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# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 1/27/86

**REQUEST**

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

Sponsor: Senator Fahrenkamp  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

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

Components: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

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

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

GENERAL FUND		44.8	43.3	45.4	47.8	50.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		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)

# 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

*Mavisita Schneider*

FEB 8 1985

SOCIAL WORK LICENSING REPORT

2-3-85

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.

# Alaska State Legislature

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



*Superseded*

POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate Committee on Health, Education and Social Services

April 15, 1985

### BILL ANALYSIS

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

#### 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 twice 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 may adopt regulations requiring proof of continued competency (08.87.060(a)(b)).

Section 08.87.140 Fees

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).

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 violation of the act.

Section 7

Grandfather Clause

For 24 months following enactment of the bill, licenses will be awarded without exam to applicants who meet the eligibility requirements of AS 08.87.100 or who have a related degree 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, 1987.

*file SB 227*



**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:

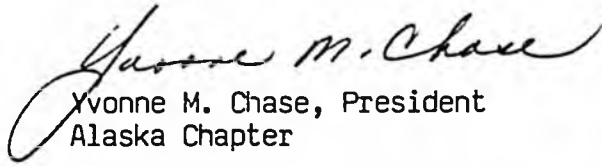
The Alaska Chapter of the National Association of Social Workers has discussed the concerns raised in the recent hearing of CSSB 227 before your Committee, and wishes to propose the following amendments to the Bill.

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

House HESS Committee

Testimony of Representative Marco A. Pignalberi

CSHB 424 (L&C)

March 6, 1986

18.28 regional or local health organization  
1) rec'd \$ fed. gov for community  
health aide program



The bills before you all have a common purpose; i.e. ensure public protection by setting standards and licensure requirements for various kinds of counselors.

My bill, HB 424, is the best approach, not because of any conceptual superiority, but only because it is more comprehensive and deals with 3 related occupations instead of one. Therefore, it protects a greater number of people under its umbrella than a bill which covers only one occupation.

I have no problem with including the substance provisions of SB 227 within HB 424. In fact we've tried to do that. The social workers were behind HB 424 in the earlier stages. Their reasons for backing out and going with a separate bill simply do not make sense to me. I hope this committee will try to make sense of their objections and merge the interests of all three occupations into a single committee substitute.

To the extent HB 424 has serious flaws, they are found in the section dealing with social workers. Indeed, the flaws are common to HB 424, SB 227, and HB 317. They have to do with the "elitist-like" result of licensing only certain practitioners who meet prescribed standards while excluding others who perform as worthy a role, but do not meet those standards. This is a problem especially in rural areas.

I have attempted to cure this defect with the amendments, distributed here, which would exempt practitioners who work in communities of less than 5000 people, or, who work for an organization that qualifies under AS 18.28, the Community Health Aide Statute. The result of the amendments would be to

leave the status quo for the communities and organizations that are covered by the amendment. I recognize that this may not wholly solve the problems that will be further explicated by Dr. Jim Morris when he testifies. But my amendments are offered in a spirit of compromise.

If the committee wants to pass the social worker licensing bill, which I do not recommend, then I would urge you to delete all the social worker provisions from HB 424 and pass it in addition to the social worker bill.

Finally, there is one technical defect in SB 227. Legal Services has provided a memo which indicates a title defect in the bill. Namely, the content of the bill would change Alaska Rule of Evidence #504, concerning therapist-patient privilege. Under Uniform Rule 39, a bill title must include the Rule of Court that it changes. Furthermore, a bill that amends a court rule requires a two-thirds vote for passage. Via telephone, one hour ago, I was told that the intent is not to change the rule, but some change of language is recommended. Assistant Attorney General Froelich will address this also.

Summarily, Mr. Chairman, I think that none of the bills are without defect. HB 424 has the least. SB 227 has the most. I have no objection to including the guts of HB 424 in HB 317. That title can be changed here. SB 227's title cannot be changed in the House. The marriage and family therapists, professional counselors, a lot of social workers, and a lot of common sense urges you to adopt a combined board bill.

A M E N D M E N T

Offered in the HOUSE

By Pignalberi

TO: CSHB 424(L&C)

Page 18, line 14, following "chapter" insert "(1)"

Page 18, line 16, delete "(1)" and insert "(A)"

Page 18, line 17, delete "(2)" and insert "(B)"

Page 18, line 18, delete "(3)" and insert "(C)"

Page 18, line 19, delete "(4)" and insert "(D)"

Page 18, line 20, delete "(5)" and insert "(E)"

Page 18, line 26, delete "." and insert ";"

Page 18, following line 26, insert new paragraphs to read:

- "(2) in a community of less than 5,000 persons; or
- (3) for a regional or local health organization that receives a grant under AS 18.28."

Page 19, following line 6, insert a new paragraph to read:

- "(4) 'community' means a municipality or an unincorporated group of individuals residing in the same geographic area as a social unit;"



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

April 8, 1985

Ms. Yvonne Chase, MSW  
President, Alaska Chapter  
National Association of  
Social Workers  
4020 Folker  
Anchorage, AK 99508

Dear Ms. Chase:

It was a pleasure to meet with you and other members of the Executive Committee of the Alaska Chapter of the National Association of Social Workers recently in Anchorage.

As I said in our meeting, I am basically in favor of the State licensing social workers, but I am not sure how to accomplish this in the most efficient and cost-effective manner.

I am appreciative of the time you spent with my Special Staff Assistant, Carol Derfner, to discuss this issue in more depth. It is my understanding that the discussion was constructive and that further discussion will take place that will explore the possibilities of consolidating a licensure program encompassing several behavioral science professionals, as well as social workers. I am informed that your organization has offered assistance in this matter during the interim period between legislative sessions.

I am sure that my Administration's cautious approach to increasing State licensure of professions and occupations is frustrating to you personally. However, while you certainly made a number of excellent points in your presentation, please understand that there are a number of proposals and bills currently being discussed that would increase the State's involvement in the licensing and regulation of occupations and professions. We are looking at these critically to ascertain actual public need, administrative considerations, and cost to the State. We are also looking at the hidden costs of the consumer of regulated occupations when the numbers, mobility, and activities of professionals are limited by State regulations or law.

April 8, 1985

Our State government is substantially involved in occupational licensing. One out of every five Alaskans is licensed by the State to practice professions or trades through the Division of Occupational Licensing in the Department of Commerce and Economic Development. Many other professions, such as teaching and law enforcement, are licensed through other State departments. It has become very costly to administer all these licensing programs with very little of the expense being borne by the licensees themselves. Another area we are concerned with is the proliferation of boards, commissions, and advisory committees over the past decade. We are encouraging consolidation of these bodies rather than increased specialization.

In the meantime, I am aware of your need to continue advocating House Bill 317 and Senate Bill 227. It is my hope, that by working together, we can have a licensing program encompassing social workers in place in the near future that meets your needs, as well as those of a State government that is experiencing severe budgetary constraints.

Sincerely,



Bill Sheffield  
Governor

cc: Senator Bettye Fahrenkamp  
Senator Fred Zharoff  
Representative Niilo Koponen  
Representative Max Gruenberg  
Representative Mike Navarre

Commissioner John R. Pugh  
Department of Health and  
Social Services

Commissioner Loren Lounsbury  
Department of Commerce and  
Economic Development

Sandra

CSSB 227 (Fin) RELATING TO THE PRACTICE OF SOCIAL WORK AND ESTABLISHING THE BOARD OF SOCIAL WORK EXAMINERS.

Changes from CSSB 227 (HESS):

page 1, line 28

Clarifies that the public member of the board may not hold a financial interest in the social work profession. This is consistent with other licensing statutes.

page 2, line 8

Specifies that the board must meet at least once a year, rather than twice as in the HESS bill. Under departmental policy, additional meetings can be called in emergency situations or if the work load requires.

page 2, line 25

Clarifies that the board may adopt nationally recognized specialty designations for the private practice of social work and authorize the designations on licenses.

p. 4, line 28 [may] shall - per Halford

page 5, line 18

Requires that licenses be renewed biennially on a date set by the department. The HESS bill called for renewal 24 months after issuance which would have created an administrative burden of constantly being in a renewal cycle.

page 5, line 20

Fees will be established by the department with the approval of the board, and will be adjusted to meet the actual costs of the licensing function. This is consistent with other licensing statutes.

page 10, line 18

The 5 board members will serve staggered terms, with one member serving one year, one serving two years, one serving three years, and two serving four years. The HESS bill had one member serving a five year term, which was inconsistent with other licensing statutes.

page 11, line 18

Effective date has been changed from 7/1/85 to 7/1/86. The grandparenting dates have also been adjusted forward one year to coincide with the effective date.

prepared by Senate HESS, 1/24/86

Pass Senate  
19-1  
Sackett  
passed Sen by  
overwhelming  
margin

POSITION PAPER

*Superseded*

SENATE BILL NO. 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 encourage the hiring of these degreed professionals. In addition, the department believes that professional standards for social workers in the private sector would increase public confidence. However, 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 three major issues, followed by a sectional analysis.

