.A. in 1973 and is now the director of placement at Amos Tuck. "They don't want to take any chances. Someone will come in wanting to be an investment banker. He decides, I've got to work for Goldman, Sachs this summer, because that will give me a better shot at the job with Goldman, Sachs when I get out of here. They want everything to line up just right and are easily frustrated when things don't."

Goldman, Sachs is not an idly chosen example; investment banking and consulting firms are the most popular outlet for M.B.A.s, especially from the top schools, and they pay the highest salaries. When the Harvard Business School surveyed its class of 1984, nearly 40 percent said they had taken jobs in consulting or investment banking. Consulting, with a median starting salary of \$52,300, was the most lucrative field. Investment banking, at \$45,000, was second highest. Manufacturing attracted only a quarter of the class, and its most common starting salary was under \$40,000. The perversity of such a preference is that students are hoping to find security in the very pursuits that add such instability to the American financial structure. This fall *Business Week* featured a report on the "Casino Economy"—the tremendous increase in speculation, merger, corporate rearrangement, tax avoidance, and other forms of financial churning that make fortunes for investment bankers while ratcheting up the level of corporate debt. To such efforts are the best and brightest now drawn.

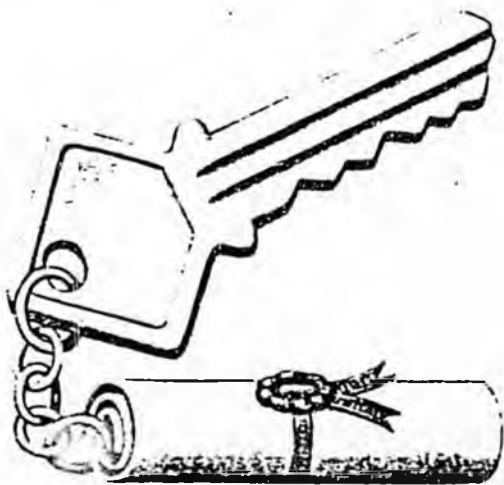
From the student's point of view, the continuing migration into business school and from there onward to consulting firms and banks is hardly mysterious. That is where the money is. But when we think about our culture and its parables of ambition, the rise of M.B.A.s and consultants raises a question like that posed by the prestige and prominence of the legal establishment. Why is so much raw talent creamed off for pursuits of such dubious economic value? Why are so many of our smartest people induced to spend their adult lives waging merger wars against one another and doing battle over the tax code? Even the factory workers who once dreamed of opening their own stores have, it seems, reset their sights. When Richard Sennett and Jonathan Cobb interviewed a group of working-class parents in the 1970s, the parents "did not speak about the good life for their children in terms of small business. It exists, most of them believe, in the professions, in medicine or college teaching or architecture. . . ."

Why did the professions become so attractive, and independent business so unappealing? Why has there been such a surge in the most "professionalized" form of business, investment banking, and such a decline (despite the

current romance of high tech) in designing, building, and selling America's goods? Through the years certain cultures have rewarded behavior that eventually proved ruinous to the society as a whole—the British upper class's desire to be free of the taint of commerce is the most famous example. Is a similar perverse process at work here?

One way to understand the professionalization of business is to step back from strictly commercial concerns and follow the course of an enormous change in American society over the past hundred years. The connection between education and occupation is now so firmly ingrained as to seem almost a fact of nature: To get a good job, you get a diploma; at one time a high school diploma sufficed, and then a B.A., but now you're better off with a J.D. or an M.B.A. When Richard Herrnstein, a Harvard psychologist, wrote a book called *I.Q. in the Meritocracy*, in 1973, parts of his argument were controversial but not his assertion that success in school was and should be a prerequisite to success in later working life. "The gradient of occupations is, then, a natural, essentially unconscious expression of the current social consensus," Herrnstein said. Society had to select and conserve its talent, and the best way to do that was through the schools.

Yet this familiar system, far from evolving "naturally" or "unconsciously," is the product of distinct cultural changes in American history. The process that left it on our landscape is less like the slow raising of a mountain range or the growth of oxbows on the Mississippi, and more like the construction of a dam. Three changes, which all took place in the past hundred years, produced the system that is now producing M.B.A.s. They were the conversion of jobs into "professions," the scientific measurement of intelligence, and the use of government power to "channel" people toward certain occupations.



THE FIRST CHANGE WAS PROVOKED BY THE GENERAL social chaos of the late nineteenth century. In fond recollection this is the era of ice-cream socials and horse-and-buggy outings and white linen suits, but for those alive then, it seems to have featured one moment of

terrifying uncertainty after another. Between the end of the Civil War and the beginning of the First World War the nation's population grew faster and migrated more frequently than ever before or since. Tens of millions of people poured through Ellis Island and into the New World; millions more left farms in Wisconsin and Tennessee to work in stockyards and steel mills in such brash new boomtowns as Chicago, Cleveland, and Detroit. Men and women who had grown up on farms or in small towns where everyone knew his neighbors, and where behavior was constrained by the knowledge that nothing could be kept secret for very long, now found themselves kowtowing to impersonal foremen and brushing shoulders with people who had only recently lived in Calabria or Minsk.

The social order and the traditional sources of security were repeatedly called into question. When the transcontinental railroad network was completed, the United States was for the first time something like a national market. Small-town merchants found they couldn't compete with the big chains operating out of Chicago and New York. With the growth of steamship lines and the cultivation of vast new tracts in Australia, Canada, and South America, farmers were exposed not just to a national but to a worldwide economy. A farm family in Kansas could till, sow, pray for rain, and harvest—only to find that a bumper crop in Argentina had destroyed the price for wheat. At the time of the Civil War more than half of the American work force could still be found on the farm. By the turn of the century only a third was still there. With the decline of the village and the farm, doors were closing on the man who wanted to work for himself and opening to those who were willing to sign on with Armour or Union Pacific or Standard Oil.

"An age never lent itself more readily to sweeping, uniform description: nationalization, industrialization, mechanization, urbanization," the historian Robert Wiebe wrote in his classic study of the era.

Yet to almost all of the people who created them, these themes meant only dislocation and bewilderment. America in the late nineteenth century was a society without a core. . . . A feeling [was] suddenly acute across the land that local America stood at bay, besieged by giant forces abroad and beset by subversion at home.

Wiebe's book was called *The Search for Order*; it stressed the different ways in which different groups struggled to recover the social and economic security they had lost. The farmers joined ranks in the anti-foreign, anti-immigrant, anti-bank, and eventually anti-black protests of the Populist movement. Immigrant and other industrial workers fought for protection through labor unions. The traditional American aristocracy of Roosevelts and Cabots tried both to hold off the immigrants who were reaching for control of city politics and to erect barriers of snobbery and taste with which to separate themselves from the grasping plutocrats of the Gilded Age.

For the middling rank of dislocated merchants, craftsmen, and semi-professionals, the most promising route to security was to enhance the prestige of their occupations. Through the nineteenth century "anyone with a bag of pills and a bottle of syrup could pass for a doctor," as Wiebe put it; many doctors were socially ill-regarded beings, with earnings that fluctuated wildly and were chronically below those of businessmen. Lawyers, teachers, and engineers had similar problems. But a more complicated society had more demand for technical skills, and in the decades after the Civil War nearly every group now thought of as "professional," from lawyers to librarians to accountants to mechanical engineers, organized itself in an attempt to raise its standards and its status.

The economic advantages to be had from professional organization were most concisely explained by Mark Twain, who in *Life on the Mississippi* described the riverboat pilots' attempt to make themselves into a monopoly. At mid-century, when westward expansion caused the steamboat business to boom, the pilots' pay unaccountably began to fall. The reason, as the pilots soon deduced, was that any fool off the farm could sign on as an apprentice pilot, increasing competition and depressing the market. A few of the pilots formed a guild, or "association," asking an inflated wage. They slowly recruited members and agreed to exchange information about the river's constantly changing snags and sandbars only with other members of the guild.

"Now came [the] perfectly logical result," Twain wrote, with admiration. "The outsiders began to ground steamboats, sink them, and get into all sorts of trouble, whereas accidents seemed to keep entirely away from the association men." Insurance companies began to plump for association pilots; the steamship owners agreed to one wage raise after another, passing on the difference (and then some) in freight. Since no one could become a pilot without the recommendation of two existing pilots, the association could regulate its own competition. The pilots prospered until the entire, now overpriced industry was destroyed by the railroads and "the association and the noble science of piloting were things of the dead and pathetic past!"

The difference between the pilots' association and the countless other guilds that sprang up and survived was that the pilots were tied to one specialized industry and could be completely displaced, unlike doctors, teachers, lawyers, and engineers. But the economic logic that lay behind the pilots' association shaped the other organizations as well. They controlled entry into their fields, they often raised professional standards, and they sheltered their members from the more chaotic side of the marketplace.

The newly organizing groups could call themselves professions, and not simply resurrected medieval guilds, because their members' mastery of a new body of knowledge gave them claims to a competence beyond the amateur's reach. Doctors could take advantage of the new break-

throughs in germ theory and anesthesia, engineers of refinements in industrial technology. "A strong profession requires a real technical skill that produces demonstrable results and can be taught," a sociologist named Randall Collins wrote in a history of educational credentials. "The skill must be difficult enough to require training and reliable enough to produce results. But it cannot be too reliable, for then outsiders can judge work by its results." Indeed, when historians try to explain why engineers have never become as prestigious and independent as doctors or lawyers, one of their answers is that the engineer's competence is too clearly on display. (When a patient dies, the doctor might not be to blame, but if a bridge falls down, the engineer is.)

