

HB

526

Date referred: 4/6/88

FURTHER REFERRALS:

DATE: 4/8/88

The Finance Committee has considered HB 526

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

**RECOMMENDS:**

- replace with CS HB 526 (Fin.)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(s):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

POURCHOT *[Signature]*

LARSON *[Signature]*

BOYER *Mark Boyer / DOESN'T GO / FAR ENOUGH / good start*

FRANK *[Signature]*

WALLIS *Ray Wallis*

ADAMS *[Signature] - NO Rec*

GOLL *[Signature] - no rec*

*[Signature]*  
Chairman's signature

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act relating to the practice of clinical social work...  
Sponsor: House Labor & Commerce  
Requestor: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing  
Components: \_\_\_\_\_

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

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL		3.5	3.5	3.5	3.5	3.5
CONTRACTUAL		1.0	1.0	1.0	1.0	1.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		4.5	4.5	4.5	4.5	4.5
<b>CAPITAL</b>						
<b>REVENUE</b>		15.0	3.0	21.0	3.0	27.0

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER		4.5	4.5	4.5	4.5	4.5
<b>TOTAL</b>		4.5	4.5	4.5	4.5	4.5

**POSITIONS:**

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

**ANALYSIS : (Attach a separate page if necessary)**

The bill establishes a Board of Clinical Social Work Examiners to regulate and license approximately 50 practitioners. The expenses identified above include travel funds for the board to meet and contractual funds to cover printing, advertising and communication expenses. (CONTINUED ON ATTACHED)

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: 3/31/88

Approved by Commissioner: J. Anthony Smith Date: 4/1/88  
Agency: Commerce and Economic Development

**Distribution (by preparer):**

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 526 (L&C)

The expenses identified do not include administrative overhead costs. All licensing programs under central licensing are expected to cover a portion of the overhead expenses. To accomplish this, the division has established a formula used to spread overhead costs in each licensing area based on the number of licensees within an occupation. For clinical social workers, 50 practitioners equal 0.24% of the current licensees; therefore, 0.24% of the overhead is assigned to the clinical social work licensing program to be covered by licensing fees.

Therefore, the total cost of the clinical social work licensing program is \$15,400 in the first year and licensing fees would need to attempt to cover this cost.

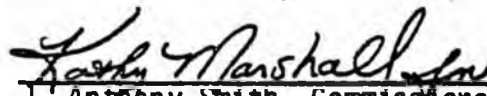
Clinical social workers have expressed their willingness to pay up to \$150 per year (\$300 biennial) for licensing fees. As a result, the profession will just about cover the costs of its licensing program in the first year. Revenues identified on even-numbered years are based on 10 new licensees. Because of the renewal cycle of licenses, expenses in a nonrenewal year will have to be subsidized by general funds or through other licensing fees for those occupations undergoing renewal.

CSHB 526 (L&C): An Act relating to the practice of clinical social work and exempting certain persons from licensure as clinical social workers; and providing for an effective date.

CSHB 526 establishes a Board of Clinical Social Work Examiners to regulate the practice of clinical social work performed by independent practitioners and exempts individuals who practice clinical social work as an employee of a federal, state or local government, or of a private nonprofit organization.

Currently, clinical social workers practice independently with no oversight of individual qualifications, or means to pursue unethical practice. Clinical social workers often work closely with psychologists and psychiatrists in diagnosing and treating emotional disorders. Although other classifications of social workers generally receive supervision through their employment by the state or a clinic or medical facility, clinical social workers have been isolated from such oversight.

The department supports the licensing of clinical social workers, provided that the profession is cooperative in attempting to support adequate funding for the new licensing function through realistic licensing fees.

  
\_\_\_\_\_  
J. Anthony Smith, Commissioner  
Department of Commerce and  
Economic Development

Date: 4/4/88

JS/dg10066o  
040488b

Original sponsors: Pourchot, Phillips  
and Collins

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 526 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of clinical social  
7 work and exempting certain persons from licensure as  
8 clinical social workers; and providing for an effective  
9 date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. PURPOSE. The purpose of this Act is to protect the public  
12 by

13 (1) setting standards for the education, training, and experi-  
14 ence for persons practicing clinical social work; and

15 (2) promoting high standards of professional performance by  
16 those persons licensed to practice clinical social work.

17 \* Sec. 2. AS 08 is amended by adding a new chapter to read:

18 CHAPTER 95. CLINICAL SOCIAL WORK.

19 ARTICLE 1. BOARD OF CLINICAL SOCIAL WORK EXAMINERS.

20 Sec. 08.95.010. CREATION AND MEMBERSHIP OF THE BOARD. (a)

21 There is created the Board of Clinical Social Work Examiners composed  
22 of five members. Four members must be persons licensed under this  
23 chapter, including at least one person who is not an employee of a  
24 federal, state, or local government or of a private nonprofit organi-  
25 zation that is exempt from federal income tax. One member must be a  
26 public member.

27 (b) Members of the board shall elect a member of the board as  
28 chair. The chair serves for a term of one year.

29 Sec. 08.95.020. BOARD MEETINGS. The board shall hold at least

1 one meeting each year. The board may hold additional meetings at the  
2 call of the chair or of a majority of the board members.

3 Sec. 08.95.030. DUTIES. The board shall

4 (1) issue licenses to qualified applicants;

5 (2) submit an annual report of its proceedings to the  
6 department;

7 (3) after a hearing, impose disciplinary sanctions on a  
8 person who violates this chapter or the regulations or orders of the  
9 board;

10 (4) adopt regulations requiring that continuing education  
11 requirements be satisfied before a license is renewed;

12 (5) adopt regulations necessary to carry out the purpose of  
13 this chapter.

14 Sec. 08.95.040. CONTINUING EDUCATION REQUIREMENT. (a) The  
15 board shall adopt continuing education requirements for persons li-  
16 censed under this chapter. Continuing education requirements must  
17 include a minimum of 45 hours per biennium of education or training  
18 with a minimum of six hours in substance abuse and six hours in cross-  
19 cultural education emphasizing Alaskan Natives.

20 (b) The board shall appoint three persons licensed under this  
21 chapter to serve as a continuing education committee. The committee  
22 shall advise the board on matters related to continuing education for  
23 clinical social workers. One person appointed to the committee must  
24 be familiar with social problems in the rural areas of the state.

25 ARTICLE 2. LICENSING.

26 Sec. 08.95.100. LICENSE REQUIRED. (a) A person who practices  
27 clinical social work without obtaining a license issued by the board  
28 and without qualifying for an exemption from this chapter is guilty of  
29 a class B misdemeanor.

1 (b) A person who is not licensed as a clinical social worker, or  
2 whose license is suspended or revoked, or whose license has lapsed,  
3 who uses in connection with the person's name the words or letters  
4 "L.C.S.W.," "Licensed Clinical Social Worker," or other letters,  
5 words, or insignia indicating or implying that the person is a li-  
6 censed clinical social worker, or who in any way, orally, or in writ-  
7 ing, directly or by implication, holds out as a licensed clinical  
8 social worker is guilty of a class B misdemeanor.

9 (c) A person not licensed under this chapter may use the title  
10 of "social worker."

11 Sec. 08.95.110. LICENSE TO PRACTICE CLINICAL SOCIAL WORK. The  
12 board shall issue a license to practice clinical social work to a  
13 person who

14 (1) has received a master's degree or a doctoral degree in  
15 social work from a college or university accredited by the Council on  
16 Social Work Education;

17 (2) has completed, within the 10 years before application  
18 for licensure and under the supervision of a licensed clinical social  
19 worker, licensed psychologist, licensed psychiatrist, or, with ap-  
20 proval of the board, a clinical social worker who is exempt from this  
21 chapter under AS 08.95.910, either (A) a minimum of two years of  
22 continuous full-time employment in postgraduate clinical social work;  
23 or (B) a minimum of 3,000 hours of less than full-time employment in a  
24 period of not less than two years in postgraduate clinical social  
25 work; at least 100 hours of supervision required under this paragraph  
26 shall be conducted by a qualified person approved by the board;

27 (3) is in good professional standing and is fit to practice  
28 social work as determined by the board;

29 (4) has provided three professional references to the

1 board;

2 (5) has satisfactorily completed the examination given by  
3 the board; and

4 (6) has paid required fees.

5 Sec. 08.95.120. LICENSING BY CREDENTIALS. The board shall issue  
6 a license to practice clinical social work without examination if the  
7 applicant

8 (1) holds a current license to practice clinical social  
9 work in another jurisdiction that at the time of original issuance of  
10 the license had requirements for licensure equal to or more stringent  
11 than those of this state;

12 (2) is not the subject of an unresolved complaint or disci-  
13 plinary action before a regulatory authority or a professional social  
14 work association;

15 (3) has not failed the examination for a license to prac-  
16 tice clinical social work in this state;

17 (4) has not had a license to practice clinical social work  
18 revoked or suspended in this state or another jurisdiction;

19 (5) has submitted proof of continued competency satis-  
20 factory to the board; and

21 (6) has paid required fees.

22 Sec. 08.95.130. DISPLAY OF LICENSE. A person licensed under  
23 this chapter shall display the license in a conspicuous place where  
24 the licensee practices.