#### I. MAJOR DEPARTMENTAL ISSUES

##### A. Effect on Current State Employees:

There are currently 147 state social workers affected by the bill: 135 line and supervisory workers with the Division of Family and Youth Services, six with the Department of Administration at Pioneer homes, five with the Department of Corrections, and one with the Office of Alcoholism and Drug Abuse.

A survey of staff qualifications for Division of Family and Youth Services' employees shows that of 113 state-employed social workers responding, 2 have Ph.D.s, 29 have M.S.W. degrees, 12 have related master's degrees, 10 have B.S.W. degrees, 37 have related bachelor's degrees, 14 have degrees in other areas, and 11 have no college degree (this group of 11 represents the agency's paraprofessionals). The department believes that experienced state workers without social work degrees should be allowed to continue with the state.

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. However, the bill only allows this "grandfather" group to obtain an

SENATE BILL NO. 227  
PAGE 2

"original license" valid for two years (Section 7(a), pages 10-11). The department urges an amendment to allow already established state social workers to continue practice with the right to renew their licenses, subject to the disciplinary oversight of the new Social Work Board (as well as supervision by the department and "oversight" by the courts and the ombudsman). The language of the department's proposed amendment is included in the sectional bill analysis later in this paper.

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. It may be difficult to fill all social work positions, whether public or private, with licensed social workers, especially in rural areas. Also, the bill's strict educational requirements for licensure 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. The bill would probably prevent these persons from advancing beyond the paraprofessional level unless they leave their communities for further education.

There is currently no M.S.W. program in the State of Alaska. However, the Department of Health and Social Services is negotiating with two out-of-state universities to provide for a supervised field placement program in Alaska. The need to go out of state for the master's degree creates a hardship for Alaskans and especially limits the participation of low income persons and Natives in the social work field. (The development of an M.S.W. program through the University of Alaska would be very costly for the number of potential students.) Perhaps with further study this bill could include a method for non-degreed persons to "work up" to a level where they can be licensed as social workers based on experience and examination. (For example, AS 08.08.207 allows persons to become attorneys by clerking and examination.)

C. Effect of Licensing Which Defines Allowable "Tasks"

In Section 4 of the bill, Section 08.87.110, dealing with the scope of practice, the department urges the amendment of this section to delete any listing of services as part of a definition of the scope of practice of social work. The department and a representative from the Attorney General's office, in recent discussions with the National Association of Social Workers, have received advice that many other states find it more practical to define the practice of social work in "goals-related" language, rather than with a list of services or tasks which may be performed by social workers. Statutes with task lists may restrict the practice of some of these tasks by other, unlicensed persons, or create unnecessary battles between related professionals. The department suggests that the beginning language in 08.87.110(a), which describes

SENATE BILL NO. 227  
PAGE 3

the goals of social work, could probably stand alone. Therefore, the department urges the deletion of lines 10-23 of this section, (page 4) starting on line 10 with the words "the services provided may include ..."

The department expects to receive a new suggested uniform licensure act from the National Association of Social Workers some time late the week of April 8th. As soon as this language is received we will share it with the committees and the bill sponsors.

Section 08.87.110, the Scope of Practice section, ties in with the license for title section, Section 08.87.200 (page 6). The department feels that although that it is important to license the title "social worker," the interaction between Sections 110 and Sections 200 may hamper many other persons from performing valuable services for fear of violating this licensing statute. Again, when the department receives language from N.A.S.W. we will present specific amendment language to the committees and sponsors.

## 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. Although the department can attempt to deal with this issue when regulations are proposed in the future, clarification in the bill would be better.

### B. Confidentiality

Section 08.87.210, which states when a social worker may disclose client information, needs another subsection, as follows:

- (9) communication discloses information that the licensee is obligated by other state or federal statute or regulations to report.

The addition of such a subsection makes it clear that a social worker may make statutorily required reports, such as the reports of harm to a child or an adult required by Title 47.

C. Powers of the Board

At Section 08.87.230, which defines disciplinary sanctions, the department suggests that page 8, line 25 be amended by deleting the words "guilty of an offense under" and substituting the words "has committed a violation of." Terminology such as "guilty" and "offense" does not seem appropriate in a license disciplinary hearing, which is an administrative, civil proceeding. 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.

D. "Grandfathering"

The details of the waiver or "grandfathering" for present social workers are contained in Section 7 of the bill. The department urges that Section 7(a), specifically page 10, lines 26 and 27, be amended to read

... this act, a person may apply for and receive an original license, and subsequent license renewals, as a bachelor social worker if the person ...

The department urges the same change in the master social work language at Section 7(b), page 11, line 7.

In Subsection 7(a)(1), page 11, line 1, the department urges a definition of what is "a field related to social work" so that present social workers affected by the bill can know with certainty whether or not their degrees are considered as "related." Examples of degree fields which could be considered to be "related" to social work are: psychology, counselling and early childhood development. Much employee anxiety about the bill and much pressure on the first Social Work Board would be relieved by legislative determination of what related degrees would qualify for the "grandfather" licensing.

III. FINANCIAL IMPACT

The bill would require the state to bear the cost of creating a new board. It may be more efficient to expand the responsibility of the existing board of Psychologists and Psychiatrists to include social workers, and other therapists and counselors. The Division of Occupational Licensing obviously needs to be consulted to evaluate additional costs attached to the bill. The fees for licensing are costly and may financially impact non-profit contractors who, through their staff social workers, provide services to the state.

IV. 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, although the department believes accommodation should be made for persons currently employed as social workers. There are many questions remaining about how to implement a licensing system in the social services area, questions that would benefit from further research and discussion.

RECOMMENDED:

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

DATE:

*April 15, 1985*

APPROVED:

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

DATE:

*4-16-85*

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: SB No. 227  
 Title: An Act relating to the practice of social work  
 Sponsor: Sen. Fahrenkamp  
 Requestor: \_\_\_\_\_  
 Date of Request: 3/12/85

FISCAL DETAIL

Agency Affected: Health and Social Services  
 Program Category Affected: Social Services  
 BRU, Program or Subprogram(s) Affected: Social Services BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>		-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-
----------------	--	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

N/A

Prepared By: Michael L. Price *Michael L. Price* Phone: 465-3170  
 Division: Family and Youth Services Date: 3/29/85

Approved by Commissioner: J. R. Pugh Date: 4-16-85  
 Agency: HEALTH & SOCIAL SERVICES *JCC*

Distribution (by Agency preparing fiscal note):

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

7/1/84

# Alaska State Legislature

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



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate Committee on Health, Education and Social Services

### M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, April 17, 1985

DATE: April 16, 1985

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On Wednesday, April 17, at 5:00 pm in the Beltz Room, the Senate Committee on Health, Education and Social Services will hear SB 227, An Act relating to the practice of social work and establishing the board of social work examiners.

SB 227 would establish a five member board to set standards for licensure of social workers. The bill is intended to increase professional standards for social workers in both the public and private sector, and provide a mechanism to monitor quality and protect the public.

Similar legislation has been considered in past years. Concerns have centered around the bill's applicability to currently practicing social workers, particularly state employees; the costs of Board operation; and attracting licensed professionals to rural areas of the state. Proposed CS SB 227 (HESS):

- 1) "grandfathers" in existing social workers, without examination if a degree is held, and with examination if the social worker holds no degree,
- 2) establishes fees at a level intended to cover the costs of Board operation, and
- 3) provides for unlicensed social workers to practice as "associates" when providing services to the state or a political subdivision of the state.

*Encourage degree of professionalization  
provide oversight  
allow for licensure  
recognize it's a profession*

*+ consumer protection - enable public to identify social workers who've met minimum ed. & experience standards. Now anyone can use title, even if no training.*

The Alaska Chapter of the National Association of Social Workers (NASW) estimates that there are 315 social workers eligible for licensing in the state; approximately 147 of these are state employees. Current statute does not address the practice of social work, and use of the title is available to all persons regardless of training or experience. Under current Department of Health and Social Services hiring procedures, a degree in social work is not required for employment as a state social worker. As of September 1983, 31 other states regulate the practice of social work.

A sectional analysis of the bill is attached.

*Superseded*

CSSB 227 (HESS): An Act relating to the practice of social work and establishing the Board of Social Worker Examiners; and providing for an effective date.

The Department of Commerce and Economic Development opposes CSSB 227 which creates an additional five-member board to implement the licensing of social workers.