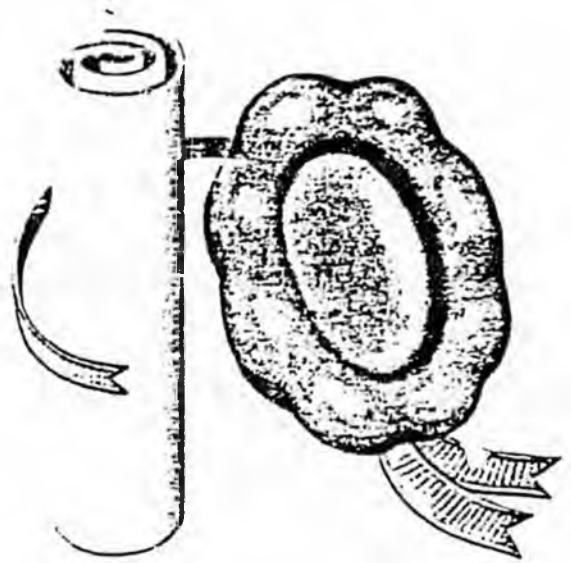
As a means of transmitting the knowledge on which their authority was based—and of reserving to themselves control over who would enter the field—the professions dramatically increased the educational requirements for new aspirants near the turn of the century. Before, practically anyone could declare himself a doctor or a teacher or a lawyer, and the choice about who prospered and who failed would be left to "the market," including people who died after trying to cure their cholera with snake oil. Afterward, those who wanted to enter the professions had to go to school, and once they had their credentials they enjoyed a near-tenured status they had previously been denied. Before the First World War not a single state required that its lawyers have attended law school, and fewer than a third of all North American medical schools required even a high school diploma for admission. By the Second World War professionals without advanced degrees were becoming an oddity.

Business managers began "professionalizing" about the same time that the other groups did, but their alliance with educational institutions developed more slowly. The new body of knowledge that turned business into a profession was created by the rise of huge, complex, integrated corporations. With the coming of railroads and telegraphs and nationwide trading firms, businessmen couldn't keep schedules or accounts in their heads any longer, as the small-town merchant had done. Resources had to be coordinated, inventory tracked from place to place, new systems of accounting worked out. In his history of American management, *The Visible Hand*, Alfred Chandler, of the Harvard Business School, described how the rise of multi-unit corporations killed off the owner-managers of a simpler era and created a demand for salaried, "scientific" management. Soon after the turn of the century professional management societies and scientific-management journals sprouted up everywhere. The early generation of professionally trained managers "was mainly from engineering schools like MIT. 'You needed an engineering background to know what was going on inside the factories,'" Chandler told me. "But when the merger movement began and you needed skills for more than just production, you had the first wave of business schools. At that point, they were indeed meeting a need."

By 1910 graduate business schools had been founded at Dartmouth and Harvard, as had undergraduate schools of business at New York University and the universities of Chicago, California, and Pennsylvania (the Wharton School). Still, until the eve of the Second World War specialized training in business was the exception. According to a national survey conducted in 1937-1938, only about half of all employers required that prospective managers have even a high school diploma, and only one eighth required a college degree. Thirty years later a regional study found that nearly half of all managerial jobs formally required either a B.A. or a graduate degree.

The first cultural change, then, was the evolution of distinct professions, requiring proof of academic training from those who hoped to join. In part the rise of credentialed professions reflected the greater precision of scientific knowledge and the greater complexity of modern business operations, but it also arose from a social choice. When it came to determining professional status, the trial and error of the marketplace would not suffice. Objective standards must be found. Shortly after the Civil War, Charles William Eliot, newly installed as the president of Harvard, had complained in his inaugural address that "as a people we have but a halting faith in special training for high professional employments." There was "national danger" in the "vulgar conceit that the Yankee can turn his hand to anything [which] we insensibly carry into high places, where it is preposterous and criminal. We are accustomed to seeing men leap from farm or shop to courtroom or pulpit, and we half believe that common men can safely use the seven-league boots of genius." The new ethic of self-regulating professions was the answer to this vulgar Yankee conceit.

Because meeting "objective" standards so often meant getting an academic degree, professional competence soon was measured by "input," not "output." That is, anyone who brought the right educational credentials and could pass the entry test was certified and from that point on was shielded from further formal tests of competence. Once a professional, always a professional, barring felony conviction or grotesque error. As part of the movement for professionalization, the U.S. Civil Service was converted from a high-turnover political-spoils system to a "merit" system, based on objective entry tests. In the old days practically anyone could be hired for a government job, but no one could count on staying very long. After the Civil Service was reformed, only those who met the standards could sign on—and once hired, they could practically never be discharged. The corruption of the spoils system symbolized the social chaos that the professional guilds hoped to combat, not only in the government but also in business and the professions. The rigidity of the modern Civil Service illustrates how far the idea of professional tenure has gone. In five years in office Ronald Reagan has managed to replace fewer federal employees than Abraham Lincoln did in four, and in Lincoln's day the government was one seventieth its current size.



THE SECOND HISTORIC STEP TOWARD A MERITOCRACY occurred at about the same time as the wave of professionalization. It was the invention of IQ tests and the dawning of the idea that "intelligence" was a single, real, measurable and unchanging trait that severely limited each person's occupational choice.

To the creator of the first intelligence test, the French psychologist Alfred Binet, *IQ* meant something very different from what it has come to imply. As has often been told, Binet was commissioned by the French Ministry of Instruction to develop a test to identify children in need of remedial schooling. He came up with a list of simple tasks that would illustrate the child's "mental age"—a normal three-year-old should be able to point to his nose, eyes, and mouth, a normal ten-year-old should be able to make a sentence with the words *Paris*, *fortune*, and *gutter*, and so forth. The ratio between mental age and chronological age, of course, yielded the "intelligence quotient," or IQ, with 100 defined as normal.

Binet never viewed "normal" children as appropriate subjects for his test, which, like the white-blood-cell count, was designed to indicate the presence of disease, not to rank degrees of health. He went out of his way to denounce the idea that IQ could be thought of as a fixed, innate value. As he saw it, an IQ test was, to use another analogy, something like a physical-fitness exam given before a conditioning program, which would indicate areas of weakness and serve as a benchmark for future progress. He prescribed a course of "mental therapeutics" to build mental strength and raise IQ. He began his chapter "The Training of Intelligence" by saying, "After the illness, the remedy." As a young student, Binet himself had been told he would never have a truly philosophical spirit.

Never! What a momentous word. Some recent thinkers seem to have given their moral support to these deplorable verdicts by affirming that an individual's intelligence is a fixed quantity, a quantity that cannot be increased. We must protest and react against this brutal pessimism; we must try to demonstrate that it is founded upon nothing.

Something happened to Binet's concept of IQ when it was translated into English. In both England and the United States, IQ was seized upon as a way of quantifying the long-suspected mental differences among individuals and races. In response to the seemingly unstoppable flow of immigrants, American theorists had developed elaborate schema of the mental standing of different ethnic groups—"Nordics" highest, Eastern Europeans and blacks lowest—but for proof they had had to get by with comparative cranium measurements and photographs of deviant physiognomies. The IQ tests gave the new science of psychometrics—mental measurement—the kind of objective, hard data it had so sorely lacked.

By the beginning of the First World War psychometrics had come so far that millions of American recruits were screened for IQ with the famous Army Alpha and Army Beta tests. (The first ten questions from an Army Alpha exam are listed below. *) When the results were correlated with the recruits' social and ethnic backgrounds, they confirmed what everyone had suspected: the immigrants and blacks were overwhelmingly subnormal, with the most recent arrivals proving to be the most defective. The only unforeseen and unsettling wrinkle was that *most* people were subnormal: the average mental age for white draftees was thirteen. The chief administrator of the tests, Robert Yerkes, noted that if the results were taken seriously, 47 percent of white draftees must be classified as morons. He concluded, "Thus it appears that feeble-mindedness . . . is of much greater frequency of occurrence than had been originally supposed."

The 900-page analysis of the Army exams was made public in 1921. Ever since then arguments about intelligence tests have centered on whether the tests are "fair." If the IQ test and all its progeny, from the Army Alpha to the Scholastic Aptitude Test, really did seek out raw talent "fairly," regardless of social setting, why have all of them, from the beginning, shown that the people with the best jobs, the most money, and the best bloodlines also have the highest IQs? Had American (and English) society become so perfectly meritocratic by the early 1900s that the smartest people had already reached the occupational summit, despite nativist passions, Jim Crow laws, and the brutalized condition of the urban working class?

* Army Alpha Test 8

1. The apple grows on a shrub vine bush tree
2. Five hundred is played with rackets pins cards dice
3. The Percheron is a kind of goat horse cow sheep
4. The most prominent industry of Gloucester is fishing packing brewing automobiles
5. Sapphires are usually blue red green yellow
6. The Rhode Island Red is a kind of horse granite cattle fowl
7. Christy Mathewson is famous as a writer artist baseball player comedian
8. Revolvers are made by Swift & Co. Smith & Wesson W.L. Douglass B.T. Babbitt
9. Carrie Nation is known as a singer temperance agitator suffragist nurse
10. "There's a reason" is an ad for a drink revolver flour cleaner

But beneath the drawn-out arguments about fair and unfair measures of IQ a more powerful concept has often lain unchallenged. Everyone seems to agree that if only we could find a way to determine IQ "objectively," we would be more than halfway to determining where people should end up in life. Even most critics of the tests don't question the current structure of the professions. Their concern is giving everyone a "fair" shot at an M.B.A.

Forging a link between intelligence and occupation was explicitly the goal of the early psychometricians, even though it was not a goal of Alfred Binet's. Lewis Terman, one of the movement's leaders, wrote in 1923 that

preliminary investigations indicate that an IQ below 70 rarely permits anything better than unskilled labor: that the range from 70 to 80 is preeminently that of semi-skilled labor, from 80 to 100 that of the skilled or ordinary clerical labor, from 100 to 110 or 115 that of the semi-professional pursuits; and that above all these are the grades of intelligence which permit one to enter the professions or the larger fields of business. Intelligence tests can tell us [to which group] a child's native brightness corresponds. . . .

The most important word here is *permits*. If the first major social change, the rise of professions based on advanced educational degrees, dramatically increased the importance of higher education, the second change implied that only a few people would be recognized as having the raw intelligence to handle long years in school and the careers that would follow. The results of this perception were spelled out by Richard Herrnstein, in his book on the meritocracy. "The ties among I.Q., occupation, and social standing make practical sense," he wrote. "If virtually anyone is smart enough to be a ditch digger, and only half the people are smart enough to be engineers, then society is, in effect, husbanding its intellectual resources by holding engineers in greater esteem, and on the average, paying them more."