25 ARTICLE 3. GENERAL PROVISIONS.

26 Sec. 08.95.900. CONFIDENTIALITY OF COMMUNICATION. (a) A li-  
27 censed clinical social worker may not reveal to another person a  
28 communication made to the licensee by a client about a matter concern-  
29 ing which the client has employed the licensee in a professional

1 capacity. This section does not apply to

2 (1) a case conference with other clinical social workers or  
3 with psychologists, psychological associates, physicians, or surgeons;

4 (2) the release of information which the client in writing  
5 authorized the licensee to reveal; or

6 (3) information revealed as part of the discovery of evi-  
7 dence related to a court proceeding or introduced in evidence in a  
8 court proceeding.

9 (b) Notwithstanding (a) of this section, a licensed clinical  
10 social worker shall report incidents of child abuse or neglect as  
11 required by AS 47.17.020.

12 Sec. 08.95.910. EXEMPTIONS. This chapter does not apply to a  
13 person who

14 (1) practices clinical social work as an employee of a  
15 federal, state, or local government or of a private nonprofit orga-  
16 nization that is exempt from federal income tax; or

17 (2) is a qualified member of a recognized profession, other  
18 than clinical social work, and does not represent to the public by  
19 title or description of service as practicing clinical social work.

20 Sec. 08.95.990. DEFINITIONS. In this chapter

21 (1) "board" means the Board of Clinical Social Work Ex-  
22 aminers;

23 (2) "clinical social work" means a service in which a  
24 special knowledge of social resources, human capabilities, and the  
25 part that unconscious motivation plays in determining behavior is  
26 directed, through the application of social work principles and meth-  
27 ods, at helping individuals to achieve more adequate, satisfying, and  
28 productive social adjustments;

29 (3) "clinical social worker" means a person who practices

1 clinical social work;

2 (4) "department" means the Department of Commerce and  
3 Economic Development;

4 (5) "social work principles and methods" include counseling  
5 and using techniques of applied psychotherapy of a nonmedical nature  
6 to assist in the diagnosis and treatment of mental and emotional  
7 conditions of individuals, families, and groups; providing information  
8 and referral services; providing or arranging for the provision of  
9 social services; explaining and interpreting the psychosocial aspects  
10 in the situations of individuals, families, or groups; helping commu-  
11 nities to organize, provide, or improve social and health services;  
12 and doing research related to social work.

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

14 (28) Board of Clinical Social Work Examiners (AS 08.95.010).

15 \* Sec. 4. AS 08.02.010(a) is amended to read:

16 (a) An audiologist licensed under AS 08.11, a person licensed in  
17 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,  
18 a medical practitioner or osteopath under AS 08.64, a registered nurse  
19 under AS 08.68, an optometrist under AS 08.72, a registered pharmacist  
20 under AS 08.80, a registered physical therapist or occupational thera-  
21 pist under AS 08.84, [OR] a psychologist under AS 08.86, or a clinical  
22 social worker licensed under AS 08.95, shall use as professional  
23 identification appropriate letters or a title after that person's name  
24 which represents that person's specific field of practice. The let-  
25 ters or title shall appear on all signs, stationery, or other ad-  
26 vertising in which the person offers or displays personal professional  
27 services to the public. In addition, a person engaged in the practice  
28 of medicine or osteopathy under AS 08.64.380(2) or a person engaged in  
29 any manner in the healing arts who diagnoses, treats, tests, or

1 counsels other persons in relation to human health or disease and uses  
2 the letters "M.D." or the title "doctor" or "physician" or another  
3 title that tends to show that the person is willing or qualified to  
4 diagnose, treat, test, or counsel another person, shall clarify the  
5 letters or title by adding the appropriate specialist designation, if  
6 any, such as "dermatologist", "radiologist", "audiologist", "naturo-  
7 path", or the like.

8 \* Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:

9 (21) Board of Clinical Social Work Examiners (AS 08.95.010)

10 -- June 30, 1992.

11 \* Sec. 6. INITIAL APPOINTMENTS TO THE BOARD OF CLINICAL SOCIAL WORK  
12 EXAMINERS. Notwithstanding AS 08.95.010, as enacted by sec. 2 of this Act,  
13 a person is eligible for an initial appointment as a professional member of  
14 the Board of Social Work Examiners, if the person

15 (1) has received a master's degree or a doctoral degree in  
16 social work from a college or university accredited by the Council on  
17 Social Work Education;

18 (2) has completed, within the preceding 10 years, either

19 (A) a minimum of two years of continuous full-time employ-  
20 ment in postgraduate clinical social work; or

21 (B) a minimum of 3,000 hours of less than full-time employ-  
22 ment in postgraduate clinical social work in a period of not less than  
23 two years;

24 (3) is in good professional standing; and

25 (4) has practiced clinical social work in this state within the  
26 year preceding appointment.

27 \* Sec. 7. TRANSITIONAL LICENSURE. (a) Notwithstanding AS 08.95.110,  
28 as enacted by sec. 2 of this Act, the Board of Clinical Social Work Ex-  
29 aminers shall issue a license to practice clinical social work to a person

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who

(1) applies for a license before July 1, 1989; and

(2) satisfies the requirements of AS 08.95.110(1) - (4) and (6).

(b) Notwithstanding AS 08.95.110(2) as enacted by sec. 2 of this Act, the board shall issue a license to practice clinical social work to a person who applies for licensure under this section without regard to whether the supervising clinical social worker is licensed in this state.

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

Original sponsors: Pourchot, Phillips  
and Collins

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 526 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of clinical social  
7 work and exempting certain persons from licensure as  
8 clinical social workers; and providing for an effec-  
9 tive date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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12 by

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14 ence for persons practicing clinical social work; and

15 (2) promoting high standards of professional performance by  
16 those persons licensed to practice clinical social work.

17 \* Sec. 2. AS 08 is amended by adding a new chapter to read:

18 CHAPTER 95. CLINICAL SOCIAL WORK.

19 ARTICLE 1. BOARD OF CLINICAL SOCIAL WORK EXAMINERS.

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22 of five members. Four members must be persons licensed under this  
23 chapter, including at least one person who is not an employee of a  
24 federal, state, or local government or of a private nonprofit organi-  
25 zation that is exempt from federal income tax. One member must be a  
26 public member.

27 (b) Members of the board shall elect a member of the board as  
28 chair. The chair serves for a term of one year.

29 Sec. 08.95.020. BOARD MEETINGS. The board shall hold at least

1 one meeting each year. The board may hold additional meetings at the  
2 call of the chair or of a majority of the board members.

3 Sec. 08.95.030. DUTIES. The board shall

- 4 (1) issue licenses to qualified applicants;
- 5 (2) submit an annual report of its proceedings to the  
6 department;
- 7 (3) after a hearing, impose disciplinary sanctions on a  
8 person who violates this chapter or the regulations or orders of the  
9 board;
- 10 (4) adopt regulations requiring that continuing education  
11 requirements be satisfied before a license is renewed;
- 12 (5) adopt regulations necessary to carry out the purpose of  
13 this chapter.

14 Sec. 08.95.040. CONTINUING EDUCATION REQUIREMENT. (a) The  
15 board shall adopt continuing education requirements for persons li-  
16 censed under this chapter. Continuing education requirements must  
17 include a minimum of 45 hours per biennium of education or training  
18 with a minimum of six hours in substance abuse and six hours in cross-  
19 cultural education emphasizing Alaskan Natives.

20 (b) The board shall appoint three persons licensed under this  
21 chapter to serve as a continuing education committee. The committee  
22 shall advise the board on matters related to continuing education for  
23 clinical social workers. One person appointed to the committee must  
24 be familiar with social problems in the rural areas of the state.

25 ARTICLE 2. LICENSING.

26 Sec. 08.95.100. LICENSE REQUIRED. (a) A person who practices  
27 clinical social work without obtaining a license issued by the board  
28 and without qualifying for an exemption from this chapter is guilty of  
29 a class B misdemeanor.

1 (b) A person who is not licensed as a clinical social worker, or  
2 whose license is suspended or revoked, or whose license has lapsed,  
3 who uses in connection with the person's name the words or letters  
4 "L.C.S.W.," "Licensed Clinical Social Worker," or other letters,  
5 words, or insignia indicating or implying that the person is a li-  
6 censed clinical social worker, or who in any way, orally, or in writ-  
7 ing, directly or by implication, holds out as a licensed clinical  
8 social worker is guilty of a class B misdemeanor.

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10 of "social worker."

11 Sec. 08.95.110. LICENSE TO PRACTICE CLINICAL SOCIAL WORK. The  
12 board shall issue a license to practice clinical social work to a  
13 person who

14 (1) has received a master's degree or a doctoral degree in  
15 social work from a college or university accredited by the Council on  
16 Social Work Education;

17 (2) has completed, within the 10 years before application  
18 for licensure and under the supervision of a licensed clinical social  
19 worker, licensed psychologist, licensed psychiatrist, or, with ap-  
20 proval of the board, a clinical social worker who is exempt from this  
21 chapter under AS 08.95.910, either (A) a minimum of two years of  
22 continuous full-time employment in postgraduate clinical social work;  
23 or (B) a minimum of 3,000 hours of less than full-time employment in a  
24 period of not less than two years in postgraduate clinical social  
25 work; at least 100 hours of supervision required under this paragraph  
26 shall be conducted by a qualified person approved by the board;

27 (3) is in good professional standing and is fit to practice  
28 social work as determined by the board;

29 (4) has provided three professional references to the

1 board;

2 (5) has satisfactorily completed the examination given by  
3 the board; and

4 (6) has paid required fees.