Although the intent of the bill is consumer protection, the implementation of the bill would create an unnecessary additional layer of licensure titled "independent social workers," who are essentially "master social workers" practicing in a specialty field. The department's position is that the importance of licensing is to insure that licensed social workers are qualified and competent. The department is not interested in establishing and regulating additional categories based upon education beyond that required for basic licensure.

The bill also provides for a "Confidentiality of Communications" clause which, as written, could hinder the enforcement unit from investigating complaints of unethical practice by licensees.

Because the purpose of licensure in Alaska is to protect the consuming public from fraud, incompetency and unethical practitioners, any provision for a grandfather period should be limited to a year and should certainly not exceed the two years proposed on the bill.

*Harry O. Treager*  
\_\_\_\_\_  
Harry O. Treager, Director

Date: 11/21/85

*Loren H. Lounsbury*  
\_\_\_\_\_  
Loren H. Lounsbury, Commissioner

Date: 11/21/85

# When shopping for a therapist,

## look for the license

Finding a qualified therapist in Anchorage is no easy matter. There is a confusing array of services offered by practitioners who have a wide range of training and approaches.

As a consumer of health services, you can't be expected to evaluate the credentials of health service practitioners. However, the state can legally act in the public interest by licensing professional health practice.

If your therapist is a psychologist or a clinical social worker, here are 10 reasons why he or she should be licensed:

- This assures that when you engage a therapist, that person has had high levels of education, training and supervised

experience. Licensed providers have been screened and evaluated carefully in terms of specific standards before they are allowed independently to provide services to you. The license also assures you that those standards are uniform from state to state, so if you are in therapy when you move, it is very likely the therapy can continue without major disruption.

- It provides a requirement that your therapist must continue his/her education and stay up to date on recent developments.

- It ensures privileged communications between you and your therapist (confidentiality).

- It discourages the use of fads and untested or experi-



**dr. ken mueller**

mental forms of therapy:

- Insurance reimbursement is possible. If your therapist is licensed, your insurance company has a standard for recognition and payment of this important health benefit to its subscribers.

- It ensures an enforceable code of professional conduct. The license can be denied, suspended or revoked to counter a threat to the public welfare.

- It assures you that your therapist is a member of a profession that will police itself. For example, the ethical standards of psychologists are stricter than any other set of standards regarding independent practice.

- It demonstrates respectability and accountability. Your therapist voluntarily applies for licensure. By so doing, he/she is making an effort to upgrade the quality of professional services. Your therapist should also be active with a state association. Submitting to peer review is an act of good faith.

- It provides an opportunity

for you to press for redress of grievances without costly litigation.

- It helps consumers identify reputable therapists. Licensure makes qualified therapists more accessible by making it easier to find them. According to Will Bukland of the American Psychological Association, this results in increased competition in economic terms among professionals licensed in the same category, resulting in stability of fees and lower costs.

When licensing boards are under public review, grievances often emerge about their performance. Of course, the value of licensure to you, as a potential consumer of such services, clearly outweighs the problems that occasionally re-

sult from board performance. The bath water may need changing, but the baby is worth saving.

Clinical social workers are presently working toward a licensure bill so they can more effectively police themselves. This should directly benefit those who turn to them for help.

Licensure isn't a guarantee that you and your therapist will work effectively together, but it does increase the probability of a positive outcome by assuring that your therapist has met rigorous standards.

Dr. Mueller is an Anchorage psychologist.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

*Superseded*

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

REQUEST

Bill/Resolution No.: CSSB 227 (HSS)  
 Title: Practice of Social Work & Estab. Board of Social Work Examiners  
 Sponsor: Sen. Fahrenkamp  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.  
 Program Category Affected: Consumer Protection  
 BRU, Program or Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		33.1	34.8	36.5	38.3	40.2
200 TRAVEL		5.4	5.7	6.0	6.3	6.6
300 CONTRACTUAL		19.4	20.4	21.4	22.5	23.6
400 SUPPLIES		1.0	1.1	1.1	1.2	1.2
500 EQUIPMENT		3.6				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		62.5	62.0	65.0	68.3	71.6

<b>CAPITAL</b>						
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<b>REVENUE</b>		78.8	2.3	67.3	2.3	71.3
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FUNDING: (Thousands of Dollars)

*fluctuates 'cause 2-yr. license*

GENERAL FUND		62.5	62.0	65.0	68.3	71.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		62.5	62.0	65.0	68.3	71.6

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill creates a Board of Social Work Examiners and implements licensing of all social work practitioners in the State. The bill establishes three licensing categories, and unlimited "specialties" left to the discretion of the board. (See attached for further analysis.)

Prepared By: Jennifer Strickler, Mgmt Analyst Phone: 465-2144

Division: Occupational Licensing Date: April 23 1985

Approved by Commissioner: Loren H. Lounsbury Date: 4/24/85

Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

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

.Analysis, continued

·CSSB\_22Z\_FISCAL\_IMPACT

(NOTE: 5% inflation factor projected for FY '87 through  
FY '90 for operating costs)

100\_\_PERSONAL\_SERVICES:

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

200\_\_TRAVEL:

NOTE: Travel costs were based on five (5) members from different  
geographic regions in the State as required in the bill. The areas  
used in in these calculations were: Anchorage, Fairbanks, Juneau,  
Kenai, Nome. Also, the bill mandates a minimum of two meetings a  
year and special meetings at the call of the Chairman or a majority  
of the board members if meetings are conducted over the State  
teleconference network. Therefore, two (2) meetings are included in  
this fiscal note and costs to hold one additional meeting by use of  
the State teleconference network.

Anchorage meeting

Anchorage, transportation	-0-
Per diem at \$80 per day x 2 days	160.00
Fairbanks, transportation	212.00
Per diem at \$80 per day x 2 days	160.00
Juneau, transportation at \$352 x 2 (board member & licensing examiner)	704.00
Per diem at \$80 per day x 2 days x 2	320.00
Kenai, transportation	64.00
Per diem at \$80 per day x 2 days	160.00
Nome, transportation	406.00
Per diem at \$80 per day x 2 days	160.00
	<hr/>
	\$ 2,346.00

Juneau meeting

Juneau, transportation	-0-
Per diem at \$80 per day x 2 days	160.00
Anchorage, transportation	352.00
Per diem at \$80 per day x 2 days	160.00
Fairbanks, transportation	564.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
Kenai, transportation	416.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
Nome, transportation	664.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
	<hr/>
	\$ 3,036.00

300 CONTRACTUAL SERVICES:

State Teleconference Network (third board meeting)

\$50.00 minimum charge for use of the network, plus  
 \$30.00 to attach the Kenai member, and  
 \$30.00 to attach the Nome member 110.00

(NOTE: Costs of the Juneau, Anchorage and Fairbanks sites  
 are free, provided the network is used during regular  
 State business hours. The \$30 fee per site is also  
 applicable up to a maximum of three hours.)

Postage, telephone, printing, publications  
 and other operating costs 3,000.00

Computer terminal use, at \$45 per month  
 (Licensing Examiner use only) 540.00

Professional Examination Service fees for  
 licensing examinations:  
 Estimated 315 examinees in FY '86 for initial  
 licensing at \$50 each 15,750.00

Note: 315 social workers were identified by  
 this agency.

\$ 19,400.00

400 COMMODITIES:

Stationery, typewriter ribbons, pens, pencils, and  
 other miscellaneous desk top supplies 1,000.00

500 EQUIPMENT: (one time costs only)

1 desk, double pedestal, 70" x 36" 747.08  
 1 chair, swivel with arms 257.69  
 1 typewriter, IBM Selectric II 1,340.19  
 1 chair, side without arms 120.33  
 1 desk calculator 382.89  
 1 file cabinet, 5 drawer legal with lock 426.63  
 1 table 72" x 36" 357.38

\$ 3,632.19

GRAND TOTAL: \$ 62,560.01

Projected Revenues

FY 86:

Based on the number of practitioners identified, it is anticipated that 315 practitioners will be seeking initial licensure by examination.

315 x \$250 (application & exam fee)

\$ 78.8

FY 87:

Based on the assumption that there will be at least 10 new applicants (5 by examination, and 5 by credentials)

This will make a total of 325 licensees.

2.3

FY 88:

Section 08.87.130 of the bill mandates that licenses will lapse after 24 months unless it is renewed. Licenses will be issued upon completion and approval of an application. If Section 08.87.130 remains as stated, each license will be required to renew 24 months from the date of issue, thus causing administrative complications in monitoring the duration period of each license issued. To avoid such administrative difficulties, we would prefer all licenses to expire in a specific year embedded in statutes, and on a date determined by the department.

Projections for this fiscal year is based on the assumption that all licenses will be valid for a two-year period and will be renewed during this year.

Based on 325 licensees x \$200 (renewal fee) =  
In addition, another 10 new licensees to make  
a total of 335 practitioners.