Surely some people are more talented than others, and some are not fit to be doctors or artists or musicians. Still, there are reasons to be skeptical of the idea that IQ is usually the limit on occupational ascent. For example, one of sociology's longest-running and most thorough surveys, known as the "Kalamazoo Brothers" study, followed thousands of boys from their childhoods in Kalamazoo well into adulthood. A recent analysis of its results revealed that of the men who ended up as professionals, 10 percent had as children been considered "high-grade morons." (That is, their IQs were 85 or below, placing them in the bottom sixth of the population. During the first half century of intelligence testing, people with scores below 85 were known, in descending order of intelligence, as morons, imbeciles, and idiots. Now scores below 70 are associated with severity of retardation, from "mild" to "profound.") Michael Olneck and James Crouse, who analyzed the Kalamazoo data, found that a third of all the professionals and 42 percent of the managers had childhood IQs below 100, which is by definition subnormal. As a group the m

agers had above-average IQs, but a large number of individual managers did not. According to pure meritocratic theory, Olneck and Crouse observed, the greatest diversity of IQ scores should be found at the bottom of the occupational pyramid (since some people have the brains but not the gumption or the opportunity to move up) and the least diversity at the top (where everyone would have to be smart to make the grade). When Richard Herrnstein compared the IQ scores of Second World War recruits with their occupations before induction, he discovered just such a pattern. But Herrnstein's subjects were young, starting out in their careers; the Kalamazoo study, which traced its subjects until much later in life, found that the IQ-and-occupation pattern was in fact the reverse. The greatest diversity of IQ scores was found not among unskilled laborers but among professionals. "It appears that the capacity to succeed in [professional and managerial] jobs is rather widespread, and is not confined to men who score well on tests," Olneck and Crouse concluded.

Another illustration that people can often do more than their IQ "limits" suggest: After the Second World War the GI Bill financed a college education for 2.3 million men, including half a million whose backgrounds suggested that they were not "college material" and who said they would not otherwise have gone to school. James B. Conant, the president of Harvard, called the bill "distressing," because it did not "distinguish between those who can profit most by advanced education and those who cannot." In the same spirit Robert Hutchins, of the University of Chicago, warned that when the GIs came home, "colleges and universities will find themselves converted into educational hobo jungles." In other words, this was a scheme to push people beyond what their intelligence would permit. Of course, when the returning GIs enrolled, they confounded all predictions and proved to be famously mature and successful in class. Researchers found that those who would not have gone to college without help from the GI Bill did slightly better in course work than other equally able veterans.

If the linkage between jobs and IQ were as strong and automatic as the meritocratic theories proposed, how could the Kalamazoo morons have succeeded in business and the professions? How could the population of Europe have switched from an overwhelmingly agricultural to an industrial society, with its more demanding skill level, within three or four generations? Where could the United States have found the extra talent to manage an even more rapid transition—the proportion of professional and managerial jobs has quadrupled just since 1900—at precisely the time that its gene pool was "deteriorating" because of dysgenic flows from overseas? Obviously, during the agricultural era the limit on human performance was not the stockpile of native intelligence but the primitive level of technology and social organization. Through most of history most people have been capable of far more than economic organization has permitted them to do. It would be remarkable indeed if in the 1980s we had reached the pre-

cise point of equilibrium at which the supply of human talent exactly matched the high-skill jobs that exist to be done.

Nonetheless, the lasting effect of this second social change was the belief that an individual's IQ placed firm limits on how extensively he could be educated—and, because of the emerging link between education and work, on the jobs to which he could aspire. Since a person's intellectual ability was genetically fixed, predictions about his specific limits could be made early in life, as soon as he reached school. The third change began as a logical sequence of the first two: the conversion of the schools into a "channeling" mechanism.

UNTIL THE EARLY TWENTIETH CENTURY "REFORMING" America's schools meant persuading more people to attend. Through the mid-nineteenth century compulsory-school-attendance laws were all but unknown, and only about two percent of the high-school-age population was enrolled in high school. By the turn of the century more than half the states had passed school-attendance laws, and the long nineteenth-century crusade for publicly financed "common schools" serving the general public had been victorious. But the very success of this crusade created new complications. What was to be done about the "plain people" who were being given the once-rare gift of a diploma but would find that it took them no further than to factory or field?

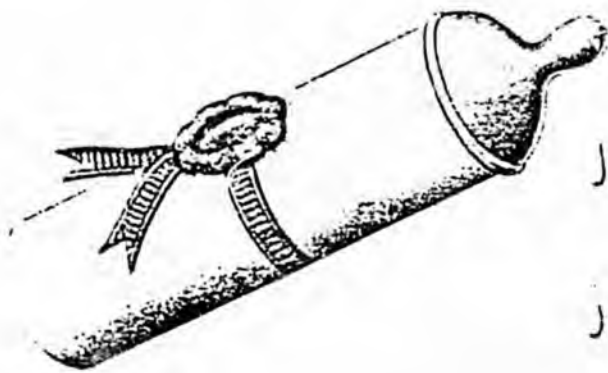
The resolution of this conflict involved the creation of different classroom "tracks" and vocational, as well as academic, schools. But, like IQ testing, manpower channeling took sudden leaps, because of the demands of war. During the First World War, which the United States entered late, mass mobilization did more for the psychometricians than they did for the war effort, since it gave them their first opportunity to collect data on a grand scale. Twenty-five years later, as the United States girded up for total war, its strategic planners knew they had to use human resources as efficiently as rubber or tin. Their principal tool for deploying manpower was the power to draft or defer, and for thirty years, from 1940 to 1970, the Selective Service system played a crucial role in, and offered a window on, the evolution of the meritocracy.

General Lewis B. Hershey, whose military career had begun not at West Point but with a National Guard unit in Angola, Indiana, had as the first Selective Service director vigorously advanced a "no deferments" policy during the Second World War. He was especially hostile to student deferments, arguing that they would turn into a collaboration between colleges (which wanted to keep their enrollments up) and privileged students (who preferred to stay away from the front lines). But in such sentiments Hershey soon proved to be on the wrong side of social history. In the Cold War era the prevailing view was that the United States could not afford to misallocate its intelligence and talent if it hoped to prevail against the Soviet Union.

In 1948 an advisory group assembled by Hershey recommended the creation of a new draft classification, covering any young man "whose educational aptitude suggests he is of potential special value." Men could qualify for the deferment on the basis of their grades in school and their score on what was essentially an IQ test. The plan represented everything that Hershey detested, but he accepted it, apparently out of the bureaucratic desire to keep the Selective Service system alive. He contracted with the Educational Testing Service to write the test, and when he began calling men for service in Korea in 1951, anyone who scored above 70 (out of a possible 100) on the test could remain in college and be sheltered from the draft. Eventually the IQ-test deferment evolved into the 2-S deferment that proved so catastrophically divisive during the Vietnam War.

In a way, the IQ deferment plan was merely symbolic. The number of deferments for married men and fathers, members of ROTC, and those classified 4-F vastly exceeded deferments granted through the IQ test. Still, as symbolism it was potent indeed. By the middle of the twentieth century differences in legal standing based on wealth and skin color were on their way out. The time was long past when a slave was legally three fifths of a man or only property owners could vote. Such distinctions had come to seem unacceptable—but not the idea that the state would scientifically seek out its most intelligent people and grant them extra rights.

This third change, then, instituted the idea that the state, through its school system and its ability to compel military service, would put the science of mental measurement to work, by helping to steer people toward their proper level of education and most appropriate jobs. By the 1950s the evolution of manpower channeling had, along with the two other changes, given us the modern meritocracy.



WITH ITS EMPHASIS ON THE EARLY DETECTION OF intelligence and on extended education as the route to professional success, the meritocratic order has produced such familiar symptoms as the frenzied competition for places in private nursery schools (presum-

ably to improve the odds of admission to Harvard Law School twenty years hence), the bleak prospects that laid-off and uncredentialed industrial workers face when the mills close down, and even the proliferation of consultants and M.B.A.s. But has it in any fundamental way affected America's prospects as a functioning economy or a cohesive democratic state?

If anything in David McClelland's model makes sense—if an earlier national folklore of wide-open opportunities persuaded Americans to take risks that sheer logic might have ruled out—then the rise of the meritocracy has to have had an impact. As the definition of *success* has been altered to give more encouragement to the professional and less to the rough-and-ready entrepreneur, the achievement motive has also changed. If talent is unchangeable and genetic endowment so precisely limits what each person can do, then why fight the inevitable? The logical response to a low IQ score would be resignation to fate.

In measurable economic terms the rate of social mobility in the United States has changed very little in at least a hundred years: people still rise out of poverty and fall from affluence about as frequently as in the days when no one had heard of IQ or tracking or M.B.A.s. American society is more open than most others, but it still rewards the wisely chosen birth. Researchers who dug through estate records in Cleveland in the 1960s, for example, found that if a man was born into the wealthiest five percent of families, the odds were two out of three that his own adult annual earnings would exceed \$47,000 (in 1985 dollars). If he was born into the poorest 10 percent, the odds were one in a hundred. As far as economic historians can determine, at most points in American history actual mobility rates have been about the same as they are now.

What has changed with the coming of the meritocracy is the air of scientific inevitability that surrounds the results. If only one man in a hundred makes it out of the lowest rank, is it because the other ninety-nine just aren't smart enough? Even while angrily denying that a college degree is necessarily a sign of intelligence, or that executives and members of the clean-hands class deserve the privileges they enjoy, many working-class Americans seem to nurse the fear that they really *aren't* good enough to make it anymore. If the "famous self-confidence" of the businessman, as David McClelland put it, made a tangible difference in the growth of American industry, might not this induced self-doubt do equivalent harm?

"I used to go past Johns Hopkins all the time, practically every day," Robert Ward told me earlier this year. Ward is a gruff, wisecracking novelist in his early forties who had recently published *Red Baker*, a book about the travails of a laid-off steelworker. Ward himself grew up in a working-class Baltimore neighborhood similar to the one he described in the novel.

"I went past there probably a thousand times, and it just never occurred to me that somebody like me could go there. It wasn't like, Gee, I wish I could go there and isn't it too bad I can't. *It never entered my mind!* I wasn't ever bit-

ter about it, because I just understood deep down in my soul that of course I'd never go to a place like that." In the end Ward applied at the last minute to Towson State, "only because my mom asked at the end of the summer what I'd think about going to college." He moved on to teaching English at a variety of private schools, wrote his novels, and this year became a story editor in Los Angeles for *Hill Street Blues*.