5 Sec. 08.95.120. LICENSING BY CREDENTIALS. The board shall issue  
6 a license to practice clinical social work without examination if the  
7 applicant

8 (1) holds a current license to practice clinical social  
9 work in another jurisdiction that at the time of original issuance of  
10 the license had requirements for licensure equal to or more stringent  
11 than those of this state;

12 (2) is not the subject of an unresolved complaint or disci-  
13 plinary action before a regulatory authority or a professional social  
14 work association;

15 (3) has not failed the examination for a license to prac-  
16 tice clinical social work in this state;

17 (4) has not had a license to practice clinical social work  
18 revoked or suspended in this state or another jurisdiction;

19 (5) has submitted proof of continued competency satis-  
20 factory to the board; and

21 (6) has paid required fees.

22 Sec. 08.95.130. DISPLAY OF LICENSE. A person licensed under  
23 this chapter shall display the license in a conspicuous place where  
24 the licensee practices.

25 ARTICLE 3. GENERAL PROVISIONS.

26 Sec. 08.95.900. CONFIDENTIALITY OF COMMUNICATION. (a) A li-  
27 censed clinical social worker may not reveal to another person a  
28 communication made to the licensee by a client about a matter concern-  
29 ing which the client has employed the licensee in a professional

1 capacity. This section does not apply to

2 (1) a case conference with other clinical social workers or  
3 with psychologists, psychological associates, physicians, or surgeons;

4 (2) <sup>[OF IN THE CASE]</sup> the release of information which the client in writing  
5 authorized the licensee to reveal; <sup>[A COMMUNICATION]</sup> or

6 (3) information revealed as part of the discovery of evi-  
7 dence related to a court proceeding or introduced in evidence in a  
8 court proceeding.

9 (b) Notwithstanding (a) of this section, a licensed clinical  
10 social worker shall report incidents of child abuse or neglect as  
11 required by AS 47.17.020.

12 Sec. 08.95.910. EXEMPTIONS. This chapter does not apply to a  
13 person who

14 (1) practices clinical social work as an employee of a  
15 federal, state, or local government or of a private nonprofit orga-  
16 nization that is exempt from federal income tax; or

17 (2) is a qualified member of a recognized profession, other  
18 than clinical social work, and does not represent to the public by  
19 title or description of service as practicing clinical social work.

20 Sec. 08.95.990. DEFINITIONS. In this chapter

21 (1) "board" means the Board of Clinical Social Work Ex-  
22 aminers;

23 (2) "clinical social work" means a service in which a  
24 special knowledge of social resources, human capabilities, and the  
25 part that unconscious motivation plays in determining behavior is  
26 directed, through the application of social work principles and meth-  
27 ods, at helping individuals to achieve more adequate, satisfying, and  
28 productive social adjustments;

29 (3) "clinical social worker" means a person who practices

1 clinical social work;

2 (4) "department" means the Department of Commerce and  
3 Economic Development;

4 (5) "social work principles and methods" include counseling  
5 and using techniques of applied psychotherapy of a nonmedical nature  
6 to assist in the diagnosis and treatment of mental and emotional  
7 conditions of individuals, families, and groups; providing information  
8 and referral services; providing or arranging for the provision of  
9 social services; explaining and interpreting the psychosocial aspects  
10 in the situations of individuals, families, or groups; helping commu-  
11 nities to organize, provide, or improve social and health services;  
12 and doing research related to social work.

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

14 (28) Board of Clinical Social Work Examiners (AS 08.95.010).

15 \* Sec. 4. AS 08.02.010(a) is amended to read:

16 (a) An audiologist licensed under AS 08.11, a person licensed in  
17 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,  
18 a medical practitioner or osteopath under AS 08.64, a registered nurse  
19 under AS 08.68, an optometrist under AS 08.72, a registered pharmacist  
20 under AS 08.80, a registered physical therapist or occupational thera-  
21 pist under AS 08.84, [OR] a psychologist under AS 08.86, or a clinical  
22 social worker licensed under AS 08.95. shall use as professional  
23 identification appropriate letters or a title after that person's name  
24 which represents that person's specific field of practice. The let-  
25 ters or title shall appear on all signs, stationery, or other ad-  
26 vertising in which the person offers or displays personal professional  
27 services to the public. In addition, a person engaged in the practice  
28 of medicine or osteopathy under AS 08.64.380(2) or a person engaged in  
29 any manner in the healing arts who diagnoses, treats, tests, or

1 counsels other persons in relation to human health or disease and uses  
2 the letters "M.D." or the title "doctor" or "physician" or another  
3 title that tends to show that the person is willing or qualified to  
4 diagnose, treat, test, or counsel another person, shall clarify the  
5 letters or title by adding the appropriate specialist designation, if  
6 any, such as "dermatologist", "radiologist", "audiologist", "naturo-  
7 path", or the like.

8 \* Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:

9 (21) Board of Clinical Social Work Examiners (AS 08.95.010)

10 -- June 30, 1992.

11 \* Sec. 6. INITIAL APPOINTMENTS TO THE BOARD OF CLINICAL SOCIAL WORK  
12 EXAMINERS. Notwithstanding AS 08.95.010, as enacted by sec. 2 of this Act,  
13 a person is eligible for an initial appointment as a professional member of  
14 the Board of Social Work Examiners, if the person

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16 social work from a college or university accredited by the Council on  
17 Social Work Education;

18 (2) has completed, within the preceding 10 years, either

19 (A) a minimum of two years of continuous full-time employ-  
20 ment in postgraduate clinical social work; or

21 (B) a minimum of 3,000 hours of less than full-time employ-  
22 ment in postgraduate clinical social work in a period of not less than  
23 two years;

24 (3) is in good professional standing; and

25 (4) has practiced clinical social work in this state within the  
26 year preceding appointment.

27 \* Sec. 7. TRANSITIONAL LICENSURE. (a) Notwithstanding AS 08.95.110,  
28 as enacted by sec. 2 of this Act, the Board of Clinical Social Work Ex-  
29 aminers shall issue a license to practice clinical social work to a person

1 who

2 (1) applies for a license before July 1, 1989; and

3 (2) satisfies the requirements of AS 08.95.110(1) - (4) and (6).

4 (b) Notwithstanding AS 08.95.110(2) as enacted by sec. 2 of this Act,  
5 the board shall issue a license to practice clinical social work to a  
6 person who applies for licensure under this section without regard to  
7 whether the supervising clinical social worker is licensed in this state.

8 \* Sec. 8. This Act takes effect July 1, 1988.  
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# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE,  
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT  
COMMITTEE



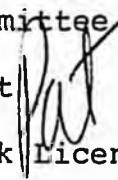
## House of Representatives

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

TO: Members, House Finance Committee

FROM: Representative Pat Pourchot 

RE: CSHB 526 (Fin), Social Work Licensing

DATE: April 7, 1988

I am writing to call your attention to CSHB 526(Fin), which would establish licensure for clinical social workers.

Licensure of social workers is an issue that has been before the Legislature in the past, but due to strong opposition from some groups has failed to achieve passage into law. The primary opposition has come from Native non-profit organizations concerned about the impact licensure might have on the ability of the Native community to continue to provide services to its people. Lesser opposition has come from the State Division of Family and Youth Services (DFYS) who is concerned about the feasibility of licensing state employees and the difficulty of attracting licensed professionals to remote areas of the state.

The bill before you is a scaled-down version of earlier licensing proposals. It meets the concerns of the Native non-profits and DFYS, is supported by the Alaska Chapter of the National Association of Social Workers (ANASW), and meets the most pressing consumer protection issue -- social workers providing counseling or psychotherapy services in unsupervised private practice.

Proposed CSHB 526(Fin) would apply only to clinical social workers in private practice, a subset (approximately 50 persons) of the general social work profession. A clinical social worker is classified according to NASW's standardized definition and is set apart from other social workers by the fact that he or she performs psychotherapy (diagnosis and assessment of persons with mental and emotional conditions). This aspect of social work requires specialized knowledge and training and can have detrimental effects if wrongly

CSHB 526 (Fin)  
April 7, 1988  
Page 2

applied. Social workers employed by federal, state, or local government entities and by private non-profits (e.g. social workers who, by the nature of their employment, operate within a supervised structure) would be specifically exempt from licensure.

HB 526 should not be interpreted to mean that consumer protection and standard of practice issues arise only with clinical social workers. Probably each decision made by each social worker impacts somebody's life, and there are many people who feel that this justifies licensure of all social workers. However, there is simply not support for that approach. I am convinced that CSHB 526 (Fin) will do much to enhance consumer protection and improve the standard of care by targeting those social workers that are totally unregulated at this time, and I would urge your support.

The bill will have no fiscal impact, as license fees (approximately \$150 per year) would cover the cost of licensing. I would also note that licensure would facilitate the receipt of third party insurance payments by clinical social workers, which would have the general effect of increasing the availability of their services.