65.0

2.3

67.3

FY 89:

Based on an estimate of 10 new licensees, 5 by examination and 5 by credentials =

This would make a total of 345 licensees.

2.3

FY 90:

Assuming this will also be a renewal year, and based on 345 licensees x \$200 renewal fee =

In addition, another 10 new licensees, to make  
a total of 355 licensees =

69.0

2.3

71.3

Sandra Schubert - 3834

file social  
work

Based on 2 meetings per year, 2 days each and  
5 member board from:

Fairbanks  
2- Anchorage  
Sitka  
Juneau

Meeting held in Anchorage = \$1,444<sup>00</sup>  
" " " Juneau = 2,620<sup>00</sup>  
\$4,064<sup>00</sup>

58.0 + 4.3 + 2.5 = 64.8 - .5 = 64.3  
(Div. cost) (Pd. TvI + Pd) (Contractual)

64.3 ÷ 315 (Licensees) = \$204<sup>13</sup>

All other costs are based on FY '84 expenses.

Compromise - DHSS, DIV Occ Lic  
Hurdle - Gov's office

Offered: 4/22/85  
Referred: Finance

Original sponsor: Fahrenkamp by request

Shana Harmann, Jw  
H 789-5862  
W 586-3479

Fails - note on license if "grandfathered" in

1 IN THE SENATE  
2 CS FOR SENATE BILL NO. 227 (HESS)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the practice of social work and  
7 establishing the Board of Social Worker Examiners;  
8 and providing for an effective date."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. PURPOSE. The purpose of this Act is to assure the consu-  
11 mer that persons providing services under the title "social worker" have  
12 completed professional social work education or training, adhere to a code  
13 of professional ethics, and are subject to licensure by the Board of Social  
14 Work Examiners.  
15 \* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:  
16 (25) Board of Social Worker Examiners (AS 08.87.010).  
17 \* Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:  
18 (21) Board of Social Worker Examiners (AS 08.87.010) --  
19 June 30, 1989.  
20 \* Sec. 4. AS 08 is amended by adding a new chapter to read:  
21 CHAPTER 87. SOCIAL WORKERS.  
22 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.  
23 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is  
24 created a Board of Social Worker Examiners consisting of five members,  
25 including three licensed master social workers, one of whom is li-  
26 censed as an independent social worker, one licensed bachelor social  
27 worker, and one public member. The public member may not be licensed  
28 as a social worker or employed by a licensed social worker. To the  
29 extent possible members shall be appointed from different geographic

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 regions of the state. A member who has served two successive full  
2 terms may not be reappointed until four years after the expiration of  
3 the second term.

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

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

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

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

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

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

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

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

26 (3) establish standards for specialty designations for the  
27 private practice of social work and authorize speciality designations  
28 on licenses issued under this chapter;

29 (4) after a hearing, impose disciplinary sanctions against

1 a person who violates this chapter, an order of the board, or a regu-  
2 lation of the board;

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

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

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

10 Sec. 08.87.080. ADMINISTRATIVE PROCEDURES. The Administrative  
11 Procedure Act (AG 44.62) applies to regulations and proceedings under  
12 this chapter.

13 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

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

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

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

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

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

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

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

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

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

20 (1) the person is licensed as an independent social worker;  
21 (2) the board has approved the specialty in which the  
22 person may engage as a private practitioner and authorizes designation  
23 of the speciality on the person's license;

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

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

29 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board may provide

1 for licensing a person as a bachelor, master or independent social  
2 worker without examination if the person

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

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

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

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

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

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

18 (7) pays all required fees.

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

21 Sec. 08.87.140. FEES. The following fees are imposed under this  
22 chapter:

- 23 (1) application.....\$ 100  
24 (2) initial license by examination..... 150  
25 (3) license by credentials..... 100  
26 (4) license renewal..... 200  
27 (5) reexamination..... 150

28 ARTICLE 3. PROHIBITIONS AND PENALTIES.

29 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless

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

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

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

21 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social  
22 worker licensed under this chapter or an associate social worker may  
23 not disclose information provided to the social worker by a client in  
24 the course of their professional contact. This prohibition does not  
25 apply if the

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

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

*Liz:  
H. Jid may  
be concerned.*

*look for  
model lang.  
from other  
state.*

*John Shaw  
AG*

1 the communication;

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

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

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

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

15 (7) licensee is subpoenaed to testify in court;

16 (8) licensee is collaborating or consulting with profes-  
17 sional colleagues or an administrative superior on behalf of the  
18 client;

19 (9) communication discloses information that the licensee  
20 is required by state or federal laws or regulations to disclose.

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

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

27 (2) engaged in deceit, fraud, or intentional misrepresenta-  
28 tion in the course of providing professional services or engaging in  
29 professional activities;

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

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

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

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

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

13               (A) professional incompetence;

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

17               (C) physical or mental disability;

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

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

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

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

25               (1) permanently revoke a license to practice;

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

27               (3) censure a licensee;

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

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

1        licensee to

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

4                    (B) limit practice to those areas prescribed;

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

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

10                    (7) refuse to renew a license.

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

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

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

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

28                    Sec. 08.87.240.        CRIMINAL PENALTY.        A person who violates  
29                    AS 08.87.200 or 08.87.210 of this chapter is guilty of a class B

1 misdemeanor.

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

6 ARTICLE 4. GENERAL PROVISIONS.

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

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

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

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

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

28 (1) holds a degree in social work from a school with a social  
29 work program that is not accredited by the Council on Social Work Education

1 or a bachelor's or master's degree in a social sciences field related to  
2 social work as defined by the board, and has been practicing under the  
3 title "social worker" for at least 24 consecutive months before July 1,  
4 1987;

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

6 or

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

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

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

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

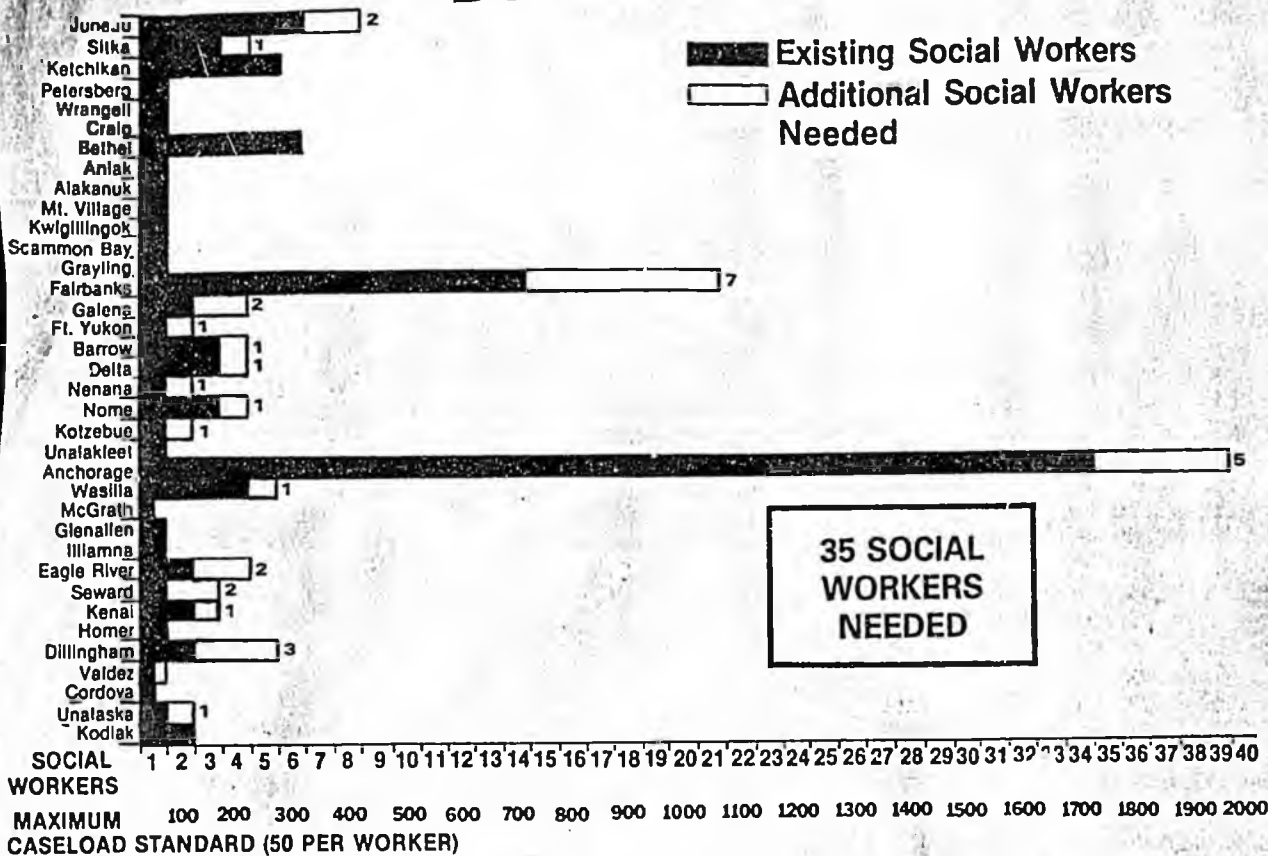
18 \* Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work  
19 on July 1, 1985, may use a title and letters as part of the title that  
20 indicate that the person is a social worker or practices social work until  
21 June 30, 1987, even if the person is not licensed under AS 08.87.100 or  
22 08.87.120.

