

H B

526

STATE OF ALASKA
1988 LEGISLATIVE SESSION

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

277

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-
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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
 Division: Division of Family and Youth Services

Phone: 465-3170
 Date: 03/24/88

Approved by Commissioner: Myra M. Munson
 Agency: Department of Health and Social Services

Date: 3/24/88

Distribution (by preparer):

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

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

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

Mary Van Nimwegen

H HESS

4-6-88

8:30 a.m.

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

MEMORANDUM

State of Alaska

TO: Sandra Schubert, Aide to
Representative Pat Pourchot

DATE: March 23, 1988

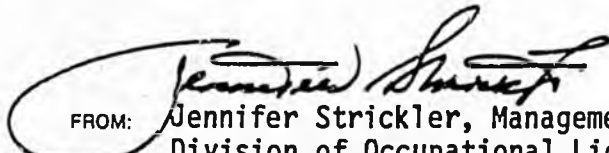
FILE NO:

TELEPHONE NO:

THRU:

SUBJECT: Preliminary Costs on Draft
CS for HB 526, Clinical
Social Work

FROM:


Jennifer Strickler, Management Analyst
Division of Occupational Licensing
Department of Commerce and Economic
Development

In response to your request, I have prepared a preliminary cost summary based on the draft committee substitute for HB 526. If the CS is adopted by the committee, these calculations will be transferred to a fiscal note.

PERSONAL SERVICES	0.0	
TRAVEL	3.5	(Based on one meeting)
CONTRACTUAL	1.0	(Printing/Advertising, Communications, etc.)
COMMODITIES	0.0	
EQUIPMENT	<u>0.0</u>	
TOTAL	4.5*	

*(Note: This does not include overhead costs.)

The department has statutory authority to establish licensing fees through regulations so that each occupation will be responsible to cover their costs to the extent possible through licensing fees. 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; and, 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. You advised earlier that the clinical social workers are willing to pay licensing fees of \$150 per year (\$300 biennial). If so, the profession will just about cover the costs of its licensing program.

If you have any questions, please call me at 465-2144.

JS/mst7601m
032388a

Alaska State Legislature



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REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE

House of Representatives

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

Mandatory
Mental Health
Assurance
HCS CS SB 67
(HESS)

11 (9) "office visit" means treatment that is not inpatient
12 treatment or outpatient treatment and that is provided through the
13 professional offices of

14 (A) a psychiatrist who is licensed by a state as a
15 physician and certified, or eligible for certification, in psy-
16 chiatry by the American Board of Psychiatry and Neurology;

17 (B) a physician who is employed by the federal govern-
18 ment in a state and certified or eligible for certification in
19 psychiatry by the American Board of Psychiatry and Neurology;

20 (C) a psychologist or psychological associate licensed
21 by a state;

22 (D) a person who works in a consulting relationship
23 with a mental health care provider licensed by a state and has a
24 masters or doctoral degree in psychology, nursing, or social
25 work; or

26 (E) a clinical social worker who is
27 (i) licensed or certified as a clinical social
28 worker by a state; or

29 (ii) certified by a national professional

1 organization offering certification of clinical social
2 workers;

3 (10) "outpatient treatment" means treatment that is not
4 inpatient treatment and that is provided

5 (A) in the outpatient department of

6 (i) a hospital that is licensed under AS 18.20 or
7 that is specifically exempt under AS 18.20.020 from the
8 licensing requirements of the state;

9 (ii) a hospital that is located in another state
10 and that is either licensed or specifically exempt from the
11 licensing requirements of that state; or

12 (iii) an entity that is designated by the Depart-
13 ment of Health and Social Services as an organizational unit
14 in a geographical area to receive funds under AS 47.30.520 -
15 47.30.620; and

16 (B) by one or more of the following:

17 (i) a psychiatrist who is licensed by a state as
18 a physician and certified, or eligible for certification, in
19 psychiatry by the American Board of Psychiatry and Neu-
20 rology;

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 304

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to group disability insurance."

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

8 * Section 1. AS 21.36.090(d) is amended to read:

9 (d) A person may not practice or permit unfair discrimination
10 against a person who provides a service covered under a group disabili-
11 ty policy that extends coverage on an expense incurred basis, or
12 under a group service or indemnity type contract issued by a nonprofit
13 corporation, if the service is within the scope of the provider's
14 occupational license. In this subsection, "provider" means a state
15 licensed physician, dentist, osteopath, optometrist, chiropractor,
16 [OR] nurse midwife, or other licensed health care practitioner.

Utterable - if HB 304 + SB 69
amend existing law, can add
as amendment to HB 304. If
establish new law, would need
to "conditionally" amend House
so that,

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,

A handwritten signature in cursive script that reads 'Julie Kitka'.

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.E., A.N.P.

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 Tuesday 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 C5526.

Sincerely,

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

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: Representative Johnny Ellis, Co-Chairman
Representative Niilo Koponen, Co-Chairman
House Committee on Health, Education, and
Social Services

FROM: Representative Pat Pourchot *Pat*

RE: HB 526, Social Work Licensing

DATE: March 25, 1988

I am writing to call your attention to CSHB 526(L&C), 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(L&C) 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 (L&C)
March 25, 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 (L&C) 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.

You'll note that the bill has a zero fiscal note, as license fees (approximately \$150 per year) would cover the cost of licensing. It is also worth noting 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 the House Labor and Commerce Committee yesterday, 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 bill now rests in your committee. Because of the lateness of the date and the fact that the bill represents a consensus of opinion, I would urge your prompt consideration.

I would be happy to discuss this with you further at your convenience.