HB 526 received a unanimous "do pass" recommendation from both the House Labor and Commerce Committee and the House Health, Education, and Social Services Committee after supportive testimony was received from the Alaska Chapter of the National Association of Social Workers, the Alaska Department of Health and Social Services, the State Division of Occupational Licensing, and the Alaska Federation of Natives.

The Finance Committee Substitute contains only one change from earlier versions of the bill. In response to a concern expressed by the House HESS Committee, the confidentiality provision has been amended to remove any apparent conflict between the bill (which implies that social workers are exempt from the court's authority to require testimony) and the court rules (which authorize the courts to require persons to testify or to grant them the privilege of confidentiality). Page 5, lines 1-5 now recognize the court's authority.

I urge your support.

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE,  
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT  
COMMITTEE



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## House of Representatives

April 7, 1988

CSHB 526(Fin), An Act relating to the practice of clinical social work.

### BILL ANALYSIS

#### Section 1 Purpose

Protect the public by setting standards of professional performance for clinical social workers.

#### Section 2, 08.95.010 Board Make-up

Four licensed clinical social workers and one public member.

#### Section 08.95.020 Board Meetings

At least once a year.

#### Section 08.95.030 Duties of the Board

Issue licenses, impose disciplinary sanctions, adopt regulations, and prepare an annual report.

#### Section 08.95.040 Continuing Education

Minimum of 45 hours per biennium of education or training, with a minimum of 6 hours in substance abuse and 6 hours in cross-cultural education that emphasizes Alaska Natives.

#### Section 08.95.100 Penalties

Class B misdemeanor (maximum 90 day sentence) for practicing clinical social work or using the title "clinical social worker" without a license. Unlicensed persons may use the title "social worker".

#### Section 08.95.110 Licensure

Qualifications: (1) Masters or doctoral degree in social work; (2) 2-years of full-time supervised employment in clinical social work or 3,000 supervised hours of less than full-time employment; (3) good professional standing; (4) 3 professional references; (5) pass examination; (6) pay fees.

Section 08.95.130 Display of License

Must be in a conspicuous place.

Section 08.95.900 Confidentiality

Required except under certain conditions (case conferences with other licensed professionals, written consent, court proceedings, incidents of child abuse or neglect).

Section 08.95.910 Exemptions

Employees of federal/state/local government, non-profits, other qualified professionals.

Section 08.95.990 Definitions

Defines "clinical social work" and "social work principles and methods".

Section 3-4 DCED Duties

08.01.010 places Social Work Board under the centralized licensing statute.  
08.01.050 authorizes DCED to provide investigative services to the Board.

Section 5, 08.02.010(a) Use of Title

Must be used on all signs, stationery, or other advertising.

Section 6, 08.03.010(c) Sunset

June 30, 1992

Section 7 Initial Appointments to Board

Persons with masters or doctoral degree in social work, 2 years or 3000 hours of experience, good professional standing, and who practiced in Alaska during the past year are eligible.

Section 8 Transitional Licensure

License without exam until June 30, 1989 for persons who meet all other licensure requirements.

Section 9 Effective Date

July 1, 1988

Original sponsors: Pourchot, Phillips  
and Collins

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 526 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of clinical social  
7 work and exempting certain persons from licensure as  
8 clinical social workers; and providing for an effective  
9 date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. PURPOSE. The purpose of this Act is to protect the public  
12 by

13 (1) setting standards for the education, training, and experi-  
14 ence for persons practicing clinical social work; and

15 (2) promoting high standards of professional performance by  
16 those persons licensed to practice clinical social work.

17 \* Sec. 2. AS 08 is amended by adding a new chapter to read:

18 CHAPTER 95. CLINICAL SOCIAL WORK.

19 ARTICLE 1. BOARD OF CLINICAL SOCIAL WORK EXAMINERS.

20 Sec. 08.95.010. CREATION AND MEMBERSHIP OF THE BOARD. (a)

21 There is created the Board of Clinical Social Work Examiners composed  
22 of five members. Four members must be persons licensed under this  
23 chapter, including at least one person who is not an employee of a  
24 federal, state, or local government or of a private nonprofit organi-  
25 zation that is exempt from federal income tax. One member must be a  
26 public member.

27 (b) Members of the board shall elect a member of the board as  
28 chair. The chair serves for a term of one year.

29 Sec. 08.95.020. BOARD MEETINGS. The board shall hold at least

1 one meeting each year. The board may hold additional meetings at the  
2 call of the chair or of a majority of the board members.

3 Sec. 08.95.030. DUTIES. The board shall

4 (1) issue licenses to qualified applicants;

5 (2) submit an annual report of its proceedings to the  
6 department;

7 (3) after a hearing, impose disciplinary sanctions on a  
8 person who violates this chapter or the regulations or orders of the  
9 board;

10 (4) adopt regulations requiring that continuing education  
11 requirements be satisfied before a license is renewed;

12 (5) adopt regulations necessary to carry out the purpose of  
13 this chapter.

14 Sec. 08.95.040. CONTINUING EDUCATION REQUIREMENT. (a) The  
15 board shall adopt continuing education requirements for persons li-  
16 censed under this chapter. Continuing education requirements must  
17 include a minimum of 45 hours per biennium of education or training  
18 with a minimum of six hours in substance abuse and six hours in cross-  
19 cultural education emphasizing Alaskan Natives.

20 (b) The board shall appoint three persons licensed under this  
21 chapter to serve as a continuing education committee. The committee  
22 shall advise the board on matters related to continuing education for  
23 clinical social workers. One person appointed to the committee must  
24 be familiar with social problems in the rural areas of the state.

25 ARTICLE 2. LICENSING.

26 Sec. 08.95.100. LICENSE REQUIRED. (a) A person who practices  
27 clinical social work without obtaining a license issued by the board  
28 and without qualifying for an exemption from this chapter is guilty of  
29 a class B misdemeanor.

1 (b) A person who is not licensed as a clinical social worker, or  
2 whose license is suspended or revoked, or whose license has lapsed,  
3 who uses in connection with the person's name the words or letters  
4 "L.C.S.W.," "Licensed Clinical Social Worker," or other letters,  
5 words, or insignia indicating or implying that the person is a li-  
6 censed clinical social worker, or who in any way, orally, or in writ-  
7 ing, directly or by implication, holds out as a licensed clinical  
8 social worker is guilty of a class B misdemeanor.

9 (c) A person not licensed under this chapter may use the title  
10 of "social worker."

11 Sec. 08.95.110. LICENSE TO PRACTICE CLINICAL SOCIAL WORK. The  
12 board shall issue a license to practice clinical social work to a  
13 person who

14 (1) has received a master's degree or a doctoral degree in  
15 social work from a college or university accredited by the Council on  
16 Social Work Education;

17 (2) has completed, within the 10 years before application  
18 for licensure and under the supervision of a licensed clinical social  
19 worker, licensed psychologist, licensed psychiatrist, or, with ap-  
20 proval of the board, a clinical social worker who is exempt from this  
21 chapter under AS 08.95.910, either (A) a minimum of two years of  
22 continuous full-time employment in postgraduate clinical social work;  
23 or (B) a minimum of 3,000 hours of less than full-time employment in a  
24 period of not less than two years in postgraduate clinical social  
25 work; at least 100 hours of supervision required under this paragraph  
26 shall be conducted by a qualified person approved by the board;

27 (3) is in good professional standing and is fit to practice  
28 social work as determined by the board;

29 (4) has provided three professional references to the

1 board;

2 (5) has satisfactorily completed the examination given by  
3 the board; and

4 (6) has paid required fees.

5 Sec. 08.95.120. LICENSING BY CREDENTIALS. The board shall issue  
6 a license to practice clinical social work without examination if the  
7 applicant

8 (1) holds a current license to practice clinical social  
9 work in another jurisdiction that at the time of original issuance of  
10 the license had requirements for licensure equal to or more stringent  
11 than those of this state;

12 (2) is not the subject of an unresolved complaint or disci-  
13 plinary action before a regulatory authority or a professional social  
14 work association;

15 (3) has not failed the examination for a license to prac-  
16 tice clinical social work in this state;

17 (4) has not had a license to practice clinical social work  
18 revoked or suspended in this state or another jurisdiction;

19 (5) has submitted proof of continued competency satis-  
20 factory to the board; and

21 (6) has paid required fees.

22 Sec. 08.95.130. DISPLAY OF LICENSE. A person licensed under  
23 this chapter shall display the license in a conspicuous place where  
24 the licensee practices.

25 ARTICLE 3. GENERAL PROVISIONS.

26 Sec. 08.95.900. CONFIDENTIALITY OF COMMUNICATION. (a) A li-  
27 censed clinical social worker may not reveal to another person a  
28 communication made to the licensee by a client about a matter concern-  
29 ing which the client has employed the licensee in a professional

1 capacity. This section does not apply to

2 (1) a case conference with other clinical social workers or  
3 with psychologists, psychological associates, physicians, or surgeons;

4 (2) <sup>[OR IN THE CASE</sup> the release of information which the client in writing  
5 authorized the licensee to reveal; <sup>[A COMMUNICATION]</sup> or

6 (3) information revealed as part of the discovery of evi-  
7 dence related to a court proceeding or introduced in evidence in a  
8 court proceeding.