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

*NASW opposed  
DFYS wants  
for 2-3  
employees  
according  
to DFYS  
effects  
at least 14*

*DFYS  
wants*

# NEEDED SOCIAL WORKERS BY OFFICE



Dark lines on the chart show the current number of social workers throughout the state, with light lines representing additional social workers needed to bring their average caseload down to 50 cases per social worker. (Division of Family and Youth Services statistics)

## Child problems 'load on staff'

By DAN JOLING  
Staff Writer

Alaska's child abuse case overload and state personnel system present "interesting" staff problems for supervisors, according to Jim Fox, northern region manager for the Division of Family and Youth Services.

The workload forces social workers to use skills other than the ones for which they were hired. And the system gives supervisors less say than they would like in people they hire.

Fox said he picks staff based on their treatment and counseling abilities. But these days, there's much more time spent on intervention and investigation, less on direct treatment.

"We would like to be a treatment agency," Fox said. "We have the staff to be able to do good work here."

He said they're in a "case-management" mode: assessing problems, planning treatment and assigning community resources.

"Instead of doing family therapy, we go out and buy it," he said.

He also has problems with a state personnel system developed in the 1960s when 3,000 to 4,000 people worked for the state. That was 10,000 employees ago.

"In general, we have not been satisfied with the quality of applicants that the personnel system certifies," Fox said.

The minimum qualification to be a social worker is a bachelor's degree and two-years related experience. A master's degree in social work can be substituted for the experience, and five or six years experience can be substituted for the college degree.

That gets you on a master list drawn up by the Department of Administration.

"The Division (of Family and Youth Services) doesn't get to do the initial screening," Fox said.

When a vacancy opens in the Fairbanks office, the Department of Administration sends the list, marking the candidates willing to take a job here.

Supervisors then have their choice of the top five candidates.

Fox would like changes in the ranking system. For example, he believes a candidate should get extra consideration for a degree in social work rather than a certain amount of experience.

The job depends greatly on personality, an ability to get along and an ability to motivate people and get families to consider different ways to raise their children, he said.

Ten years of bad experience will not give a social worker those skills. "They may or may not be any good," he said.

He would also like to see changes in how the state creates the pool of

candidates. To avoid being swamped with applicants, the state closes its master list after a certain number of names are added. It does not open again until a certain number of people are hired.

As the list gets older, the best candidates have been picked off and the bottom of the list moves up.

"The scum tended to float to the top that way," Fox said.

You sometimes end up making choices between bad candidates, he said.

"If that's all you've got to choose from, that's all you've got to choose from."

If it's a ticklish problem in Fairbanks, it can be "bloody hell" finding someone to fill a Bush social work job, Fox said.

When there's an opening, the state must advertise for four to six weeks. Sometimes no one on the master list wants a rural job. That means petitioning to open the master list. By the time a new social worker is found and trained, four to five months may have passed. Meanwhile, there's been a significant gap in service.

"Sometimes it all falls together just right," Fox said, a phenomenon he credits to "sheer luck."

What's been the experience in Fairbanks?

"It's a mix," Fox said.

*Superseded*

Senate Bill 227 "An Act relating to the practice of social work and establishing a board of social worker examiners."

The Department of Commerce and Economic Development would oppose this legislation. This administration's position has consistently been opposed to additional boards without substantial evidence of public outcry or public need. This legislation does not exhibit either of these demands.

Although the bill's purpose is to assure the consumer that persons providing service under the title "social worker" have completed professional social work education, adhere to a code of professional ethics, and are subject to review by the Board of Social Worker Examiners, the legislation can only enforce the licensure requirements by a board. The bill does not protect the consumer. This is a practice act to allow social workers third party reimbursement, which can be done if they are registered without the expense of a board.

The legislation adds an additional title of "Independent" social worker, and adds "L" for licensed in front of each designation. Nationally, they are known as MSW or BSW for Master Social Worker or Bachelor of Social Worker, respectively.

The staff has identified 119 State positions of social workers. These individuals oppose licensing. The legislation does not provide for an exemption of State workers. If this legislation is approved, we would support the position for licensing State employees. This is based on the lower income population being the main users of State services, they should also be provided with an avenue of redress.

We are concerned with the confidentiality section in the bill. This section should also provide a protection statement for a social worker who treats a client who was abused by another licensee. This would enhance a public protection attitude.

This legislation directs the Governor to appoint five initial board members within 30 days. This is also unacceptable.

*Harry D. Treager*  
Harry D. Treager, Director  
Division of Occupational Licensing

*April 1, 1985*  
Date

*Loren H. Lounsbury*  
Loren H. Lounsbury, Commissioner  
*4/3/85*  
Date

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: SB 227  
 Title: Practice of Social Work  
 & Estab. Board of Social Work  
 Sponsor: Sen. Fahrenkamp  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.  
 Program Category Affected: Consumer Protection  
Examiners  
 BRU, Program or Subprogram(s) Affected:  
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		33.1	34.8	36.5	38.3	40.2
200 TRAVEL		8.8	9.2	9.7	10.2	10.7
300 CONTRACTUAL		19.3	20.3	21.3	22.4	23.5
400 SUPPLIES		1.0	1.1	1.1	1.2	1.2
500 EQUIPMENT		3.7				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		65.9	65.4	68.6	72.1	75.6

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>		78.8	2.3	67.3	2.3	71.3
----------------	--	------	-----	------	-----	------

FUNDING: (Thousands of Dollars)

GENERAL FUND		65.9	65.4	68.6	72.1	75.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		65.9	65.4	68.6	72.1	75.6

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill creates a Board of Social Work Examiners and implements licensing of all social work practitioners in the State. The bill establishes three licensing categories, and unlimited "specialties" left to the discretion of the board. (See attached for further analysis.)

Prepared By: Jennifer Strickler, Mgnt Analyst Phone: 465-2144

Division: Occupational Licensing Date: 4-4-85

Approved by Commissioner: Loren H. Lounsbury Date: 4/8/85  
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

Analysis, continued

SB\_22Z\_\_FISCAL\_IMPACT

(NOTE: 5% inflation factor projected for FY '87 through  
FY '90 for operating costs)

100\_\_PERSONAL\_SERVICES:

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

200\_\_TRAVEL:

NOTE: Travel costs were based on five (5) members from different  
geographic regions in the State as required in the bill. The areas  
used in these calculations were: Anchorage, Fairbanks, Juneau,  
Kenai, Nome. Also, the bill mandates a minimum of two meetings a  
year and special meetings at the call of the Chairman or a majority  
of the board members. Therefore, three (3) meetings are included in  
this fiscal note.

Anchorage meeting

Anchorage, transportation	-0-
Per diem at \$80 per day x 2 days	160.00
Fairbanks, transportation	212.00
Per diem at \$80 per day x 2 days	160.00
Juneau, transportation at \$352 x 2 (board member & licensing examiner)	704.00
Per diem at \$80 per day x 2 days x 2	320.00
Kenai, transportation	64.00
Per diem at \$80 per day x 2 days	160.00
Nome, transportation	406.00
Per diem at \$80 per day x 2 days	160.00
	<hr/>
	\$ 2,346.00

Juneau meeting

Juneau, transportation	-0-
Per diem at \$80 per day x 2 days	160.00
Anchorage, transportation	352.00
Per diem at \$80 per day x 2 days	160.00
Fairbanks, transportation	564.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
Kenai, transportation	416.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
Nome, transportation	664.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
	<hr/>
	\$ 3,036.00

SB 227 Fiscal Impact, continued

Fairbanks meeting

Fairbanks, transportation	-0-
Per diem at \$90 per day x 2 days	180.00
Anchorage, transportation	212.00
Per diem at \$90 per day x 2 days	180.00
Juneau, transportation at \$564 x 2 (board member & licensing examiner)	1,128.00
Per diem at \$90 per day x 3 days x 2 (one extra day to travel)	540.00
Kenai, transportation	276.00
Per diem at \$90 per day x 2 days	180.00
Nome, transportation	456.00
Per diem at \$90 per day x 3 days (one extra day to travel)	270.00
	<hr/>
	\$ 3,422.00

300 CONTRIBUTIONAL SERVICES:

Postage, telephone, printing, publications and other operating costs	3,000.00
Computer terminal use, at \$45 per month (Licensing Examiner use only)	540.00
Professional Examination Service fees for licensing examinations: Estimated 315 examinees in FY '86 for initial licensing at \$50 each	15,750.00
Note: 315 social workers were identified by this agency.	
	<hr/>
	\$ 19,290.00

400 COMMODITIES:

Stationery, typewriter ribbons, pens, pencils, and other miscellaneous desk top supplies	1,000.00
---	----------

500 EQUIPMENT: (one time costs only)

1 desk, double pedestal, 70" x 36"	747.08
1 chair, swivel with arms	257.69
1 typewriter, IBM Selectric II	1,340.19
1 chair, side without arms	120.33
1 desk calculator	382.89
1 file cabinet, 5 drawer legal with lock	426.63
1 table 72" x 36"	426.63
	<hr/>
	\$ 3,701.44

GRAND TOTAL: \$ 65,941.26

Projected Revenues

FY 86:

Based on the number of practitioners identified, it is anticipated that 315 practitioners will be seeking initial licensure by examination.

