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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

ANCHORAGE

P.O. BOX 104838
ANCHORAGE, AK 99510
(W) (907) 276-6818
(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: Senator Tim Kelly, Chairman
Senate Labor and Commerce Committee

FROM: Representative Pat Pourchot *Pat*

RE: HB 526, Licensure of clinical social workers

DATE: April 15, 1988

I am writing to request that you schedule HB 526, which would provide for the licensure of clinical social workers.

The bill is the product of a consensus reached by the Alaska Chapter of the National Association of Social Workers, the Alaska Federation of Natives, the Department of Health and Social Services, and the Division of Occupational Licensing. It received strong support in the House, passing earlier this week by a vote of 35-1.

A summary of the bill, its fiscal note, and other appropriate documentation is attached. I would be happy to discuss it with you at your convenience.

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House of Representatives

ANCHORAGE
P.O. BOX 104836
ANCHORAGE, AK 99510
(W) (907) 561-7523
(H) (907) 338-2425

JUNEAU
P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 485-3712

HB 526

Licensure of clinical social workers

CSHB 526(Fin) is a scaled down version of earlier social work licensing proposals. It meets the concerns of the Native non-profits and the State Division of Family and Youth Services, 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.

CSHB 526(Fin) applies only to clinical social workers in private practice, a subset of the general social work profession. 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.

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). Qualifications for licensure include a masters or doctoral degree in social work and two years or 3,000 hours of supervised employment in clinical social work.

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.

Please note that the cost of licensure will be borne entirely by license fees.

Alaska State Legislature

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LEGISLATIVE BUDGET & AUDIT
COMMITTEE



ANCHORAGE
P. O. BOX 104836
ANCHORAGE, AK 99510
(W) (907) 561-7623
(H) (907) 338-2425

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

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

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 526 (FIN)
PUBLISH DATE: HOUSE 4/11/88

FISCAL NOTE

REQUEST:

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

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: 4/14/88
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 (FIN)
HOUSE 4/11/88

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.

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

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.

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)

OPFRATING	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 *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):

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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