9 (b) Notwithstanding (a) of this section, a licensed clinical  
10 social worker shall report incidents of child abuse or neglect as  
11 required by AS 47.17.020.

12 Sec. 08.95.910. EXEMPTIONS. This chapter does not apply to a  
13 person who

14 (1) practices clinical social work as an employee of a  
15 federal, state, or local government or of a private nonprofit orga-  
16 nization that is exempt from federal income tax; or

17 (2) is a qualified member of a recognized profession, other  
18 than clinical social work, and does not represent to the public by  
19 title or description of service as practicing clinical social work.

20 Sec. 08.95.990. DEFINITIONS. In this chapter

21 (1) "board" means the Board of Clinical Social Work Ex-  
22 aminers;

23 (2) "clinical social work" means a service in which a  
24 special knowledge of social resources, human capabilities, and the  
25 part that unconscious motivation plays in determining behavior is  
26 directed, through the application of social work principles and meth-  
27 ods, at helping individuals to achieve more adequate, satisfying, and  
28 productive social adjustments;

29 (3) "clinical social worker" means a person who practices

1 clinical social work;

2 (4) "department" means the Department of Commerce and  
3 Economic Development;

4 (5) "social work principles and methods" include counseling  
5 and using techniques of applied psychotherapy of a nonmedical nature  
6 to assist in the diagnosis and treatment of mental and emotional  
7 conditions of individuals, families, and groups; providing information  
8 and referral services; providing or arranging for the provision of  
9 social services; explaining and interpreting the psychosocial aspects  
10 in the situations of individuals, families, or groups; helping commu-  
11 nities to organize, provide, or improve social and health services;  
12 and doing research related to social work.

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

14 (28) Board of Clinical Social Work Examiners (AS 08.95.010).

15 \* Sec. 4. AS 08.02.010(a) is amended to read:

16 (a) An audiologist licensed under AS 08.11, a person licensed in  
17 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,  
18 a medical practitioner or osteopath under AS 08.64, a registered nurse  
19 under AS 08.68, an optometrist under AS 08.72, a registered pharmacist  
20 under AS 08.80, a registered physical therapist or occupational thera-  
21 pist under AS 08.84, [OR] a psychologist under AS 08.86, or a clinical  
22 social worker licensed under AS 08.95, shall use as professional  
23 identification appropriate letters or a title after that person's name  
24 which represents that person's specific field of practice. The let-  
25 ters or title shall appear on all signs, stationery, or other ad-  
26 vertising in which the person offers or displays personal professional  
27 services to the public. In addition, a person engaged in the practice  
28 of medicine or osteopathy under AS 08.64.380(2) or a person engaged in  
29 any manner in the healing arts who diagnoses, treats, tests, or

1 counsels other persons in relation to human health or disease and uses  
2 the letters "M.D." or the title "doctor" or "physician" or another  
3 title that tends to show that the person is willing or qualified to  
4 diagnose, treat, test, or counsel another person, shall clarify the  
5 letters or title by adding the appropriate specialist designation, if  
6 any, such as "dermatologist", "radiologist", "audiologist", "naturo-  
7 path", or the like.

8 \* Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:

9 (21) Board of Clinical Social Work Examiners (AS 08.95.010)

10 -- June 30, 1992.

11 \* Sec. 6. INITIAL APPOINTMENTS TO THE BOARD OF CLINICAL SOCIAL WORK  
12 EXAMINERS. Notwithstanding AS 08.95.010, as enacted by sec. 2 of this Act,  
13 a person is eligible for an initial appointment as a professional member of  
14 the Board of Social Work Examiners, if the person

15 (1) has received a master's degree or a doctoral degree in  
16 social work from a college or university accredited by the Council on  
17 Social Work Education;

18 (2) has completed, within the preceding 10 years, either

19 (A) a minimum of two years of continuous full-time employ-  
20 ment in postgraduate clinical social work; or

21 (B) a minimum of 3,000 hours of less than full-time employ-  
22 ment in postgraduate clinical social work in a period of not less than  
23 two years;

24 (3) is in good professional standing; and

25 (4) has practiced clinical social work in this state within the  
26 year preceding appointment.

27 \* Sec. 7. TRANSITIONAL LICENSURE. (a) Notwithstanding AS 08.95.110,  
28 as enacted by sec. 2 of this Act, the Board of Clinical Social Work Ex-  
29 aminers shall issue a license to practice clinical social work to a person

1 who

2 (1) applies for a license before July 1, 1989; and

3 (2) satisfies the requirements of AS 08.95.110(1) - (4) and (6).

4 (b) Notwithstanding AS 08.95.110(2) as enacted by sec. 2 of this Act,  
5 the board shall issue a license to practice clinical social work to a  
6 person who applies for licensure under this section without regard to  
7 whether the supervising clinical social worker is licensed in this state.

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

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act relating to the practice of clinical social work...  
Sponsor: House Labor & Commerce  
Requestor: \_\_\_\_\_

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL		3.5	3.5	3.5	3.5	3.5
CONTRACTUAL		1.0	1.0	1.0	1.0	1.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		4.5	4.5	4.5	4.5	4.5

CAPITAL						
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REVENUE		15.0	3.0	21.0	3.0	27.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		4.5	4.5	4.5	4.5	4.5
TOTAL		4.5	4.5	4.5	4.5	4.5

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill establishes a Board of Clinical Social Work Examiners to regulate and license approximately 50 practitioners. The expenses identified above include travel funds for the board to meet and contractual funds to cover printing, advertising and communication expenses. (CONTINUED ON ATTACHED)

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: 3/31/88

Approved by Commissioner: J. Anthony Smith Date: 4/4/88  
Agency: Commerce and Economic Development

Distribution (by preparer):

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 526 (L&C)

The expenses identified do not include administrative overhead costs. All licensing programs under central licensing are expected to cover a portion of the overhead expenses. To accomplish this, the division has established a formula used to spread overhead costs in each licensing area based on the number of licensees within an occupation. For clinical social workers, 50 practitioners equal 0.24% of the current licensees; therefore, 0.24% of the overhead is assigned to the clinical social work licensing program to be covered by licensing fees.

Therefore, the total cost of the clinical social work licensing program is \$15,400 in the first year and licensing fees would need to attempt to cover this cost.

Clinical social workers have expressed their willingness to pay up to \$150 per year (\$300 biennial) for licensing fees. As a result, the profession will just about cover the costs of its licensing program in the first year. Revenues identified on even-numbered years are based on 10 new licensees. Because of the renewal cycle of licenses, expenses in a nonrenewal year will have to be subsidized by general funds or through other licensing fees for those occupations undergoing renewal.

CSHB 526 (L&C): An Act relating to the practice of clinical social work and exempting certain persons from licensure as clinical social workers; and providing for an effective date.

CSHB 526 establishes a Board of Clinical Social Work Examiners to regulate the practice of clinical social work performed by independent practitioners and exempts individuals who practice clinical social work as an employee of a federal, state or local government, or of a private nonprofit organization.

Currently, clinical social workers practice independently with no oversight of individual qualifications, or means to pursue unethical practice. Clinical social workers often work closely with psychologists and psychiatrists in diagnosing and treating emotional disorders. Although other classifications of social workers generally receive supervision through their employment by the state or a clinic or medical facility, clinical social workers have been isolated from such oversight.

The department supports the licensing of clinical social workers, provided that the profession is cooperative in attempting to support adequate funding for the new licensing function through realistic licensing fees.

  
\_\_\_\_\_  
J. Anthony Smith, Commissioner  
Department of Commerce and  
Economic Development

Date: 4/4/88

JS/dg10066o  
040488b

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STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 526 (L&C)  
PUBLISH DATE: HOUSE 3/28/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Health and Social Services  
Title: The practice of clinical social work and exempting certain persons from licensure BRU: \_\_\_\_\_  
Sponsor: Pourchot, Phillips, Collins Components: \_\_\_\_\_  
Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

N/A

Prepared by: Yvonne M. Chase, Director *AMC* Phone: 465-3170  
Division: Division of Family and Youth Services Date: 03/24/88

Approved by Commissioner: Myra M. Munson *Myra M. Munson* Date: 3/24/88  
Agency: Department of Health and Social Services

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

POSITION PAPER  
COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 526

For an Act entitled: "An Act relating to the practice of clinical social work and exempting certain persons from licensure as clinical social workers; and providing for an effective date."

The Committee Substitute for House Bill 526 would provide for a licensing body with the authority to regulate the practice of clinical social work in Alaska. The provisions in this Committee Substitute would:

1) promote high standards of professional performance by persons licensed to practice clinical social work.

As a result of this legislation, only persons found by the Board to meet the requirements under Section 08.95.110 would be issued a license to practice clinical social work. Clinical social workers intervene in complex situations involving interpersonal, social, financial, and legal dimensions, and in an area where the professional capabilities of the individual have such an important impact on the persons receiving services, it is essential that the standards of quality of one's professional performance are consistently high. Licensure or certification has been effected in 43 states, the Virgin Islands, and Puerto, as a mechanism to ensure those standards.

2) protect the consumer by insuring that persons using the title of clinical social worker have specific educational training designed to prepare persons for the field of social work.