"When I'd seen a little more of the world, I started thinking, Hey, I could've gone there! I'm as smart as these people! But it wasn't till years later that I saw how you're tracked unless somebody happens to push you in a different direction. One of my teachers used to tell me, 'You're smart, and the only person we've got to convince of that is you.'"

"You're taught never to be certain about what you know," Peggy Miller had told me in Baltimore several years earlier. Miller was a slight woman in her early thirties, with dark hair, round dark-rimmed glasses, and a grave air. She had grown up in a working-class area of Pennsylvania, had earned a doctorate in psychology, and was studying certain aspects of how parents raised children in the neighborhoods that surround Baltimore's steel mills. "Myself, I feel compelled to be a hundred percent sure of something before I'll say that it's so, when many other people say it's the case if they're fifty-one percent convinced. One of the reasons, of course, is that a standard of success in the professional world is a kind of glibness and self-confidence. When you ask a worker about something he actually knows in detail, what he'll say is, 'I know a little about that' or 'I have a little bit of experience with it.'"

Their own life stories might seem to contradict what Ward and Miller say—after all, each of them has risen in the world. But they offer testimony about an attitude to which most of their friends succumbed. Surrounded by indications that they just weren't good enough to earn a berth in the college-degree world, many were persuaded not even to try. There is a more powerful illustration of this destruction of human capital: the behavior of lower-class black teenagers, especially boys, who inspire from most of their fellow citizens a mixture of fear, despair, and a desire that they be kept at bay. The tangled history of race in America may make the situation of the black underclass seem unique, but what is racial prejudice if not a concentrated version of the meritocratic message that certain people are so defective that they deserve to fail?

"When you watch these young men playing sports, you know the enthusiasm, the creativity, the competition, and the standards are all there," Irving Hamer told me one afternoon last year. Hamer is the headmaster of the Park Heights Street Academy, in Baltimore, a private school designed to give a second chance to students who seem bright but have run into trouble in the public schools. The Street Academy is located in a cleaned-up row house in the Baltimore ghetto. Hamer, who was raised in central Harlem by his mother, is a tall black man in his late thirties with broad shoulders and a slender waist.

"Sports is different, because it's the one place where adolescent black males believe there is an outlet for themselves. The determination and energy they show there doesn't translate itself into other areas, because they think they're unavailable. Apart from sports, there is nothing that brings them the message that an upbeat approach can pay off. The subtle message that leaps from their experience and reinforces a sense of self hate is that they shouldn't even try. How do you get a handle on a social pathology that makes people hate themselves?" Hamer ran down a list of his graduates and what had become of them in the few years since Park Heights had opened. About half have gone on to the nearby community colleges, and many have joined the Army. "The military has become a convenient way out for a lot of them, and it kills me. The military simply doesn't demand the performance or level of achievement they should be capable of. And those CETA programs—what terrible, unkind assumptions they make about young people, that they can only make it if all the standards are lowered for them. These kids figured out fairly early that little was expected of them."

When I talked with Park Heights students and asked why they had quit or floundered in public school, I nearly always got the same reply. The teachers were robots; nobody cared about anything except the paychecks; it was a waste of time even to show up. With all proper allowances for teenagers' vast capacity to deflect responsibility away from themselves, by the twentieth time I heard such an account I was convinced—convinced not simply that the urban public schools, deserted by the middle class, have become a trap for those who can't buy their way out but also that when people are told they will fail, most of them do. Is it merely a coincidence that so many immigrants, whose potential has not been ascertained, rise as if they do not know where they are supposed to stop? At the time of my visit to Park Heights, in the spring of 1984, Jesse Jackson's campaign for the presidency was beginning to gather steam. One wall of Hamer's office was dominated by a super-life-size portrait, in which Jackson stood resplendent in a business suit. His dimensions and his beatific smile made him look like a happy god. "Why do you think he's getting all the black votes?" Hamer said. "He sends a message that you can succeed."

"People are always saying, 'Why don't these local blacks try harder, when so many of the black-skinned immigrants do so well?'" Juan Williams said early this year. Williams, a young reporter for *The Washington Post*, is himself a black-skinned immigrant, born in Panama and brought by his mother to Bedford-Stuyvesant when he was two. "When people do well, it's because their parents gave them the feeling that great things were expected of them and were within their grasp. My older sister went off to this fancy college and came home all fine and uppity. You start thinking, I want that too. What mattered was having practical models of what you could achieve."

By persuading people on the bottom of the heap that they probably can't succeed, then, the educational meri-

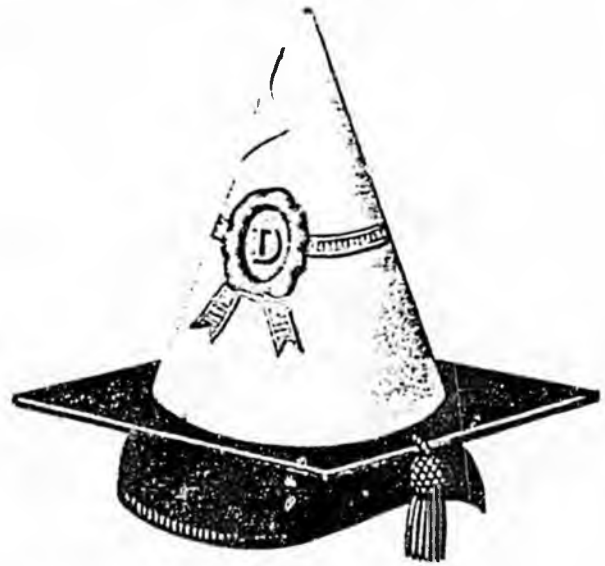
meritocracy destroys talent on which we might otherwise draw. By teaching people that they are stuck where they deserve to be, it promotes the resentment that is so destructive to economic and democratic life. Within the past decade, as American businesses have looked with anxiety at Japan and with envious curiosity at successful domestic firms, the conventional business wisdom has emphasized the danger of creating a rigid class structure within a firm. From the Delta executives who handle baggage at Christmastime to the GM Saturn workers whose pay will depend on the plant's profitability, the anecdotes on which the new folk wisdom is based have had a Frank Capra-like democratic theme. Everyone has to feel important, has to think that his efforts are needed and will be rewarded. These days the "us-against-them" mentality of recalcitrant unions and thickheaded managers is widely denounced, but the caste system created by educational credentials has a similarly divisive effect.

For much of my adult life I have lived among those who have "had it good" on the meritocracy's terms. Because of their intellectual promise, they were better educated than most others, and given longer to explore options and make choices. What I find striking about this class is how few of its members are involved in the sort of creative economic efforts that nearly everyone now professes to admire. From college and graduate school I know lawyers, consultants, and analysts aplenty, but few people who have started their own businesses or created jobs for anyone besides themselves. There are exceptions, but most of the real entrepreneurs I know lack the track record of impeccable schooling and early academic success that is supposed to distinguish the meritocracy's most productive members. What kind of merit system is this, if it discounts the activity on which the collective wealth depends?

A few years ago it was fashionable to blame the distaste for enterprise on the anti-business attitudes of an over-educated "new class." I wonder whether such an explanation is necessary or sensible—especially since the behavior persists even while the well educated have become the main cheerleaders for America's entrepreneurs. Isn't there a more obvious reason, based on calculations of risk and reward? Despite all the pious encomiums that risk-takers now receive, few people seek risk when they can rely on a sure thing. To a degree only dreamed of by Mark Twain's river pilots, the professions now represent America's surest thing. Not many professionals become truly rich, but neither do many doctors, lawyers, consultants, and (today's business students hope) M.B.A.s fall out of the upper tier of income and status. An entrepreneurial society is like a game of draw poker; you take a lot of chances, because you're rarely dealt a pat hand and you never know exactly what you have to beat. A professionalized society is more like blackjack, and getting a degree is like being dealt nineteen. You could try for more, but why?

Thus, in addition to depressing the "unmeritorious" a meritocracy can corrupt its professionals, making them care more about keeping what they have than creating

something new. For at least thirty years after the Depression families refused to borrow, socked away their extra dollars, dared not give up tedious but secure jobs, lived in dread that bad times might return. Such caution was based on a fear of ruination; the lack of entrepreneurial daring in today's professional class seems to come instead from a sense of entitlement. Nearly everyone admitted to a professional school graduates; most of those accredited live well. If an "achieving" society requires a balance between confidence and anxiety, can it afford a swelling class whose chief ambition is one day to "make partner"?



“ALL OF OUR WORK HAS GIVEN ME A VERY STRONG view,” Richard Boyatzis told me one afternoon. The consulting firm Boyatzis heads, McBer and Company, was founded by David McClelland in 1963. Its specialty has been analyzing what people actually *do* in business jobs—not what their job descriptions say, but how they spend their time and which skills seem most important to their success. “I’ve come to see that whenever a group institutes a credentialing process, whether by licensing or insisting on advanced degrees, the espoused rhetoric is to enforce the standards of professionalism. This is true whether it’s among accountants or plumbers or physicians. But the observed consequences always seem to be these two: the exclusion of certain groups, whether by intention or not, and the establishment of mediocre performance standards.”

Mediocre performance is a grave charge, since the principal justification for a meritocracy is that it sends the right talent to the right jobs. The baleful consequences for working-class morale, the professionals’ quest for tenure—these might seem to be the costs we inevitably pay for competence. But the implication of work done at McBer, along with other studies, is that the academic-credentialing system that has evolved over the past century is deficient by its own most basic standard, that of guaranteeing high performance. At every step of the way what is rewarded is excellence in school, which is related to excellence on the job only indirectly and sometimes not at all.

"Because the credentialing and licensing process uses input measures, mainly years of schooling, to determine who gets into the field, we end up licensing people who are good at *studying* law or business, which is not necessarily the same thing as being good at the job," Boyatzis said. "Occasionally a licensing procedure will require a demonstration of relevant skills—craft unions or accountants, for example. But even in those cases they have no way of assessing whether the skills and knowledge have atrophied in all the years afterwards. The physicians are a perfect example. They've agreed to a system for continuing education—which they can satisfy not by passing a test again but by showing that they've gone to a few courses each year."