315 x \$250 (application & exam fee)

\$ 78.8

FY 87:

Based on the assumption that there will be at least 10 new applicants (5 by examination, and 5 by credentials)

This will make a total of 325 licensees.

2.3

FY 88:

Section 08.87.130 of the bill mandates that licenses will lapse after 24 months unless it is renewed. Licenses will be issued upon completion and approval of an application. If Section 08.87.130 remains as stated, each license will be required to renew 24 months from the date of issue, thus causing administrative complications in monitoring the duration period of each license issued. To avoid such administrative difficulties, we would prefer all licenses to expire in a specific year embedded in statutes, and on a date determined by the department.

Projections for this fiscal year is based on the assumption that all licenses will be valid for a two-year period and will be renewed during this year.

Based on 325 licensees x \$200 (renewal fee) =  
In addition, another 10 new licensees to make  
a total of 335 practitioners.

65.0

2.3

67.3

FY 89:

Based on an estimate of 10 new licensees, 5 by examination and 5 by credentials =

This would make a total of 345 licensees.

2.3

FY 90:

Assuming this will also be a renewal year, and based on 345 licensees x \$200 renewal fee =

69.0

In addition, another 10 new licensees, to make  
a total of 355 licensees =

2.3

71.3

# 31 Jurisdictions Regulate Profession As States Pass Laws At Record Rate

**M**ORE STATES PASSED laws regulating the practice of social work in the six months ending July 1983 than in any similar period in history.

The legislative bodies of four states and one territory in session during that period passed regulatory acts, bringing to 31 the number of states or other major jurisdictions regulating social work.

In addition to the new laws passed in North Carolina (see story on page 8), the Virgin Islands, North Dakota, Montana, and New Hampshire, the profession scored regulatory victories in two other states, Texas and Maryland.

Both states completed "sunset" reviews of existing regulatory acts, and not only extended their duration, but strengthened their provisions.

Maryland social workers were able to overcome an initial state audit report which recommended the elimination or reduction in scope of the state law. The NASW Maryland Chapter, a coalition of social workers including the clinical societies, and the Maryland Board of Social Work Examiners were able to convince the legislature to retain the state licensing law and to extend its coverage to public employees as well.

Social workers in Texas led by the NASW chapter also overcame an unfavorable report. The chapter's response to the report was an 89-page defense of certification in the state and an aggressive lobbying and educational campaign.

In another sunset review, the Virginia Board of Social Workers was transferred from the Commerce Department to the

Department of Health Regulatory Boards, and an "umbrella board" including psychology, social work, and counseling was dismantled.

A number of other state legislatures are not that far from actions that would raise even higher the number of state regulatory laws.

For instance, Ohio's bill to license social workers and to register counselors (J.B. 205) passed the Ohio House by a vote of 70 to 20 and will be taken up by a Senate Committee in the fall.

The Georgia House has passed a regulatory bill which awaits action by the Senate in early 1984.

South Carolina's bill (S.186) passed the Senate and will be put forward in the House as H. 2310 when its next session opens in January 1984. The chapter estimates that 70 of the 124 members of the House support passage of the bill.

In Illinois, a coalition of social work organizations, including the NASW chapter, resolved a number of internal differences and introduced a bill (H.B. 1168).

*(See Regulatory Laws, page 7)*

# Regulatory Laws

(From page 1)

for the multi-level licensure of social workers.

The legislatures of Alaska and Vermont will be considering regulatory bills in their next legislative sessions.

The following are short descriptions of the new regulatory acts, with the exception of the North Carolina bill:

**Virgin Islands** — The new law sets up multi-level registration (title protection) for social workers in the territory. The titles used will be "social work associate" (a nonprofessional level), "social worker" (requiring the BSW), "certified social worker" (requiring the MSW), and the "certified independent social worker" (requiring the MSW and two years in a specialization).

**North Dakota** — The state now has a multi-level licensure act that recognizes the "licensed social worker" (BSW required) and the "licensed certified social worker" (requiring an MSW or doctorate). It also restricts the "private practice of social work" to the LCSW with three years of post-master's, supervised experience.

**Montana and New Hampshire** — Both have single-level title protection acts requiring the MSW and two years' experience. Those qualified in Montana will be called "licensed social workers." Those in New Hampshire will be called "certified clinical social workers."

The New Hampshire law amends an existing act for the regulation of psychologists, adding a social worker to a board of five psychologists, a pastoral counselor, and a public representative. The law amends another state law and thereby establishes recognition of clinical social workers as independent third-party vendors. □

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HESS 4-17-85 5:07pm  
4-19-85 4:07pm

p. 4, 5  
p. 6  
p. 7  
p. 10  
p. 11

Cramer v.  
3/21/86

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. 08.87.080. 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. *or practices social work* 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.

*so don't  
need to  
amend court  
rule*

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 misdemean-  
26 or.

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 <sup>or practices social work</sup> 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.  
21  
22  
23  
24  
25  
26  
27  
28  
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SB 227

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r u bc-licensing 3-18 0610

^Unionized social workers criticize licensing measure@C  
@BY BOBB FULCHER@=

JUNEAU, Alaska (UPI) - Professional social workers covered by the major state employees' union are coming out against a move in the Legislature to require licensing of all social workers in Alaska.

A bill by Sen. Bettye Fahrenkamp, D-Fairbanks, would require the social workers to be licensed by the state, and would set up a board made up primarily of social workers to determine who gets the licenses.

The costs of the program would be paid by licensing fees.

It would cost a social worker \$100 to apply for a license, as much as \$150 to receive the license itself, and \$200 to renew the license once every two years.

The Board of Social Worker Examiners, to be made up of four social workers and one public member who is a lay person, would not receive salaries but would be reimbursed for expenses such as travel costs.

To get a license, social workers would have to pass a state test, have a bachelor's degree in social work from an accredited school, and provide "three references acceptable to the board."

Fahrenkamp said she introduced the bill at the request of the Alaska chapter of the National Association of Social Workers, whose members were concerned about maintaining the quality of social work in Alaska.

"In this particular state, hairdressers are licensed. Not to make fun of hairdressers, but it is interesting that we require a license for people who cut hair, but not for people who make important decisions that affect our daily lives," said Marsha Schneider, executive director of the Alaska chapter.

Schneider pointed out that social workers make decisions involving such essential matters as child protection and custody, and psychological care of nursing home residents.

Schneider said the Alaska chapter of the social workers' organization has received complaints about social workers in the state, but she said she was not at liberty to discuss the complaints further.

The "vast majority" of the Alaska chapter's roughly 225 members would be qualified for licenses if the bill was signed into law tomorrow, Schneider said.

Opposition to the bill is coming from among the 147 professional social workers employed by the state and covered by collective bargaining under the Alaska Public Employees Union, said Cherie Shelley, executive director of the union.

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"We have not had an opportunity to poll everyone, but the social workers we contacted in Juneau are opposed to the bill," Shelley said.

"They say it will not ensure that we don't have bad social workers. Basically, a bad social worker can get a license just like a bad doctor can," she said.

"The bill would increase the bureaucracy and it would cost money for licenses - and social workers are not the highest-paid state employees," Shelley said.

Schneider said she does not think a licensing board for social workers would be used by existing professionals to cut down on future competition.

"It would not be set up to restrict practice to people already there," Schneider said. She pointed out that there are high numbers of minorities in the field of social work, and said strong affirmative action policies are endorsed by the national association.

"I feel strongly about it that we are not an elitist group," she said.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGI LEWSKI, 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.