There are presently no requirements for clinical social work practitioners, and while consumers of these services can contact the Alaska Chapter of the National Association of Social Workers (NASW) to see if the person is a member, membership in NASW is voluntary and therefore all "licensable" social workers may not belong to NASW. In addition, while persons who are members of NASW are required to conduct their practices according to the national organization's code of ethics, censoring a member for unethical practices does not stop them from practicing in Alaska; that can only be accomplished through licensure.

3) provide individuals in the community with more options for treatment than what presently exists.

Licensure provides the clinical social worker with the ability to seek financial reimbursement for services through a number of insurance companies which presently will only reimburse "licensed" professionals. The result of the present situation is that persons seeking treatment services are forced to wait for the availability of other professionals if they need to pay for these services through insurance. Social workers provide a large percentage of the clinical services offered in Alaska, particularly in the rural areas, and the availability of those services often means the difference between some treatment and no treatment.

4) provide for privileged communication between the professional social worker and the client.

While the information acquired by state social workers in their performance of their duties under AS 47.10.090, 47.17.040, 47.35.060, and 47.35.070 is confidential, social workers in private agencies or in private practice have no similar protection of their clients' information.

The Department of Health and Social Services strongly supports both the recognition of the profession of social work and the commitment of the Alaska Legislature to regulate that practice in order to assure quality service to clients.

RECOMMENDED:

Yvonne M. Chase  
Yvonne M. Chase, Director  
Division of Family  
and Youth Services

DATE:

3/24/88

APPROVED:

Myra M. Munson  
Myra M. Munson, Commissioner  
Department of Health  
and Social Services

DATE:

3/24/88

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE,  
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT  
COMMITTEE



## House of Representatives

ANCHORAGE  
P O BOX 104836  
ANCHORAGE AK 99510  
(WI) (907) 561-7623  
(HI) (907) 338-2425

JUNEAU  
P.O. BOX V  
STATE CAPITOL  
JUNEAU, AK 99811  
(907) 465-3712

March 22, 1988

Proposed CSHB 526(L&C), An Act relating to the practice of clinical social work.

### BILL ANALYSIS

#### Section 1 Purpose

Protect the public by setting standards of professional performance for clinical social workers.

#### Section 2, 08.95.010 Board Make-up

Four licensed clinical social workers and one public member.

#### Section 08.95.020 Board Meetings

At least once a year.

#### Section 08.95.030 Duties of the Board

Issue licenses, impose disciplinary sanctions, adopt regulations, and prepare an annual report.

#### Section 08.95.040 Continuing Education

Minimum of 45 hours per biennium of education or training, with a minimum of 6 hours in substance abuse and 6 hours in cross-cultural education that emphasizes Alaska Natives.

#### Section 08.95.100 Penalties

Class B misdemeanor (maximum 90 day sentence) for practicing clinical social work or using the title "clinical social worker" without a license. Unlicensed persons may use the title "social worker".

#### Section 08.95.110 Licensure

Qualifications: (1) Masters or doctoral degree in social work; (2) 2-years of full-time supervised employment in clinical social work or 3,000 supervised hours of less than full-time employment; (3) good professional standing; (4) 3 professional references; (5) pass examination; (6) pay fees.

Section 08.95.130 Display of License

Must be in a conspicuous place.

Section 08.95.900 Confidentiality

Required except under certain conditions (case conferences with other licensed professionals, written consent, incidents of child abuse or neglect).

Section 08.95.910 Exemptions

Employees of federal/state/local government, non-profits, other qualified professionals.

Section 08.95.990 Definitions

Defines "clinical social work" and "social work principles and methods".

Section 3-4 DCED Duties

08.01.010 places Social Work Board under the centralized licensing statute.  
08.01.050 authorizes DCED to provide investigative services to the Board.

Section 5, 08.02.010(a) Use of Title

Must be used on all signs, stationery, or other advertising.

Section 6, 08.03.010(c) Sunset

June 30, 1992

Section 7 Initial Appointments to Board

Persons with masters or doctoral degree in social work, 2 years or 3000 hours of experience, good professional standing, and who practiced in Alaska during the past year are eligible.

Section 8 Transitional Licensure

License without exam until June 30, 1989 for persons who meet all other licensure requirements.

Section 9 Effective Date

July 1, 1988

# ALASKA FEDERATION OF NATIVES, INC.

411 W. 4th Avenue, Suite 301 • Anchorage, Alaska 99501 • Phone (907) 274-3611



March 24, 1988

Representative Pat Pourchot  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Pourchot:

AFN has reviewed the proposed Committee Substitute for House Bill 526 (L & C). At this time, AFN has no objection to this substitute moving forward. Our concerns in previous drafts seem to have been met, specifically the very clear exemption for non-profit and state social workers.

If you have any questions please give me a call.

Sincerely,

Julie Kitka  
Executive Vice President

# NASW Statement

## LICENSING OF CLINICAL SOCIAL WORKERS IN PRIVATE PRACTICE

The Alaska Chapter of the National Association of Social Workers supports the passage of legislation to regulate social workers who are engaged in the private-for-profit, independent practice of clinical social work. Currently 35 States provide some control over clinical social work in their jurisdiction through registration, certification, or licensure of social workers and 9 States including California and Oregon regulate only the practice of clinical social work.

The standard adopted by NASW for the independent practice of clinical social work includes a master's degree in social work from an accredited program and two years of supervised experience in a clinical setting. Clinical settings include but are not limited to mental health clinics, hospitals, and counseling centers. Only clinical social workers are qualified to diagnose and treat mental illness and emotional disorders utilizing psychosocial methods and psychotherapeutic techniques. Clinical social workers deliver over 50% of mental health services on the national and statewide level. Clinical social workers are the only unlicensed mental health professionals currently permitted by State statute to evaluate clients for commitment in mental health proceedings.

The majority of social workers engaged in private practice throughout the State are clinical social workers. There are several masters level and some bachelors level social workers engaged in private practice as consultants but it would be difficult to regulate this group because they do not possess a standard body of knowledge in comparison to clinical social workers. Consumers of clinical social work services by private practitioners are those consumers most at risk of receiving services from unqualified or unethical practitioners.

NASW believes that licensing of all social workers is beneficial to the public but licensing of private practitioners is absolutely necessary to protect consumers. Clients of agencies can file complaints with the worker's supervisor, director, or governing board, but clients of private practitioners have no such recourse. Recently there have been several reports indicating that complaints against social workers accused of sexually abusing clients has sharply increased. The Alaska Chapter of NASW is currently in the process of handling a complaint of this nature against one of our members. Because NASW can only handle complaints against members, the only sanction we can impose is to revoke membership.

We estimate that approximately 40-50 clinical social workers are engaged in the private practice of clinical social work on a part-time or full-time basis in Alaska and an additional 50-80 clinical social workers employed by agencies, clinics, and hospitals will meet the qualifications. Licensing of clinical social workers will enable private practitioners to collect third-party payments for treatment of mental and emotional disorders. Licensing of clinical social workers will expand treatment options for many Alaskans because clinical social workers frequently charge less for their services, and because clinical social workers are more likely to reside in rural areas of the State than psychiatrists or psychologists. In addition, many clinical social workers have developed expertise in areas such as treating victims of domestic violence and sexual abuse, but have had difficulty establishing their expertise as competent witnesses in courtroom settings because social workers are not licensed.

Submitted by: Marsha Schneider, MSW, ACSW  
Executive Director  
Alaska Chapter, NASW  
3/22/88

# THE FAMILY THERAPY CENTER

Tudor Professional Building

4325 Laurel Street

Anchorage, Alaska 99508

(907) 561-2868

March 23, 1988

MARTHA HOUCK, MSW, ACSW

KATHY APPLE, R.N., M.S., ANP

ANN GORSUCH, MSW, ACSW

The Honorable Niilo Koponen, Vice Chairman  
House Labor and Commerce Committee  
Alaska House of Representatives  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Koponen:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." CS526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

CS526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is called a "social worker," regardless of education, training or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of CS526.

Sincerely,

Ann Gorsuch, MSW, ACSW.

# THE FAMILY THERAPY CENTER

Tudor Professional Building

4325 Laurel Street

Anchorage, Alaska 99508

(907) 561-2868

March 23, 1988

The Honorable Dave Donley, Vice Chairman  
House Labor and Commerce Committee  
Alaska House of Representatives  
P.O. Box V  
Juneau, Alaska 99811

MARTHA HOUCK, M.S.W., ACSW

KATHY APPLE, R.N., M.S., A.N.P.

ANN GORSUCH, M.S.W., ACSW

Dear Representative Donley:

This letter is with regard to Committee Substitute for House Bill 526, an Act entitled: "Licensing of Social Work." C5526 is scheduled to come before your committee on Thursday and I urge you to support this bill.

C5526 is a bill that will protect consumers. Consumers currently can receive services that are provided by any individual who is "called a 'social worker,'" regardless of education, training, or experience. This bill will provide much needed protection for mental health clients as well as set standards for persons practicing clinical social work.

Again, I urge your support of C526.

Sincerely,

Ann Gorsuch, M.S.W., A.C.S.W.

Original sponsors: Pourchot, Phillips  
and Collins

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 526 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the practice of clinical social  
7 work and exempting certain persons from licensure as  
8 clinical social workers; and providing for an effective  
9 date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. PURPOSE. The purpose of this Act is to protect the public  
12 by

13 (1) setting standards for the education, training, and experi-  
14 ence for persons practicing clinical social work; and

15 (2) promoting high standards of professional performance by  
16 those persons licensed to practice clinical social work.