Within the professions there are abundant illustrations that the skills on which credentials are granted are different from the performance that matters most. For example, in 1979 Daniel Hogan, a lawyer and social psychologist at Harvard, published a four-volume study called *The Regulation of Psychotherapists*. Its ambition was to examine the day-by-day workings of psychotherapy at every level, from social worker to licensed psychoanalyst.

Hogan devoted his first several hundred pages to an analysis of the traits and qualities that distinguish effective psychotherapists from ineffective ones. In judging effectiveness he concentrated on "output"—changes in the patient's condition—rather than "input," such as how much effort the therapist applies, how much he charges, or how long he spent in school. Then, in the second half of that volume, and with the same painstaking thoroughness, Hogan went through the qualities demanded of those who want to be certified as psychotherapists. There was little overlap between the two lists.

"Contrary to much professional opinion . . .," he said, "the effectiveness of therapists is more determined by the presence or absence of certain personality characteristics and interpersonal skills than technical abilities and theoretical knowledge." The skills that make a superb psychotherapist are mainly common-sense human skills—warmth, empathy, reliability, a lack of pretentiousness or defensiveness, an alertness to human subtlety, an ability to draw people out. "The necessary qualities are very similar to those one looks for in a good friend." These are not traits that can be detected on a multiple-choice exam, but they are real, and can be measured in creative ways. In half of the "effectiveness" studies that Hogan surveyed, non-professional therapists did better than professionals in helping patients, despite their lack of formal education. In one study conducted in 1965, for example, five laymen (only one of whom had finished college) were given less than 100 hours of training in therapy skills. Then they were put in charge of patients who had been hospitalized, on average, for more than *thirteen years*. Under their treatment more than half the patients improved.

Hogan contrasted such subjective skills with the traits the profession considered essential before issuing a license, most of which were based on academic proficiency. "For traditional psychotherapy, psychiatrists stress a

understanding of human biology, neurology, and psychopharmacology; psychologists stress personality dynamics and interpersonal behavior; and social workers believe that a theoretical understanding of environmental influences on behavior is essential." As Hogan pointed out, such "hard" scientific preparation was necessary in some cases, to be sure that the patient's complaint did not arise from chemical imbalance, from injury, or from a tumor. But once those possibilities had been eliminated, Hogan's findings showed, advanced technical training counted for nothing in restoring most mental patients to health.

If psychotherapy seems too "soft" a discipline to provide a fair test of meritocratic standards, what about air-traffic control? In 1970 Ivar Berg reported on a study conducted by the Federal Aviation Administration, which wanted to understand what made 507 highly competent air-traffic controllers good at their jobs. The question was whether advanced educational requirements would produce competent controllers; the answer was no. As Berg explained,

This complicated job . . . might well require, not merely the details of engineering or management science or mathematics, but all the supposed "correlates" of education—a disciplined mind, for example—and the more personal qualities that education is supposed to produce—reliability, steadfastness, responsibility, ability to think quickly, motivation, etc.

Common sense might suggest that the better controllers would be more educated—but the FAA found that fully half the top-ranked controllers had no formal education beyond high school. Many of them had come directly to the FAA for rigorous technical training specifically related to the jobs they were expected to do. Berg said.

Because it was "stuck with" less educated men . . . the FAA became a little laboratory in which the relevance of education for attainment of, and achievement in, important managerial and technical positions could be examined. Education proves not to be a factor in the daily performance of one of the most demanding decision-making jobs in America.

The implication of examples such as these is not that talent is equally distributed or that minds are limitlessly malleable or that advanced training is always destructive. A liberal education is good for its own sake, and schooling of any sort can impart a broad perspective that can help in any job. Rather, the charge against credential requirements is that they are simultaneously too restrictive and too lax. They are too restrictive in giving a huge advantage to those who booked early passage on the IQ train and too lax in their sloppy relation to the skills that truly make for competence. No nurse is allowed to hang out a shingle and collect professional fees for the many medical functions she can competently perform; any psychiatrist is legally entitled to perform open-heart surgery or read x-rays of your knee. If sports were run like the meritocracy, the Miami Dolphins would choose their starting lineup on the ba-

sis of high-school times in the forty-yard dash and analyses of the players' muscle tissues to see who had the highest proportion of "quick-twitch" fibers. If the Dolphins actually did this, they'd face a long losing season: the coach cares about speed but finally chooses the players who have proved they can catch the ball or stop the run.

Nearly fifteen years ago David McClelland wrote an article called "Testing for Competence Rather Than Intelligence." It said, in effect, that what Don Shula does for the Dolphins (the testing and licensing system should do for the professions. While some people are brighter than others, and while the variations in their abilities matter in some jobs, differences in IQ scores should not be the central concern of professional licensing. The proper function of licenses is to ensure that when passengers enter an airplane, they can count on the pilot's knowing how to fly, and that anyone who offers to argue a case in court or prepare a tax return is competent in those tasks. Designing tests of these specific skills might be slightly harder than drawing up yet another IQ test, McClelland said, but the obstacles would hardly be insuperable. Social competition would be more open, the economy would be more flexible, and standards of performance would be higher if credential requirements gave way to tests of specific skills.

In business the companies that are growing and changing the fastest, and where flexibility and performance are presumably more crucial than anywhere else, already tend to overlook credentials and behave like armies in wartime, rewarding people for what they can do today, not for their background or what their theoretical potential might be. "We do a lot of college recruiting to find our new people," says Steven Ballmer, a twenty-nine-year-old vice-president of Microsoft, the phenomenally successful software firm that Ballmer's contemporary and college classmate, Bill Gates, founded after dropping out of Harvard. Ballmer dropped out of Stanford Business School to join him. "We go to colleges not so much because we give a damn about the credential but because it's hard to find other places where you have large concentrations of smart people and somebody will arrange the interviews for you. But we also have a lot of walk-on talent. We're looking for programming talent, and the degree is in no way, shape, or form very important. We ask them to send us a program they've written that they're proud of. One of our superstars here is a guy who literally walked in off the street. We talked him out of going to college and he's been here ever since."

Such established firms as General Electric and AT&T have long been known for recruiting college graduates and then offering management training, as necessary, inside the firm. Of the 4,500 entry-level professionals General Electric hires each year, only fifty are new M.B.A.s. Most of the others have technical backgrounds; as they move up, they are given brief courses inside the company rather than being formally sent back to school. "As far as we're concerned, there's no broad incentive for technical companies to go out and get M.B.A.s," says James Baughman, who formerly taught at Harvard Business School and now

supervises management training at GE. "It's a heck of a lot easier to change a technical person into a businessman over the years than the other way around."

As an alternative or supplement to judging academic credentials, many firms have developed "assessment centers," in which employees handle simulated business problems, in a setting as close to real life as possible, to demonstrate their competence or indicate the need for training. Candidates for administrative jobs, for example, might work their way through a sample in-box. "Bosses find those promoted because of their assessment center scores to be competent, the candidates feel the system is fair, and assessors believe that the process has given them the chance to measure important characteristics," wrote Robert Klitgaard in his recent book *Choosing Elites*.

A number of firms, from McDonnell Douglas to Mobil to Digital Equipment, have turned to McBer for its "competency" analyses of specific jobs. The results are sometimes surprising. To manage its new-product-development lab, for example, one firm had habitually looked for freewheeling, creative types; the lab's researchers were innovators, so naturally their boss should be too. "It turned out that those with the best performance were actually less creative and risk-taking than others," Richard Boyatzis says. "The most creative people held onto ideas way too long. What distinguished the superior performers were other traits, like being able to informally steer people and to get engineers, market researchers, and scientists to pull together."

Equipped with such knowledge, the company was able to select more-competent directors; more important, it was able to train a broader range of people to succeed. McBer's view of "competencies" is very similar to Binet's view of intelligence: after the illness, the remedy. Boyatzis says, "The most positive message we consistently get is that people do want to improve themselves, but usually they don't know *exactly* what to work on. When you can give them good feedback on specific goals, that releases the natural internal inclination to improve."

IS IT POSSIBLE TO COMBINE THAT BASIC DESIRE FOR improvement and upward mobility with standards that ensure high performance? Can a society be both efficient and open? One of the most successful, and least credentialled, assessment procedures suggests that it is.

Among lawyers, accountants, and M.B.A.s incompetence may be a nuisance, but in airline pilots it is a catastrophe. In the early days of commercial flight the airlines bore the responsibility for training and certifying their pilots, but they soon begged for government regulation, so as to spread the responsibility when crashes occurred. Like the licensing procedures for doctors, lawyers, and engineers, these standards were supposed to protect the public from incompetence, but they were of a very different nature from those of the professional guilds. The pilot-licensing system was built on the premise that competence

was divisible: people can be good at one thing without being good at others, and they should be allowed to do only what they have mastered. As opposed to receiving a blanket license, the way members of other professions do, pilots must work their way up through four certificate levels, from student to air-transport pilot, and be specifically qualified on each kind of aircraft they want to fly. What's more, a pilot must demonstrate at regular intervals that he is still competent. To keep his license a pilot must take a review flight with an instructor every two years, and the pilots for commercial airlines must pass a battery of requalification tests every six months. "A small but regular percentage is washed out each time," John Mazon, of the Air Line Pilots Association, says. It is reassuring to know they are gone, but what about their tenured counterparts in the other professions?