# MEMORANDUM

# State of Alaska

TO: Barbara Dale, Special Staff  
Assistant for Boards &  
Commissions  
Governor's Office

DATE: March 25, 1986

FILE NO:

TELEPHONE NO: 465-3600

FROM: Harold M. Brown  
Attorney General

By: *Peter B. Froehlich*  
Peter B. Froehlich  
Assistant Attorney General

SUBJECT: Confidentiality provisions of CSSB 227(Fin) and CSHB 424(L&C)

You have forwarded to this office several questions, raised by Representative Pignalberi, about the confidentiality provisions of CSSB 227(Fin) on social workers and CSHB 424(L&C) on behavioral science professionals, including not only social workers, but also professional counselors and marriage and family therapists.

Both of these bills contain identical confidentiality provisions. Proposed AS 08.87.210, entitled "confidentiality of communications," on pages 6 and 7 of CSSB 227(Fin) was incorporated verbatim into CSHB 424(L&C) on page 15, as proposed AS 08.15.960 and with the same title. Even though these provisions are identical, only CSHB 424(L&C) complies with Uniform Rule 39(e) by referring, in sec. 15 on page 22, to the fact that its new confidentiality provision amends Rule 504 of the Alaska Rules of Evidence, and with Uniform Rule 39(c) by stating that fact generally in the bill title.

This defect in CSSB 227(Fin) is discussed in Legislative Counsel Cramer's March 6 and 7 memos to Representative Pignalberi. A possible correction of the defect is suggested in Ms. Cramer's March 7 memo to Senator Fahrenkamp. (Copies of all three memos are attached.) That suggested approach would broaden the exception to confidentiality of client communications currently provided by paragraph (7) only for when the licensee is subpoenaed to testify in court to include all stages of all court proceedings. This would mean that a licensee would be obligated to disclose client communications given in confidence in any discovery, like depositions and interrogatories, in any court case, civil or criminal, regardless of whether the licensee or the client is even a party to the case.

Such a broad exception to confidentiality means in effect that there would be no privilege for or confidentiality of client communications as long as someone interested in gaining disclosure was willing to file a lawsuit at least peripherally related to the parties or substance of the communication. If this suggested approach were taken, neither the title nor the temporary and special provisions of CSSB 227(Fin) need be changed

to mention amendment of court rules under Uniform Rule 39. Nonetheless CSSB 227(Fin) would still have to be returned to the Senate anyway, for concurrence in the House amendment to paragraph (7) of the confidentiality provision.

We are not convinced that client communications to psychotherapists should be more privileged and confidential than client communications to other behavioral science professionals. We therefore believe that the more logical approach, and the approach most likely preferable to both licensees and their clients, is to maximize the confidentiality of client communications by excepting only subpoenaed in-court testimony. This would necessitate the changes in the title and body of the bill required for amendment of court rules, as well as a two-thirds vote in each house under Art. IV, sec. 15, of the Alaska Constitution.

In either event, the same logic and considerations that apply to the social workers who would be licensed under CSSB 227(Fin) apply equally if not more so to their fellow behavioral science professionals who would also be licensed under CSHB 424(L&C). Therefore, if the substance of the latter combined licensing bill (CSHB 424(L&C)) is not simply substituted into the former social worker only licensing bill (CSSB 227(Fin)), then, at a minimum, whichever approach is chosen for one should be also used for the other.

We hope this somewhat hasty response to the questions raised by Representative Pignalberi is helpful. We recognize that the intricacies of the relationship of statutes to court rules can be as complex as the intricacies of the relationship of the legislative to the judicial branch of government. Therefore, we would appreciate the opportunity to continue working with you, legislative counsel, the sponsors of the two bills, and legislative committees to develop and refine the most appropriate and acceptable confidentiality and privilege language. We also, of course, hope to continue working with all concerned to attain a fair and cost-efficient approach to combined licensing of all behavioral science professionals rather than an arbitrarily piecemeal approach to licensing of only social workers.

PBF:md

Attachments

Barbara Dale, Special Staff  
Assistant for Boards & Commissions

March 25, 1986  
Page 3

cc w/attachments:

Hon. Marco Pignalberi  
Alaska House of Representatives

Hon. Bettye Fahrenkamp  
Alaska Senate

Hon. John Pugh, Commissioner  
Dept. of Health & Social Services

Jim Ayers, Director  
Legislative Relations  
Governor's Office

Mike Price, Director  
Div. of Family & Youth Services  
Dept. of Health & Social Services

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCHY STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465-3800

RECEIVED  
Department of Law

MEMORANDUM

March 6, 1986

MAR - 6 1986

SUBJECT: Court Rule amendments in HB 317,  
CSHB 424 (L&C) and CSSB 227 (Fin)  
Social workers and behavioral scientists

TO: Representative Marco Pignalberi

FROM: Teresa B. Cramer *TBC*  
Legislative Counsel

AM  
7:30 9:10 11:00 12:30 4:50 6:00  
PM  
hand delivered

You have asked whether the titles to these three bills, relating to social workers and behavioral scientists, should refer to amending court rules. CSHB 424 (Labor & Commerce) contains such a reference. Since the bills amend the scope of the psychotherapist-patient privilege, set out in Rule 504 of the Rules of Evidence, the answer is yes.

Each bill contains a section making certain communications to a licensed professional confidential. In each, there is some relaxation of the privilege for court appearances. Compare Sec. 08.87.210 of CSSB 227 (Finance), Sec. 08.15.960 of HB 317, and Sec. 08.87.210 of CSHB 424 (Labor & Commerce).

The state constitution requires that a two-thirds vote of the membership of each house is necessary to adopt a change to a court rule. (Article IV, Sec. 15, Constitution of the State of Alaska.) The question is whether the prohibition against revealing communications changes the scope of a court rule.

Rule 504, which sets out the psychotherapist-patient privilege, defines psychotherapist as

(A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, or (B) a person licensed or certified as a psychologist or psychological examiner

Representative Marco Pignalberi  
Page 2  
March 6, 1986

under the laws of any state or nation or reasonably believed by the patient to so be, while similarly engaged.

Neither social workers under CSSB 227 (Finance) or HB 317, nor behavioral scientists under CSHB 424 (Labor & Commerce) meet the definition in the Rule. Therefore, each bill extends the scope of the Rule if it grants communications to a professional privileged status. Each bill dissolves the privilege for subpoenaed court testimony (which is limited in HB 317 to cases of child or adult abuse or child neglect), but each retains the privilege for voluntary testimony, and therefore does amend the Rule of Evidence.

Under Rule 39(c), of the Uniform Rules of the Alaska State Legislature, the title must reflect the amendment to Court Rule, and under Rule 39(e)

If a bill or portion of a bill contains matter changing a supreme court rule governing practice and procedure in civil or criminal cases, the bill must contain a section expressly citing the rule and noting what change is being proposed.

If the scope of the privilege granted in the bills in question is not intended to extend into the ambit of Rule 504, then there is no need to refer to amending the rule. However, all three appear to intend to amend the Rule and therefore should both cite the Rule in the title and explain the amendment in the body of the bill.

If I may be of further assistance, please advise.

TBC:mkr  
m3/129

**Rule 504. Physician and Psychotherapist-Patient Privilege.**

(a) **Definitions.** As used in this rule:

(1) A patient is a person who consults or is examined or interviewed by a physician or psychotherapist.

(2) A physician is a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be.

(3) A psychotherapist is (A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, or (B) a person licensed or certified as a psychologist or psychological examiner under the laws of any state or nation or reasonably believed by the patient so to be, while similarly engaged.

(4) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the physician or psychotherapist, including members of the patient's family.

(b) **General Rule of Privilege.** A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of diagnosis or treatment of his physical, mental or emotional conditions, including alcohol or drug addiction, among himself, his physician or psychotherapist, or persons who are participating in the diagnosis or treatment under the direction of the physician or psychotherapist, including members of the patient's family.

(c) **Who May Claim the Privilege.** The privilege may be claimed by the patient, by his guardian, guardian ad litem or conservator, or by the personal representative of a deceased patient. The person who was the physician or psychotherapist

at the time of the communication is presumed to have authority to claim the privilege but only on behalf of the patient.

(d) **Exceptions.** There is no privilege under this rule:

(1) *Condition and Element of Claim or Defense.* As to communications relevant to the physical, mental or emotional condition of the patient in any proceeding in which the condition of the patient is an element of the claim or defense of the patient, of any party claiming through or under the patient, of any person raising the patient's condition as an element of his own case, or of any person claiming as a beneficiary of the patient through a contract to which the patient is or was a party; or after the patient's death, in any proceeding in which any party puts the condition in issue.

(2) *Crime or Fraud.* If the services of the physician or psychotherapist were sought, obtained or used to enable or aid anyone to commit or plan a crime or fraud or to escape detection or apprehension after the commission of a crime or a fraud.

(3) *Breach of Duty Arising Out of Physician-Patient Relationship.* As to a communication relevant to an issue of breach, by the physician, or by the psychotherapist, or by the patient, of a duty arising out of the physician-patient or psychotherapist-patient relationship.

