

H B

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HOUSE COMMITTEE REPORT

(7)

Date referred: 2/15/88

FURTHER REFERRALS:

HESS
Finance

DATE: 3/24/88

The Labor & Commerce 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 HB526 (L+C) 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:

David Duley

W.A. [Signature]

[Signature]

Cliff Davidson

SIGNING OTHER RECOMMENDATIONS:

David Duley

Chairman's signature

STATE OF ALASKA
THE LEGISLATURE

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

May, 1988

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

Mary Van Nimwegen

HL+C

3-24-88

2:00 p.m.



Official Business

COMMITTEE:

HOUSE LABOR & COMMERCE

DATE: March 24, 1988

SIGN-IN

Subject of meeting:

- 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."
- HB 394 "An Act relating to electric and telephone cooperatives; and providing for an effective date."
- HB 368 "An Act exempting certain persons from the requirement to be licensed as an occupational therapist or occupational therapy assistant; and providing for an effective date."

PLEASE PRINT
NAME & TITLE
DOVE KULL

REPRESENTING

ADDRESS & ZIP

PHONE

DO YOU WANT
TO TESTIFY?

SUBJECT:
BILL #

NAME & TITLE	REPRESENTING	ADDRESS & ZIP	PHONE	DO YOU WANT TO TESTIFY?	SUBJECT: BILL #
✓ Dove Kull	Myself	Wendell Apts # 1010 326-4th St Juneau, AK 99801	H 586-2670 W	Yes	526
Shana Hornum	NASW	410 W. 12th Juneau	H 6-6240 W 9-4412	yes	526
Ann O'Leary	DASS / DEUS	Box 1465 Juneau, AK 99811	H 364-2136 W 468-3170	yes	526
Jennifer Strickler	Dept. of Commerce Div. of Occupational Lic.	P.O. Box D-Lic. Juneau, AK 99811	H W 465-2144	yes	526
Robin Langman	Occupational Therapy	3272 Hospital Drive, Juneau AK 99802	H 7806082 W 5862624	yes	368
			H W		
			H W		
			H W		
			H W		
			H W		

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

(907) 465-3892

March 28, 1988

Colleen C. Patrick-Riley, MSW, ACSW
2907 W 30th Avenue
Anchorage, Alaska 99503

Dear Ms. Patrick-Riley:

Thanks for your March 23 letter urging my support for HB 526, licensing of social workers. I'm sorry I missed you when I tried to call you at home.

The House Labor and Commerce Committee passed HB 526 on to the next committee of referral last week with a unanimous "do pass" recommendation. The measure is now in the House Health, Education and Social Services Committee with a further referral to House Finance. Considering the strong support for HB 526, I expect it will reach the Senate with sufficient time for consideration by that body prior to adjournment.

Thanks again for sharing your thoughtful letter with me and my Committee members and please stay in touch.

Sincerely,



Representative Dave Donley, Chair
House Labor and Commerce Committee

cc: House Labor and Commerce Committee Files

(M) 3/24/88
(M) 3/25/88

March 23, 1988

AG
+FF

Sorry
I missed you

Return

The Honorable David Donley
Chairman, Labor and Commerce Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Donley,

I'm writing to request your strong support for licensure of Clinical Social Workers in independent private practice. I understand a committee substitute for HB526 will address this very issue and is being considered at a teleconference hearing on Thursday, March 24.

A lifelong Alaskan, I have worked as a professional social worker for 16 years. I have a strong commitment to the value and integrity of the profession, and a firm belief in the need for ensuring quality services. I have worked in mental health, child and family treatment, and forensics. I have been employed in both the public and the private sector.

I'm concerned about the current lack of standards and accountability for practicing social workers. While I personally see the merit in licensing any person who works under the title of social worker, I fully understand that multi-level licensure is not a viable possibility in the State of Alaska at the present time. Fortunately, social workers who work for public or non-profit agencies are accountable to their supervisors and/or a corporate Board of Directors. They must adhere to professional standards in order to retain continued employment. It is the responsibility of the employing agency to insure competent services are offered to clients in need.

However, Clinical Social Workers in independent private practice are accountable to no one. This is a scary fact. Clients are at grave risk. While most clinical social workers voluntarily choose to adhere to a professional code of ethics, pursue continuing education opportunities and seek appropriate supervision, many do not. I have learned of a few who have committed highly unethical and inappropriate behaviors with clients. They have taken advantage of clients, Alaskan residents, who were emotionally stressed and in pain. Clients are particularly vulnerable. I have recently heard of one social worker who enticed a client to have sex with him. There needs to be some legal sanction to prevent clinicians who would be abusive or incompetent from practicing.

I urge support of this bill to ensure both professional standards and accountability, and consumer protection.

A third and very legitimate reason to support passage of this bill is a fiscal one. At present most insurance companies will only pay psychiatrists and clinical psychologists who are licensed to practice in the state of Alaska. Clinical Social Workers are ineligible to receive third party insurance reimbursement from most insurance companies because they are not licensed. In states where Clinical Social Workers are licensed, they become eligible for third party insurance collection. This is an advantage not only to the Clinical Social Worker who is trying to earn an honest living,

but also to the client who can more freely choose their therapist and have insurance rather than their own pocket pay the cost of services. The majority of counseling and therapy services in the State of Alaska are delivered by social workers, especially in rural areas. This is simply because there are more social workers than there are psychiatrists and clinical psychologists, both of whom are in short supply.