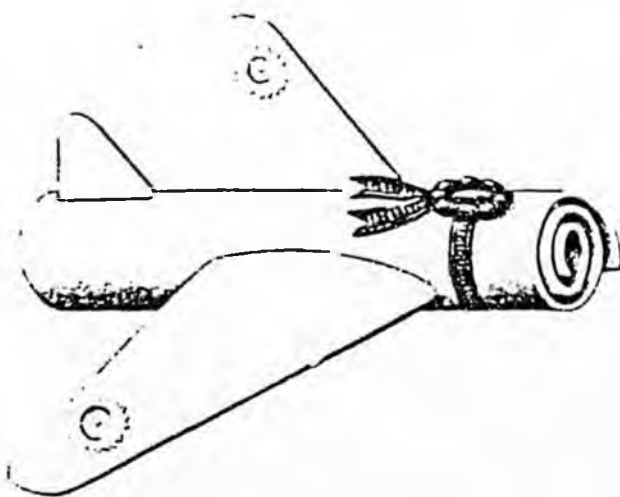
The results of this licensing scheme are a high level of proficiency and a profession more open socially than the rest. Most pilots of big jets learned to fly in the military, since that is the least expensive way to put in the 1,500 hours of flight time necessary for an air-transport license. But the remainder slowly worked their way up, putting in flight time on their own or working for small air-taxi outfits until they could move to the next level of licensure. Imagine what other professions would be like if they operated this way. The sociologist Randall Collins's prescription for medical training follows a similar pattern:

All medical careers would begin with a position as orderly, which would be transformed into the first stage of a possible apprenticeship for physicians. After a given number of years, successful candidates could leave for a few years of medical school (2 years seems sufficient background for most practitioners . . .) and then return to the hospital for advanced apprenticeship training of the sort now given in internship and residency programs. . . . Advanced specialties could continue to be taught as they now are—through further on-the-job training; only medical researchers would be involved in lengthy schooling.

In theory business is better positioned than the professions to resist the worst effects of a meritocracy. The professions depended for their creation and growth on credential barriers that kept people out; business depends for its survival on making the best and most flexible use of all its resources, including talent. Even dominant firms must face the possibility that somebody who may not have gone to the right school and may not have the right degree might still come to market with a better, cheaper product.

Because successful business practice depends to some extent on appearances, business may never be as completely open as America's one true meritocracy—sports. (It didn't matter that Babe Ruth was fat, slovenly, and ungrammatical, so long as he could hit the ball.) But why shouldn't sports, rather than the professions, epitomize the meritocracy to which we aspire? American professional sports have their sins and excesses, to be sure. But with their relative openness to newcomers and disregard for background (most teams have hired non-name free agents and waived famous first-round draft choices) and their faith that ruthless and continuing judgments of performance will finally lead to equal opportunity, sports seem more admirably meritocratic than the system of early selection and later tenure that *meritocracy* has been perverted to mean.

Perhaps the cultural changes that have professionalized America are irreversible. The economist Mancur Olson has gloomily hypothesized that most societies tend to separate into inflexible castes, except when warfare or other cataclysms disrupt the social order and unleash new talent. The United States has renewed itself in less traumatic fashion—by continually populating new regions, by absorbing varied immigrant groups, and by taking deliberate steps, such as the GI Bill, to give more of its people a chance. As we drift toward a neater and more predictable social order, we might reflect on the rough-and-ready adaptation to experience that brought us this far, and ask ourselves whether we need it still. □



WHAT IS THE PURPOSE OF SB 227, THE BILL TO LICENSE SOCIAL WORKERS?

The purpose of the Act is to assure the consumer that persons providing services under the title "social worker" have completed social work education or training, adhere to a code of professional ethics, and are subject to licensure by the Board of Social Work Examiners.

WHY DO SOCIAL WORKERS NEED TO BE LICENSED?

The actions of a social worker often have significant effects on the lives of their clients. Social workers are responsible for such matters as decisions to remove children from their own homes; evaluating mental patients for commitment to an institution; and providing counseling services to individuals and families that are emotionally distressed. Social workers deal with people at a time in their lives when they are most vulnerable and in need of competent assistance.

It is in the greatest public interest that those engaged in providing social work services to the public be properly prepared for this work and be held to publicly-defined standards of qualifications and performance.

WHAT ARE THE BENEFITS OF LICENSING?

Licensing will enable the public to identify those social workers who have met minimum standards required for licensing. Presently anyone can use the title "social worker" even if the person has no training or experience.

Licensing will further the delivery of quality human services by setting standards for social work practitioners.

Licensing will ensure an enforceable code of professional conduct and provide consumers access to a complaint process, in cases of alleged misconduct.

Licensing will regulate the private, independent practice of social work.

Licensing will enable consumers to receive mental health services from clinical social workers, particularly in rural parts of the State where psychiatrists and psychologists do not reside. Social workers deliver over half of mental health services but are not considered eligible providers by most insurance companies unless they are licensed and regulated by a Board.

Licensing will ensure privileged communication between the social worker and his client, provided the communication does not disclose information that the social worker is required by state or federal laws to disclose.

WHAT IS ESSENTIAL IN A LAW TO LICENSE SOCIAL WORKERS?

Licensing should regulate a minimum of three levels of social work practice, in all settings in which it is practiced. Client confidentiality should be protected. A social worker should not be allowed to engage in the private independent practice of social work without sufficient training and supervised experience. An objective measure to assess the knowledge and competency of applicants must be established. Social workers must be held accountable for their professional and ethical conduct.

WHAT ARE THE QUALIFICATIONS FOR LICENSING?

In order to be licensed, one must be in good professional standing; pass the state examination; provide three references acceptable to the Board; meet the educational requirements; and pay the required fee.

WHAT ARE THE DIFFERENT LEVELS OF SOCIAL WORK PRACTICE?

Three levels identify entry standards appropriate for legal regulation. The BACHELOR SOCIAL WORKER requires a BSW degree and the MASTER SOCIAL WORKER requires a MSW degree. A private practitioner must have a MSW and completed a minimum of two years postgraduate supervised experience.

ARE THERE ANY EXEMPTIONS TO THESE REQUIREMENTS?

An applicant is exempted from examination if he or she is licensed under the laws of a state, country or territory with similar requirements, or if he or she is grandparented.

WILL A LICENSE BE REQUIRED TO PRACTICE SOCIAL WORK?

Social work students, new employees on probationary status, and qualified members of other professions engaged in the practice of social work only to the extent required by their profession do not need a license.

WHAT IS THE INTENT OF THE "GRANDPARENT" CLAUSE?

The intent of the "grandparenting clause" is to bring persons with degrees practicing under the title of "social worker" under the regulation of the Board.

The purpose of the "grandparenting clause" is to ensure consumer protection and to prevent persons from losing their jobs.

WHO MAY USE THE TITLE "SOCIAL WORKER"?

Unless licensed under this Act, a person may not use the title "social worker." A person who is not licensed may use the title "associate social worker" or similar title while the person is providing services to the state or a political subdivision of the state under a licensed social worker.

WHAT IS THE SCOPE OF PRACTICE OF A SOCIAL WORKER?

A social worker provides services that enhance, protect, or restore people's capacity for social functioning whether impaired by physical, environmental, or emotional factors, guided by professional social work ethics, knowledge and intervention methods.

WHO WILL REGULATE THE LICENSING OF SOCIAL WORKERS?

A Board of Social Work Examiners consisting of three master social workers, one bachelor social worker and one public member will be appointed by the Governor.



NATIONAL
ASSOCIATION OF
SOCIAL WORKERS, INC.

QUESTIONS & ANSWERS ON SOCIAL WORK LICENSING

FOR MORE INFORMATION:

Yvonne Chase, ACSW
President
Alaska Chapter, NASW
P.O. Box 101394
Anchorage, Ak. 99510
907-274-4479

Marsha Schneider, ACSW
Executive Director
Alaska Chapter, NASW
P.O. Box 10430
Fairbanks, Ak. 99710
907-457-5914

ANSWERS TO QUESTIONS STATE LEGISLATORS ASK ABOUT SOCIAL WORK LICENSING

A RESPONSE TO QUESTIONS PROPOSED BY THE
COUNCIL OF STATE GOVERNMENTS IN
OCCUPATIONAL LICENSING:
QUESTIONS A LEGISLATOR SHOULD ASK.

National Association of Social Workers
1425 H Street, N.W.
Washington, D.C. 20008

Introduction

State licensure of persons to engage in an occupation or profession has come under increasing question in recent years as state legislators more critically examine just which activities state government should be involved in and which activities should be left outside governmental control. In 1978, the Council of State Governments prepared a booklet titled "Occupational Licensing: Questions a Legislator Should Ask,"¹ which has been widely used by state legislators in studying both new bills proposing the regulation of currently unregulated groups and in considering whether existing laws regulating an occupation or profession are justified.

¹ Shinberg, Benjamin, and Roederer, Doug. *Occupational Licensing: Questions a Legislator Should Ask*. Lexington, Ky.: The Council of State Governments, 1978.

The following "Answers to Questions Legislators Should Ask About Social Work Licensing" is a response to these questions. The National Association of Social Workers believes that the questions are valid and that they represent a major advance for the public interest in making government more effective and efficient. We believe that social workers, as professional practitioners carrying important responsibilities for the lives and well-being of people, should be accountable to the public for their actions in serving vulnerable and often defenseless or dependent adults and children. We believe that a serious consideration of the reasons for regulating who may engage in the practice of social work will conclude that such regulation is in the public interest.

#1. What is the problem? Has the public been harmed because social workers have not been regulated?

Because social workers serve people in so many ways, the extent of harm to the public's health, safety, or economic well-being that is caused by incompetent or improper practice has never been appreciated. The actions, or failure to act, of a social worker often have significant effects on the health, mental health, and well-being of both individual clients and family groups. Social workers are responsible for such matters as:

- decisions to remove or return children to their home;
- the placement of children outside their own family;
- determining if a child is in risk of physical or sexual abuse;
- ensuring that a mentally ill patient or a retarded adult can leave an institution with plans for sound care;
- providing mature and constructive counseling to emotionally distressed individuals and families; and
- helping people make decisions about their lives in a countless number of other ways.

It is *because* a client is vulnerable, or has been hurt, that the social worker is involved and has been given the task of helping. Failure to help, whether through incompetence or irresponsibility, is a serious matter to thousands of persons every day whose well-being depends upon the ability of a social worker.

Because most social workers, up to recent years, have practiced as employees of public and private (voluntary) agencies, there has been little attempt made to hold social workers legally accountable for malpractice, but with the growing number of social workers in private or independent practice, suits by persons who have been harmed through malpractice are increasing. Most of the people who have been served by social workers are the clients of government or voluntary agencies. There is increasing concern for the effectiveness of these programs, which are often staffed by workers without any professional social work training or education.