(4) *Proceedings for Hospitalization.* For communications relevant to an issue in proceedings to hospitalize the patient for physical, mental or emotional illness, if the physician or psychotherapist, in the course of diagnosis or treatment, has determined that the patient is in need of hospitalization.

(5) *Required Report.* As to information that the physician or psychotherapist or the patient is required to report to a public employee, or as to information required to be recorded in a public office, if such report or record is open to public inspection.

(6) *Examination by Order of Judge.* As to communications made in the course of an examination ordered by the court of the physical, mental or emotional condition of the patient, with respect to the particular purpose for which the examination is ordered unless the judge orders otherwise. This

exception does not apply where the examination is by order of the court upon the request of the lawyer for the defendant in a criminal proceeding in order to provide the lawyer with information needed so that he may advise the defendant whether to enter a plea based on insanity or to present a defense based on his mental or emotional condition.

(7) *Criminal Proceeding.* For physician-patient communications in a criminal proceeding. This exception does not apply to the psychotherapist-patient privilege. (Added by Supreme Court Order 364 effective August 1, 1979)

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465 3600

MAR 7 1986

MEMORANDUM

March 7, 1986

SUBJECT: CSSB 227 (Finance)  
(Social workers)

TO: Senator Bettye Fahrenkamp (SP?)

FROM: Teresa B. Cramer *JBC*  
Legislative Counsel

You have requested language to ensure that Sec. 08.87.210(7) is not interpreted as attempting to amend the Rules of Evidence. I would suggest deleting the existing language on page 7, line 10 and replacing it with

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

If I may be of further assistance, please advise.

TC:mkr  
m3/141

NOTE: SENATOR FAHRENKAMP HAS PROPOSED THIS CHANGE TO THE HOUSE H.E.S.S. COMMITTEE.

STATE OF ALASKA  
THE LEGISLATURE

FOUCH Y - STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 7, 1986

SUBJECT: Practice of social work  
CSSB 227(Finance)

TO: Representative Marco Pignalberi

FROM: Teresa B. Cramer *JBC*  
Legislative Counsel

You have asked for an opinion on the effect of the legislature enacting CSSB 227 (Finance) in its present form, without reference to amending court rules.

In Leege v. Martin, 379 P.2d 447 (Alaska 1963), the Alaska Supreme Court held that a bill is not effective to change rules of practice and procedure unless the bill specifically states that its purpose is to bring about that change. Therefore, CSSB 227 (Finance), which does not refer to amending court rules, is powerless to do so. The prohibition in sec. 08.87.210 against a social worker revealing communication from a client could not operate to make the communication a privileged communication under Rule 504 of the Rules of Evidence. Neither the client nor the social worker could rely on the statute as a basis for refusing to testify about the communication in a proceeding covered by the court rule although in other situations privilege could be invoked.

If I may be of further assistance, please advise.

TC:mkr  
m3/136



# Alaska State Legislature

## House

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

*social worker is "is testifying in a court proceeding"*

MEMORANDUM

March 6, 1986

TO: Representative M. Mike Miller  
Chairman House Judiciary

FROM: Representative Marco Pignalberi

RE: CSHB424 (L&C), CSSB 227 (FIN), and HB317

The above three bills are all related in that they create a board for social workers or a joint board for social workers, marital and family therapists, and professional counselors. HB424 provides in the title reference to amending Rule 504 of the Alaska Rules of Evidence. This bill, therefore has a judiciary referral. The other two bills, although they should have reference in their title too, do not. Therefore neither SB227 nor HB317 was referred to judiciary. We inquired about this and legal services provided the attached memorandum which states that the language should have been in the title and that the bills should, therefore, have been referred to judiciary. I wanted to advise you of this and await your reply.

*Bette,  
This just came in  
today. I wanted to  
let you know ASAP.  
Marco*

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 6, 1986

SUBJECT: Court Rule amendments in HB 317,  
CSHB 424 (L&C) and CSSB 227 (Fin)  
Social workers and behavioral scientists

TO: Representative Marco Pignalberi

FROM: Teresa B. Cramer *TBC*  
Legislative Counsel

You have asked whether the titles to these three bills, relating to social workers and behavioral scientists, should refer to amending court rules. CSHB 424 (Labor & Commerce) contains such a reference. Since the bills amend the scope of the psychotherapist-patient privilege, set out in Rule 504 of the Rules of Evidence, the answer is yes.

Each bill contains a section making certain communications to a licensed professional confidential. In each, there is some relaxation of the privilege for court appearances. Compare Sec. 08.87.210 of CSSB 227 (Finance), Sec. 08.15.960 of HB 317, and Sec. 08.87.210 of CSHB 424 (Labor & Commerce).

The state constitution requires that a two-thirds vote of the membership of each house is necessary to adopt a change to a court rule. (Article IV, Sec. 15, Constitution of the State of Alaska.) The question is whether the prohibition against revealing communications changes the scope of a court rule.

Rule 504, which sets out the psychotherapist-patient privilege, defines psychotherapist as

(A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, or (B) a person licensed or certified as a psychologist or psychological examiner

Representative Marco Pignalberi  
Page 2  
March 6, 1986

under the laws of any state or nation or reasonably believed by the patient to so be, while similarly engaged.

Neither social workers under CSSB 227 (Finance) or HB 317, nor behavioral scientists under CSHB 424 (Labor & Commerce) meet the definition in the Rule. Therefore, each bill extends the scope of the Rule if it grants communications to a professional privileged status. Each bill dissolves the privilege for subpoenaed court testimony (which is limited in HB 317 to cases of child or adult abuse or child neglect), but each retains the privilege for voluntary testimony, and therefore does amend the Rule of Evidence.

Under Rule 39(c), of the Uniform Rules of the Alaska State Legislature, the title must reflect the amendment to Court Rule, and under Rule 39(e)

If a bill or portion of a bill contains matter changing a supreme court rule governing practice and procedure in civil or criminal cases, the bill must contain a section expressly citing the rule and noting what change is being proposed.

If the scope of the privilege granted in the bills in question is not intended to extend into the ambit of Rule 504, then there is no need to refer to amending the rule. However, all three appear to intend to amend the Rule and therefore should both cite the Rule in the title and explain the amendment in the body of the bill.

If I may be of further assistance, please advise.

TBC:mkr  
m3/129

**Rule 504. Physician and Psychotherapist-Patient Privilege.****(a) Definitions. As used in this rule:**

(1) A patient is a person who consults or is examined or interviewed by a physician or psychotherapist.

(2) A physician is a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be.

(3) A psychotherapist is (A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, or (B) a person licensed or certified as a psychologist or psychological examiner under the laws of any state or nation or reasonably believed by the patient to so be, while similarly engaged.

(4) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the physician or psychotherapist, including members of the patient's family.

**(b) General Rule of Privilege.** A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of diagnosis or treatment of his physical, mental or emotional conditions, including alcohol or drug addiction, among himself, his physician or psychotherapist, or persons who are participating in the diagnosis or treatment under the direction of the physician or psychotherapist, including members of the patient's family.

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(d) **Exceptions.** There is no privilege under this rule:

(1) *Condition and Element of Claim or Defense.* As to communications relevant to the physical, mental or emotional condition of the patient in any proceeding in which the condition of the patient is an element of the claim or defense of the patient, of any party claiming through or under the patient, of any person raising the patient's condition as an element of his own case, or of any person claiming as a beneficiary of the patient through a contract to which the patient is or was a party; or after the patient's death, in any proceeding in which any party puts the condition in issue.

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exception does not apply where the examination is by order of the court upon the request of the lawyer for the defendant in a criminal proceeding in order to provide the lawyer with information needed so that he may advise the defendant whether to enter a plea based on insanity or to present a defense based on his mental or emotional condition.

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employees of  
entities AS 18.55.996  
bandway areas as  
(1-12)

Native nonprofits  
or under contract  
to the fed gov to  
provide  
native associations

~~Jack~~ Leshink  
BIA  
586-7177  
Arlene Anderson  
contract + grants

CFR 291-2  
Indian tribes means -  
All Native Vill or  
reg or Vill Corp  
as defined in or estal pursuant  
to the AWCSA which is federally  
recognized as eligible by US Gov  
then the Secretary for the  
special programs + services  
provided by the Sec to  
Indians because of their  
status as Indians.

COMMITTEE REPORT  
SENATE

3/18/85

FURTHER: FINANCE

Date 4-17-85

Mr. President

FESS

SB 227

The Committee on practice of social work and establishing the Board of Social Worker Examiners; etc. considered SB 227

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 227
- new title
- same title and recommends to pass
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_

Joe Joseph

Paul Frank

Charles Stumpf

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Edna De Vries Betty Johnson

Chairman DO PASS

Do Pass

Chairman recommendation