As a former Executive Director of a non-profit agency, I know that they too will benefit from passage of this legislation. Non-profit agencies can more easily afford the salary for a social worker than a psychiatrist or a clinical psychologist who command a higher salary. Lower salary costs and increasing third party insurance collection also increases the agency subsidy available to support seeing a greater number of low-income clients. The reality is there are never enough mental health services to meet the need for Alaskan residents.

Again I strongly urge your wholehearted support and prompt passage of the committee substitute to license Clinical Social Workers in independent private practice. I would appreciate your sharing the contents of my letter with your committee colleagues.

Thank you in advance for your consideration and support.

Sincerely,



Colleen C. Patrick-Riley
MSW, ACSW
2907 W. 30th Avenue
Anchorage, AK 99503

ph. 349-9621 (H)
561-1633 (W)

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

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-
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)

Original sponsors: Pourchot, Phillips
and Collins

1 IN THE HOUSE

2 CS FOR 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 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.

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MEMORANDUM

State of Alaska

TO: Sandra Schubert, Aide to
Representative Pat Pourchot

DATE: March 23, 1988

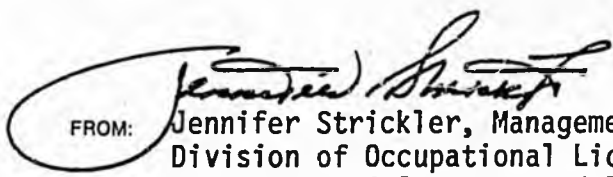
FILE NO:

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

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
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(H) (907) 338-2425

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

M E M O R A N D U M

TO: Representative Dave Donley, Chairman
House Labor and Commerce Committee

FROM: Representative Pat Pourchot *Pat*

RE: HB 526, Social Work Licensing

DATE: March 22, 1988

Thank you for your consideration of the proposed committee substitute for House Bill 526, 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&J)
March 22, 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.

Alaska State Legislature

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JUNEAU
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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

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

Ben Crawford, Ph.D.
4020 Folker Street
Anchorage, Alaska 99508

March 21, 1988

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

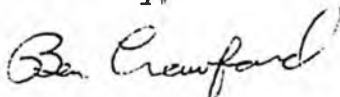
Dear Representative Koponen:

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,



Ben Crawford, Ph.D.

Mike Griffith, MSW
4020 Folker Street
Anchorage, Alaska 99508

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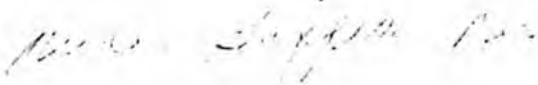
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Mike Griffith, MSW

Christy Williams, MSW, ACSW
4020 Folker Street
Anchorage, Alaska 99508

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Christy Williams, MSW, ACSW

Rick Auman
4020 Folker Street
Anchorage, Alaska 99508

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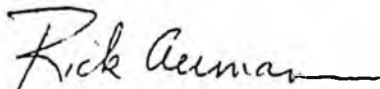
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Rick Auman

Sharon Williams-Webb, MS
4020 Folker Street
Anchorage, Alaska 99508

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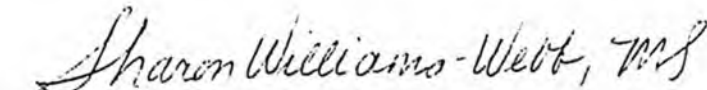
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Sharon Williams-Webb, MS

Jan MacClarence
4020 Folker Street
Anchorage, Alaska 99508

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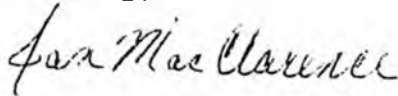
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Jan MacClarence, MSW, ACSW

Betsy John, MSW, ACSW
4020 Folker Street
Anchorage, Alaska 99508

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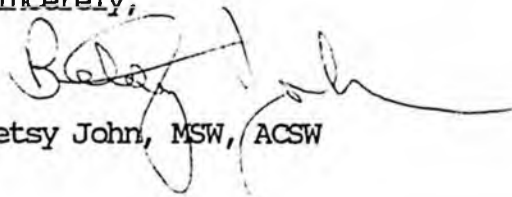
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Betsy John, MSW, ACSW

Chad Morris, MSW
4020 Folker Street
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Chad Morse, MSW

Laurie Huffman, MS
4020 Folker Street
Anchorage, Alaska 99508

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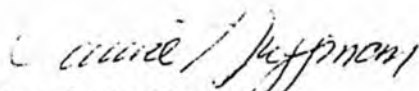
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Laurie Huffman, MS

Martha Houck, MSW, ACSW
4020 Folker Street
Anchorage, Alaska 99508

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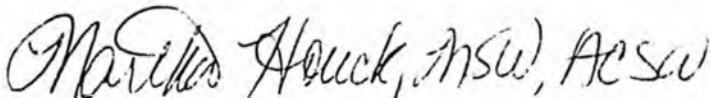
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