17 \* Sec. 2. AS 08 is amended by adding a new chapter to read:

18 CHAPTER 95. CLINICAL SOCIAL WORK.

19 ARTICLE 1. BOARD OF CLINICAL SOCIAL WORK EXAMINERS.

20 Sec. 08.95.010. CREATION AND MEMBERSHIP OF THE BOARD. (a)

21 There is created the Board of Clinical Social Work Examiners composed  
22 of five members. Four members must be persons licensed under this  
23 chapter, including at least one person who is not an employee of a  
24 federal, state, or local government or of a private nonprofit organi-  
25 zation that is exempt from federal income tax. One member must be a  
26 public member.

27 (b) Members of the board shall elect a member of the board as  
28 chair. The chair serves for a term of one year.

29 Sec. 08.95.020. BOARD MEETINGS. The board shall hold at least

1 one meeting each year. The board may hold additional meetings at the  
2 call of the chair or of a majority of the board members.

3 Sec. 08.95.030. DUTIES. The board shall

4 (1) issue licenses to qualified applicants;  
5 (2) submit an annual report of its proceedings to the  
6 department;

7 (3) after a hearing, impose disciplinary sanctions on a  
8 person who violates this chapter or the regulations or orders of the  
9 board;

10 (4) adopt regulations requiring that continuing education  
11 requirements be satisfied before a license is renewed;

12 (5) adopt regulations necessary to carry out the purpose of  
13 this chapter.

14 Sec. 08.95.040. CONTINUING EDUCATION REQUIREMENT. (a) The  
15 board shall adopt continuing education requirements for persons li-  
16 censed under this chapter. Continuing education requirements must  
17 include a minimum of 45 hours per biennium of education or training  
18 with a minimum of six hours in substance abuse and six hours in  
19 cross-cultural education emphasizing Alaskan Natives.

20 (b) The board shall appoint three persons licensed under this  
21 chapter to serve as a continuing education committee. The committee  
22 shall advise the board on matters related to continuing education for  
23 clinical social workers. One person appointed to the committee must  
24 be familiar with social problems in the rural areas of the state.

25 ARTICLE 2. LICENSING.

26 Sec. 08.95.100. LICENSE REQUIRED. (a) A person who practices  
27 clinical social work without obtaining a license issued by the board  
28 and without qualifying for an exemption from this chapter is guilty of  
29 a class B misdemeanor.

1 (b) A person who is not licensed as a clinical social worker, or  
2 whose license is suspended or revoked, or whose license has lapsed,  
3 who uses in connection with the person's name the words or letters  
4 "L.C.S.W.," "Licensed Clinical Social Worker," or other letters,  
5 words, or insignia indicating or implying that the person is a li-  
6 censed clinical social worker, or who in any way, orally, or in writ-  
7 ing, directly or by implication, holds out as a licensed clinical  
8 social worker is guilty of a class B misdemeanor.

9 (c) A person not licensed under this chapter may use the title  
10 of "social worker."

11 Sec. 08.95.110. LICENSE TO PRACTICE CLINICAL SOCIAL WORK. The  
12 board shall issue a license to practice clinical social work to a  
13 person who

14 (1) has received a master's degree or a doctoral degree in  
15 social work from a college or university accredited by the Council on  
16 Social Work Education;

17 (2) has completed, within the 10 years before application  
18 for licensure and under the supervision of a licensed clinical social  
19 worker, licensed psychologist, licensed psychiatrist, or, with ap-  
20 proval of the board, a clinical social worker who is exempt from this  
21 chapter under AS 08.95.910, either (A) a minimum of two years of  
22 continuous full-time employment in postgraduate clinical social work;  
23 or (B) a minimum of 3,000 hours of less than full-time employment in a  
24 period of not less than two years in postgraduate clinical social  
25 work; at least 100 hours of supervision required under this paragraph  
26 shall be conducted by a qualified person approved by the board;

27 (3) is in good professional standing and is fit to practice  
28 social work as determined by the board;

29 (4) has provided three professional references to the

1 board;

2 (5) has satisfactorily completed the examination given by  
3 the board; and

4 (6) has paid required fees.

5 Sec. 08.95.120. LICENSING BY CREDENTIALS. The board shall issue  
6 a license to practice clinical social work without examination if the  
7 applicant

8 (1) holds a current license to practice clinical social  
9 work in another jurisdiction that at the time of original issuance of  
10 the license had requirements for licensure equal to or more stringent  
11 than those of this state;

12 (2) is not the subject of an unresolved complaint or disci-  
13 plinary action before a regulatory authority or a professional social  
14 work association;

15 (3) has not failed the examination for a license to prac-  
16 tice clinical social work in this state;

17 (4) has not had a license to practice clinical social work  
18 revoked or suspended in this state or another jurisdiction;

19 (5) has submitted proof of continued competency satis-  
20 factory to the board; and

21 (6) has paid required fees.

22 Sec. 08.95.130. DISPLAY OF LICENSE. A person licensed under  
23 this chapter shall display the license in a conspicuous place where  
24 the licensee practices.

25 ARTICLE 3. GENERAL PROVISIONS.

26 Sec. 08.95.900. CONFIDENTIALITY OF COMMUNICATION. (a) A li-  
27 censed clinical social worker may not reveal to another person a  
28 communication made to the licensee by a client about a matter concern-  
29 ing which the client has employed the licensee in a professional

1 capacity. This section does not apply to a case conference with other  
2 clinical social workers or with psychologists, psychological associ-  
3 ates, physicians, or surgeons, or in the case in which the client in  
4 writing authorized the licensee to reveal a communication.

5 (b) Notwithstanding (a) of this section, a licensed clinical  
6 social worker shall report incidents of child abuse or neglect as  
7 required by AS 47.17.020.

8 Sec. 08.95.910. EXEMPTIONS. This chapter does not apply to a  
9 person who

10 (1) practices clinical social work as an employee of a  
11 federal, state, or local government or of a private nonprofit orga-  
12 nization that is exempt from federal income tax; or

13 (2) is a qualified member of a recognized profession, other  
14 than clinical social work, and does not represent to the public by  
15 title or description of service as practicing clinical social work.

16 Sec. 08.95.990. DEFINITIONS. In this chapter

17 (1) "board" means the Board of Clinical Social Work Ex-  
18 aminers;

19 (2) "clinical social work" means a service in which a  
20 special knowledge of social resources, human capabilities, and the  
21 part that unconscious motivation plays in determining behavior is  
22 directed, through the application of social work principles and meth-  
23 ods, at helping individuals to achieve more adequate, satisfying, and  
24 productive social adjustments;

25 (3) "clinical social worker" means a person who practices  
26 clinical social work;

27 (4) "department" means the Department of Commerce and  
28 Economic Development;

29 (5) "social work principles and methods" include counseling

1 and using techniques of applied psychotherapy of a nonmedical nature  
2 to assist in the diagnosis and treatment of mental and emotional  
3 conditions of individuals, families, and groups; providing information  
4 and referral services; providing or arranging for the provision of  
5 social services; explaining and interpreting the psychosocial aspects  
6 in the situations of individuals, families, or groups; helping commu-  
7 nities to organize, provide, or improve social and health services;  
8 and doing research related to social work.

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

10 (28) Board of Clinical Social Work Examiners (AS 08.95.010).

11 \* Sec. 4. AS 08.02.010(a) is amended to read:

12 (a) An audiologist licensed under AS 08.11, a person licensed in  
13 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,  
14 a medical practitioner or osteopath under AS 08.64, a registered nurse  
15 under AS 08.68, an optometrist under AS 08.72, a registered pharmacist  
16 under AS 08.80, a registered physical therapist or occupational thera-  
17 pist under AS 08.84, [OR] a psychologist under AS 08.86, or a clinical  
18 social worker licensed under AS 08.95, shall use as professional  
19 identification appropriate letters or a title after that person's name  
20 which represents that person's specific field of practice. The let-  
21 ters or title shall appear on all signs, stationery, or other ad-  
22 vertising in which the person offers or displays personal professional  
23 services to the public. In addition, a person engaged in the practice  
24 of medicine or osteopathy under AS 08.64.380(2) or a person engaged in  
25 any manner in the healing arts who diagnoses, treats, tests, or coun-  
26 sels other persons in relation to human health or disease and uses the  
27 letters "M.D." or the title "doctor" or "physician" or another title  
28 that tends to show that the person is willing or qualified to diag-  
29 nose, treat, test, or counsel another person, shall clarify the

1 letters or title by adding the appropriate specialist designation, if  
2 any, such as "dermatologist", "radiologist", "audiologist", "naturo-  
3 path", or the like.

4 \* Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:

5 (21) Board of Clinical Social Work Examiners (AS 08.95.010)

6 -- June 30, 1992.