Exposes by the news media and by investigating committees repeatedly document the inadequacy and sometimes fatal consequences of poor practices in programs and institutions where so-called "social workers" have responsibility for service. But little changes, because both civil service and other employers continue to hire people who do not have the professional knowledge or skill to know what their clients need or how to help them. Unfortunately, it is probable that most of the instances of harm to the public resulting from the actions of untrained and incompetent "social workers" are never known, but are suffered in silence by dependent, defenseless clients. Most members of the public, at one time or another, have heard about or experienced how a so-called "social worker" can take advantage of (or just plain fail to help) a distressed or vulnerable client. And if they believe the social worker is wrong, they have had no place to take the complaint.

Yes, the public has been greatly harmed by the services of ill prepared and incapable persons acting as social workers, and the economic burden of social services which do not give effective aid is a serious social problem. Social services are a major public and private investment by our society designed to alleviate distress and assist people to provide better for themselves. There is every reason to believe that large amounts of public and voluntary funds spent for "social services" have been wasted because such services were being provided by ill-equipped, even if well-meaning, persons.

How do you measure the harm done to a bewildered mother whose life and responsibilities threaten to overwhelm her and whose plea for help is not understood by an ill-equipped "social worker"? What about the lasting impact on the children where such a family breaks up? How do you measure the harm to a child in foster care who goes from failure to failure because no responsible "social worker" was able to understand how to help? Or the harm to all those people who reach out for help but do not receive it?

#2. Who are the users of social work services? Are they able to evaluate the qualifications of those offering social work services?

Most of the persons receiving social work services are clients of public programs, such as services providing care to children, counseling to the mentally distressed or troubled, and protective functions. Such clients literally have no choice about who "serves" them and rarely would they have any basis for evaluating qualifications. But large numbers of persons also use social work services in hospitals, mental health clinics, from private practitioners, and, increasingly, in programs conducted by employers to assist employees with alcoholism or other family problems. Without some form of licensing, clients and potential clients of social work services have no basis for understanding the qualifications of those persons presenting themselves as "social workers." In recent years, there has been a very large number of people graduating from college and university programs at every level from Associate of Arts (2 year college programs), BA (4 years) and MA (1 or 2 post-

graduate study). These programs carry a variety of titles, such as "Counseling," "Mental Health," "Human Service," but they are not accredited professional programs, meeting nationally recognized professional educational standards. Social work programs are accredited by the federally sanctioned Council on Social Work Education.

Nevertheless, the great bulk of the graduates of these non-social work programs seek employment and are hired in social service agencies. At best such programs offer only a "book knowledge" of their fields. In no way do they prepare graduates to assume responsibility for helping clients make significant decisions about their life, nor do they assess the actual *practice competence* of their students. The major professional helping disciplines (e.g., medicine, social work, psychology) incorporate supervised practice in the process of professional education.

#3. What is the extent of autonomy of social work practice? How much skill and experience is required in social work? What kind of "supervision" is there?

Social workers practice both as salaried employees and as independent therapists and consultants. While some form of "supervision" is involved in any type of salaried employment, social workers are characterized by the high degree of independent judgment vested in even beginning level workers. Social work practice requires confidentiality and privacy in contacts between the social worker and client; even closely supervised practice involves contacts that are entirely private and therefore subject only to later supervisory review.

Beginning level social workers are frequently involved in highly emotional, challenging situations, such as in child abuse investiga-

tions, and a high level of mature, informed judgment is needed. Both definite professional skills and prior experience during professional training are needed for entry into the field.

Experienced salaried social workers normally work under administrative supervision, using professional supervision only on a consultant basis. Supervisors in social work should be licensed or regulated in the same way as the practitioners they supervise.

Social workers practicing as independent therapists or consultants function autonomously, even though they might use consultation with a colleague or other professional, such as a psychiatrist, where such expertise is needed.

#4. What efforts have been made to address problems that occur in social work practice? Is there a code of ethics? Are there complaint handling procedures? Are these effective in protecting the public?

There is a Code of Ethics promulgated by the National Association of Social Workers, a voluntary professional membership organization of some 80,000 members, and the NASW does have a well organized procedure for handling complaints of unethical conduct. However, the effectiveness is limited because *only* members of the association can be made accountable and because the most severe "discipline" (censure or termination of membership in NASW) possible may not prevent continued practice by an unethical social worker. Moreover, this professional peer review of ethical conduct is not a review of *competence* and so does not provide an adequate forum for handling disputes between practitioners and the public.

The NASW Code of Ethics is widely recognized and accepted in the field of social work and social services as the primary ethical guide or standard. This demonstrates the readiness of the profession to observe such standards. It is estimated that of the nearly 350,000 persons employed in a social service capacity, only 150,000 are *trained* social workers and, therefore, eligible for membership in NASW. The fact is that the field has large numbers of persons employed as "social workers" who lack the necessary training and have little or no awareness of the profession's ethical and other practice standards. Thus, the only way to ensure full accountability of persons practicing social work is through state regulation covering all such practitioners.

#5. Is there a nongovernmental certification program that would assist the public in identifying qualified practitioners?

There are several such programs for voluntary certification in social work but they provide certification only for certain advanced levels of social work practice. They do not provide an adequate guide to the public and to clients about the great bulk of social workers now practicing.

The major voluntary certification program is the ACADEMY OF CERTIFIED SOCIAL WORKERS, which requires membership in the National Association of Social Workers, two years of postgraduate social work experience, and a written examination. It was developed to provide a voluntary identification of practitioners qualified to practice independently and

as supervisors. In 1979, some 45,000 persons held the ACSW certification.

Social workers in private or independent clinical social work practice can also be certified and listed in the national Register of Clinical Social Workers, which is primarily designed as a guide to the public and to insurance companies using the services of social work therapists and consultants.

There is no certification program for the great majority of persons employed as social workers. Most civil service social workers are not required to be trained social workers, and the public now has no means of knowing whether "social workers" in public agencies are, in fact, professionally qualified.

#6. Could existing laws or standards solve the problem? Would strengthening existing regulations help?

Existing laws covering unfair trade practices, consumer protection, deceptive advertising, etc., have little or no applicability to the practice of social work. This is primarily because most practice is by agency employees operating on a non-profit basis and not usually subject to the various trade and commerce regulations. Civil law protections are, of course, applicable in certain situations but do not provide any assurance of *quality* in the practice of social work or a protection against

mistreatment. Without the standards set by a state regulatory act, there is little basis for effective malpractice litigation.

Strengthening state regulation of such institutions and facilities as hospitals, nursing homes, day care centers, etc., would help but, again, without state recognized standards of qualification and with no procedure to monitor practice, there are no standards to follow. Also, such increased regulation would cover only a limited number of social workers.

#7. Have alternatives to licensure been considered? Registration by a state agency? Certification of competence by other than the profession?

Several alternatives to licensing of social work practice have been tried in some states, but found inadequate as a means of protecting the public. One alternative—registration on a voluntary basis by practitioners—is effective only where such registration can serve as a guide to members of the public in selecting a qualified practitioner. Because most social work clients are not voluntary but are served by a public or private agency program, the client is not helped by knowing that a social worker is or is not "registered" by the state. Also, such registration is voluntary and to *not* be registered does not mean that an agency employee is not qualified.

Other alternatives are the ACSW and *The Register of Clinical Social Workers*. These existing certification programs are, of course, operated by the social work profession. Certification of competence by other than the profession does not in fact exist for any profession or occupation simply because a certifying body would have to be competent in the profession in order to make such a determination. NASW supports the increased use of lay members on boards and proposes their appointment on all state regulatory boards in order to ensure effective public participation in monitoring professional practice.

Accountability and effective standards set-

ting for a profession that is practiced as widely and in so many different types of settings as social work can only be successfully carried out through a basic licensure law, which covers all settings and requires mandatory participation of all practitioners.

In the past, it was expected that state civil service systems, and such agency-related organizations as the United Way and Family Service Association of America, would establish and maintain standards of professional quality and would adequately protect the public in providing services to them. In fact this has not proved to be the case, as state civil service systems in most states have not established standards for ensuring the quality of service and have taken no measures to ensure the accountability of their social work employees to their clientele. Private agencies, such as those affiliated with the FSAA or Child Welfare League of America, are more responsive to public criticism but the field of social welfare and services in recent years has come to incorporate many new agencies that use "social workers" and "counselors" but recognize no professional standards. The public has no way of knowing what standards, if any, such agencies follow, or how they hold their social work staff accountable for the quality of services given.

#8. How will the public benefit from licensing of social work practice? What standards would be used? Are they job related? Will they ensure competence?

The public stands to benefit from the licensure of social work practice because such a law will ensure that those persons who the client and public see and deal with, and who make decisions about their lives, or who intervene to protect a child's life, or to whom they turn when troubled and wanting sound counseling, will have had the training needed to be able to understand and to help, and can be held accountable for their actions as social workers.

- Licensing will end the confusion caused by the proliferation of job titles and varied training and experience backgrounds by recognizing standards for which social workers, regardless of background or training, will be held accountable;
- Licensing will create an easily accessible forum in which a client can raise charges of malpractice and unethical conduct;

- Licensing will establish state recognized standards which can be in turn recognized by other state agencies and reduce wasteful studies and disputes about social work services in state regulated activities.

The social work profession over the years has developed standards that are widely recognized in practice and that are job related because they are derived from experience on the job. Specific standards and regulations are, of course, established by each licensing board but those states currently that have regulatory acts share information through the Association of State Boards of Social Work, an independent organization formed by these state boards. The NASW strongly supports the concept of interstate mobility of professionals and reciprocity that is based on nationally recognized standards.

#9. What training and experience requirements would exist? Are they similar to those of other states?

The licensure of social work practice should be based on the accredited professional training that is now recognized by the profession as beginning with the Bachelors in Social Work (BSW). This degree, accredited by the Council on Social Work Education, is offered in over 180 colleges and universities in nearly every state in the nation. The second level of professional practice is achieved through the Masters in Social Work (MSW) or an equivalent graduate degree accredited by the Council on Social Work Education (CSWE). There are currently about 90 accredited Master's programs. The CSWE is designated by the federal Department of Education as the single accrediting body authorized for social work education. These standards are recognized by federal regulations for Medicare and, as of March 1980, in proposed guidelines for all state child welfare services.