7 \* Sec. 6. INITIAL APPOINTMENTS TO THE BOARD OF CLINICAL SOCIAL WORK  
8 EXAMINERS. Notwithstanding AS 08.95.010, as enacted by sec. 2 of this Act,  
9 a person is eligible for an initial appointment as a professional member of  
10 the Board of Social Work Examiners, if the person

11 (1) has received a master's degree or a doctoral degree in  
12 social work from a college or university accredited by the Council on  
13 Social Work Education;

14 (2) has completed, within the preceding 10 years, either

15 (A) a minimum of two years of continuous full-time employ-  
16 ment in postgraduate clinical social work; or

17 (B) a minimum of 3,000 hours of less than full-time employ-  
18 ment in postgraduate clinical social work in a period of not less than  
19 two years;

20 (3) is in good professional standing; and

21 (4) has practiced clinical social work in this state within the  
22 year preceding appointment.

23 \* Sec. 7. TRANSITIONAL LICENSURE. (a) Notwithstanding AS 08.95.110,  
24 as enacted by sec. 2 of this Act, the Board of Clinical Social Work Ex-  
25 aminers shall issue a license to practice clinical social work to a person  
26 who

27 (1) applies for a license before July 1, 1989; and

28 (2) satisfies the requirements of AS 08.95.110(1) - (4) and (6).

29 (b) Notwithstanding AS 08.95.110(2) as enacted by sec. 2 of this Act,

1 the board shall issue a license to practice clinical social work to a  
2 person who applies for licensure under this section without regard to  
3 whether the supervising clinical social worker is licensed in this state.

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

1 IN THE HOUSE

BY POURCHOT AND PHILLIPS

2

HOUSE BILL NO. 526

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. PURPOSE. The purpose of this Act is to assure the public  
11 that persons providing services under the title "social worker" have com-  
12 pleted professional social work education or training, adhere to a code of  
13 professional ethics, and are subject to licensing by the Board of Social  
14 Worker Examiners.

15 \* Sec. 2. AS 08 is amended by adding a new chapter to read:

16 CHAPTER 90. SOCIAL WORKERS.

17 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

18 Sec. 08.90.010. CREATION AND MEMBERSHIP OF BOARD. There is  
19 created a Board of Social Worker Examiners consisting of five members,  
20 including three licensed master social workers, one of whom is li-  
21 censed as an independent social worker, one licensed bachelor social  
22 worker, and one public member. To the extent possible members shall  
23 be appointed from different geographic regions of the state.

24 Sec. 08.90.020. ELECTION OF OFFICERS. The board shall elect  
25 officers from among its members. Officers serve for a term not ex-  
26 ceeding two years.

27 Sec. 08.90.030. DUTIES OF THE BOARD. The board shall

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

1 (2) submit an annual report of its proceedings to the  
2 governor, including recommended changes to this chapter;

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

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

9 (5) adopt regulations relating to requirements for the  
10 supervision of persons engaged in social work under this chapter who  
11 are not licensed master social workers, including qualifications for  
12 supervisors;

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

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

17 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

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

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

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

26 (4) has

27 (A) a bachelors degree in social work from a school  
28 with a social work program accredited by the Council on Social  
29 Work Education or a bachelors degree in a behavioral sciences

1 field related to social work; or

2 (B) satisfactorily completed the provisional social  
3 worker program under AS 08.90.060.

4 (b) A person is eligible for a license as a master social worker  
5 (LMSW) if the person meets the requirements of (a)(1) - (3) of this  
6 section and has a masters degree in social work from a school with a  
7 social work program accredited by the Council on Social Work Educa-  
8 tion.

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

16 Sec. 08.90.060. LICENSING OF PROVISIONAL SOCIAL WORKERS. (a)  
17 The board shall license provisional social workers and establish a  
18 program for training and education of provisional social workers. The  
19 requirements of the program must include at least three years of  
20 supervised practice consisting of at least 35 hours each week for 44  
21 weeks each year.

22 (b) The board shall issue a provisional social worker license to  
23 a person who

24 (1) applies on a form provided by the department;

25 (2) is a resident of the state; and

26 (3) submits evidence satisfactory to the board

27 (A) that the applicant has or will have regular or  
28 full-time employment in the practice of social work under the  
29 personal supervision of a licensed master social worker; and

1 (B) from a social worker who has been licensed in this  
2 state for at least two years as a master social worker, that the  
3 applicant is or will be employed as a provisional social worker  
4 and that the social worker will act as supervisor for the appli-  
5 cant and will instruct the applicant in the practice of social  
6 work.

7 (c) The board may refuse to license an applicant for a provi-  
8 sional social workers license who fails to satisfy the board of the  
9 validity of a statement in the application. The board may revoke a  
10 provisional social worker license if the licensee has not completed  
11 the program within six years after initial issuance of the license.

12 (d) The supervisor shall personally supervise the work of the  
13 provisional social worker and administer written examinations on a  
14 schedule and on subjects established by the board. The supervisor  
15 shall submit as the board may require,

16 (1) reports concerning the course work studied and the  
17 results of examinations; and

18 (2) the completed examinations taken by the provisional  
19 social worker.

20 (e) A person may not serve as supervisor of a provisional social  
21 worker if the person is the subject of a disciplinary proceeding under  
22 this chapter or if the person has been disciplined under this chapter  
23 or under similar provisions of another licensing jurisdiction.

24 (f) A licensed provisional social worker may request permission  
25 to change supervisors by submitting a new application for licensure.

26 Sec. 08.90.070. SCOPE OF PRACTICE. (a) A person licensed as a  
27 provisional, bachelor, master, or independent social worker may  
28 provide services that enhance, protect, or restore a person's capacity  
29 for social functioning whether impaired by physical, environmental, or

1 person's activities constitute a part of the person's supervised  
2 course of study.

3 Sec. 08.90.110. CONFIDENTIALITY OF COMMUNICATIONS. A social  
4 worker licensed under this chapter may not disclose information pro-  
5 vided to the social worker by a client in the course of their profes-  
6 sional contact. This prohibition does not apply if the

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

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

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

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

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

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

25 (7) information is revealed as part of the discovery of  
26 evidence related to a court proceeding or introduced in evidence in a  
27 court proceeding;

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

1 client;

2 (9) communication discloses information that the social  
3 worker is required by state or federal laws or regulations to dis-  
4 close.

5 Sec. 08.90.120. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
6 TIONS. After a hearing, the board may impose a disciplinary sanction  
7 on a person licensed under this chapter when the board finds that the  
8 licensee

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

11 (2) engaged in deceit, fraud, or intentional misrepresenta-  
12 tion in the course of providing professional services or engaging in  
13 professional activities;

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

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

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

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

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

26 (A) professional incompetence;

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

- 1 (C) physical or mental disability;
- 2 (8) engaged in lewd conduct in connection with the delivery
- 3 of professional service;
- 4 (9) has been held liable for malpractice in a civil action;
- 5 (10) has had a license revoked in another jurisdiction.

6 Sec. 08.90.130. CRIMINAL PENALTY. A person who violates AS 08.-

7 90.100 or 08.90.110 of this chapter is guilty of a class B misdemea-

8 or.

9 Sec. 08.90.140. INJUNCTIVE RELIEF. The board may apply to the

10 superior court for an order enjoining a person subject to this chapter

11 or whose license is suspended, revoked, or expired from violating this

12 chapter.

13 Sec. 08.90.150. EXEMPTIONS. (a) Employees of a regional or

14 village nonprofit corporation organized under 43 U.S.C. 1601 - 1628

15 (Alaska Native Claims Settlement Act) are exempt from this chapter.

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

17 AS 08.90.100 is exempt from this chapter.

18 Sec. 08.90.190. DEFINITION. In this chapter "board" means the

19 Board of Social Worker Examiners.

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

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

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

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

24 June 30, 1992.

25 \* Sec. 5. Within 60 days after the effective date of this Act the

26 governor shall appoint initial members to the Board of Socia' Worker Exam-

27 iners. Notwithstanding AS 08.90.010 as enacted in sec. 2 of this Act,

28 initial members shall consist of three persons who have a masters degree in

29 social work from a school with a social work program accredited by the

1 Council on Social Work Education, at least one of whom is engaged in the  
2 private practice of social work, one person with a bachelors degree in  
3 social work from a school with a social work program accredited by the  
4 Council on Social Work Education, and one public member.

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

8 (1) holds a degree in social work from a school with a social  
9 work program that is not accredited by the Council on Social Work Education  
10 or a bachelors or masters degree in a social sciences field related to  
11 social work as defined by the board, and has been practicing under the  
12 title "social worker"

13 (A) for at least 24 consecutive months before July 1, 1990;

14 or

15 (B) before July 1, 1990, and is employed on the date of  
16 application for a license in the administration of an agency that has  
17 employees who use the title "social worker";

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

19 or

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

22 (b) A person who does not meet the requirement under AS 08.90.-  
23 050(a)(2) but otherwise meets the requirements of AS 08.90.050(b) may apply  
24 for and receive a license as a master social worker.

25 (c) A person who does not meet the requirements under AS 08.90.-  
26 050(a)(2) but otherwise meets the requirements of AS 08.90.050(c) may apply  
27 for and receive a license as an independent social worker.

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

1     \* Sec. 7. Notwithstanding AS 08.90.100 as enacted by sec. 2 of this  
2 Act, a person practicing social work on July 1, 1988, may use a title and  
3 letters as part of the title that indicate that the person is a social  
4 worker until June 30, 1990, even if the person is not licensed under  
5 AS 08.90.050 or 08.90.080 as enacted by this Act.

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