Licensure to engage in independent or private practice of social work, as a therapist or consultant, requires two years of post-MSW social work experience and the passing of an examination to assess the applicant's breadth of knowledge and professional judgment. Frequently, an oral examination or other means of demonstrating competence is also required.

These standards for education and experience are recognized by the majority of those twenty-three states that regulate social work. Some states do not include a baccalaureate level, but the NASW strongly believes that this level of initial professional practice is critical to the objective of protection of the public because, in fact, more clients are served by practitioners at this level than at any other level.

#10. Will applicants be required to pass an examination? Will the exam meet professional and legal testing standards?

It is the position of NASW that some form of assessment of competence and professional knowledge should be required in addition to possession of a degree. In practice, most states now use some form of written test but these vary in their quality.

The NASW, using the professional expertise

of the Educational Testing Service, has prepared nationally available examinations for the baccalaureate, master's, and advanced levels of practice. These tests meet legal and professional standards and their validity is under continuing review.

#11. What assurance would there be that licensed practitioners will maintain their competence? Will renewal be required?

The law licensing social work practice should require periodic evidence of continued professional learning. Most recent acts regulating social work do have such provisions. A total of eight states regulating social work now require this.

All social work regulatory acts do require periodic renewal and the NASW supports this important aspect of ensuring that a commit-

ment to professional development is maintained. Renewal should not be based merely on the payment of a fee. The NASW believes that continuing professional learning is extremely important, particularly in view of the fact that the enactment of licensing may "grandparent in" practitioners who have not had accredited social work education.

#12. How will complaints of the public against practitioners be handled? What grounds will there be for suspension or revocation of license?

Complaints of improper conduct or malpractice are usually made directly to the state board, which should have investigating staff available to handle the complaint promptly.

The Board created by the law should be empowered to conduct a hearing, with full due process safeguards for all parties, and to act without undue delay in any disciplinary action required.

Suspension or revocation of the license—and therefore of the right to practice—may be based on a number of grounds, including unprofessional conduct, inability to render adequate professional service, or unethical conduct.

The NASW believes that one of the most important reasons for enacting licensure is the accountability it provides to the public.

#13. Will licensure restrict competition? Will the profession unduly restrict entry to practice? Will it increase costs to the public? Or decrease service available?

These questions of economic impact are not applicable to the practice of social work, which is largely carried out by non-profit organizations and public agencies, and only to a lesser degree by private practitioners. Because, as noted before, enactment of licensure usually entails the grandparenting in of a number of persons already in practice, there is no way that the law can have a restrictive impact. For future applicants and entrants, the requirements for professional education are neither burdensome (since existing accredited programs are producing adequate numbers of graduates and are available in nearly every state) nor unfair (since the practice of social work does require the knowledge and skills provided in these accredited programs). Also, since there are a significantly higher proportion of minority graduates in social work than in other related fields, the job related requirement of a social work degree acts to reinforce affirmative action objectives. The serious problem faced by many members of minority groups in financing a college education of any kind is not a factor here, as social work employment generally requires at least a college level education. It is important to bear in mind that licensure of *social work practice* does not mean that *all types of social service work* would require a license. There is a great need for many social service positions not requiring a college degree and for which other forms of training and experience are appropriate.

Because there is no economic restriction involved in the licensing of social work practice, there has been no cost or economic impact following the passage of laws regulating social work. In all states having regulation, there has continued to be a surplus of qualified persons and there is no reason to foresee any change in this situation.

A problem for all professional disciplines is the tendency of members to move toward

metropolitan areas, leaving shortages in the rural and inner-city areas of a state. Social workers tend to be more widely dispersed than other professionals (psychologists, psychiatrists) and the licensing of the BSW social worker, particularly, could make opportunities available that will attract licensed social workers to the under-served areas.

Also, since in practice the fees charged by social workers being reimbursed for mental health services as private practitioners generally are less than the fees charged by psychiatrists, physicians, and many clinical psychologists, the real economic impact of the increased use of social workers has been to retard or reduce the costs to insurance companies of mental health coverage, and thus ultimately to slow down the cost spiral. Experience shows that licensure of social workers does increase their participation in providing mental health services and the lack of licensure tends to exclude their participation.

Other charges of unfair restriction or of negative impact by licensing have also been shown to be unfounded. The advertisement of professional services has generally been accepted by professions today as valid and appropriate, as long as it is honest and does not include "scare" tactics or exaggerated claims. It is also clear that the primary professional organization, NASW, as a voluntary membership organization, does not in any sense "control" the profession, and therefore cannot control the supply of practitioners.

The existing "scope of practice" clauses incorporated in laws regulating social work provide a broad definition and do not interfere with the right of other professions to provide those services for which they are qualified. Specific exemptions are usually included to recognize those other professions and occupations regulated by the state.

#14. Will the regulatory body be restricted to social workers? What powers would it have? Will its actions be subject to review?

NASW has consistently supported the inclusion of lay or public interest representation on boards regulating social work, and almost all existing boards do include non-social worker members. In recent years, there has developed another form of regulatory body, the "umbrella" board, which administers the licensure law covering several related professions—for instance, psychology and social work. On such a board, there should be major, not token, public interest representation.

The regulatory board's powers should be spelled out in the legislation. Usually it includes the authority to promulgate regulations necessary to administer the law, to establish

standards of professional performance and ethics, to examine applicants, and to consider complaints by the public against licensed social workers. Where there is an umbrella board covering more than one profession, each profession evaluates the applications of its own discipline.

Many states also bring their regulatory bodies under a single department which establishes overall standards and administrative procedures. Many states now have Sunset laws which provide for periodic performance audits of each regulatory board and provide for their termination if not found justified or in the public interest.

#15. How is the regulatory board financed? How are fees set? How are the funds administered?

Boards regulating social work are uniformly financed entirely from the fees paid by the licensees, which, in many cases, provide a regular surplus to the state treasury. Many state laws set maximum or minimum amounts for the fees to be charged, and permit the board to revise the fee schedule within those limits. This procedure is the most practical one and appears to work best. Fees should not be set in

specific terms by a state law because they are not then subject to change as needed to finance the administration of the law.

Most laws, however, do provide that all fees be paid into the state treasury. The board's administrative costs are paid under an appropriated budget acted on in the regular legislative process.

#16. Who is sponsoring the licensure of social workers? What organizations are there in the profession? What is their position on licensing?

The licensure of social workers in all states is a goal of the National Association of Social Workers, the primary professional organization representing trained social workers. For many years, after the development of the social work profession, while the other major professions, such as medicine, law and psychology, were establishing state licensing for their respective professions, social workers resisted the concept of seeking state regulation because of

their concern that such regulation would prove restrictive, rather than helpful, and that other professions had not adequately demonstrated that such regulation was in the public's interest.

By 1968, however, fundamental changes in our nation's system of providing social services have eroded and seriously undercut the actual delivery of vital services which require sound professional education and preparation. It

became all too clear that the best means of ensuring quality in the delivery of social services was to seek regulatory laws requiring persons engaging in and responsible for the provision of services having critical impact on the life and social functioning of others to be professionally trained and fully accountable to the client and the public. Since then, NASW has firmly pursued the goal of legal regulation as a necessary measure to ensure adequate quality in social services on which so many people depend for a chance at a better life.

Other professional social work organizations also support and are active in seeking licensure. The National Federation of State Societies of Clinical Social Workers, most of whose members are social workers engaged in psychotherapeutic services, is an important factor in this effort.

Another major professional group is the Society of Hospital Social Work Directors. They strongly support the need to ensure the social workers in medical and psychiatric settings are fully trained to carry their important roles as a helping professional discipline in the treatment of illness and encouragement of healthful living.

The National Association of Black Social Workers has not supported licensing out of their concern that insufficient numbers of blacks are able to secure the requisite professional education and their fear that state regulation will entail some degree of state control. While it is certainly true that continuing racism and economic discrimination is a problem in our society, the fact is that schools of social work have strongly recruited and graduated blacks and persons of other minority and ethnic groups. Thus, these minorities are more highly represented in social work than in other professions. The very fact that social workers direct so large a portion of their work to assisting people in need and helping them combat the effects of discrimination ensures that social work as a profession needs the knowledge and commitment of members of all minorities and ethnic groups if we, as a society, are to succeed in eliminating all forms of discrimination. And far from being a tool of increased state control, the participation of Blacks and other minority and ethnic groups on state boards of social work offers a new opportunity to enforce accountability and increase the consumer's influence in the delivery of social services in this country.

#17. Why is the profession of social work seeking licensure? Is it self interest? Or public interest?

Many of the responses to other questions in this booklet speak to this question, but the basic reason is that we have become convinced it is necessary for the profession to be regulated in order to ensure that clients receive competent and ethical help in dealing with their problems. It is important to understand that the great majority of clients receiving social work help *have no choice about who is to be their social worker*. And where they do have a choice, such as when seeking psychotherapy or marital counseling, the consumer is in no position to effectively judge the possible competence of the therapist. The consumer, or client's, need to be assured of capable service is the basic reason why the social work profession is seeking regulation.

It would, however, be less honest to deny that social workers have a real and legitimate self interest in achieving the same type of legal and social recognition that the other major, learned professions have obtained. One of the major changes in our society has been the increasing use of insurance as a primary means of providing personal services; in fact, a major portion of mental health care in this country is now provided through such insurance and, of course, hospital and health services which so often involve social workers are also heavily supported by insurance systems. To ensure quality in the services paid for, insurance companies demand that providers, such as social workers, have some objective form of certifying their competence. State

licensing is the primary way in which all such professions are certified for practice, and therefore, social work should be so regulated.

A third important fact is that social workers practice in a larger number and variety of settings, organizations, and institutions than does any other profession. There simply is no way to ensure a minimum of professional quality apart from that provided by licensing. This is dramatically illustrated in the confusion that

now exists in the public mind about what a social worker is, what he or she does, and what a client should expect in the way of service.

It is our conviction that providing competent social work help requires professional education. Experience shows the only way to ensure that persons giving services are capable is to establish minimum standards for practice. Such regulation is essential for the public, as well as for the profession.