

HB

349

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 31, 1998

FURTHER REFERRALS:

Date of Committee Action: 4/8/98

The FINANCE Committee considered:

HB 349

HOUSE BILL NO. 349

REGULATION OF SOCIAL WORKERS

"An Act prohibiting the use of the title 'social worker' without a license; relating to social workers, licensure of social workers, and the Board of Clinical Social Work Examiners; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 349 (Fin) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) D.C.E.D fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gene Theriault</i> Theriault			X	
<i>Mark Hanley</i> Hanley			X	
<i>Elton Mulder</i> Mulder			X	
<i>Larry Martin</i> Martin			X	
<i>Kiel Kohring</i> Kohring				X
<i>Ben Grussendorf</i> Grussendorf			X	
<i>Wendell Moses</i> Moses	X			
<i>Robert Foster</i> Foster	X			

CHAIR'S SIGNATURE

Gene Theriault *Mark Hanley*

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SSHB 349

Revision Date: March 20, 1998 Department: Commerce and Economic Development
 Title: An Act prohibiting the use of the title 'social worker' BRU: Occupational Licensing
without a license;.... Component: Operations
 Sponsor: Representative James, Kelly, Elton
 Requestor: House Labor and Commerce COMPONENT SERIAL NO. 1844

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	8.5	8.5	8.5	8.5	8.5	8.5
TRAVEL						
CONTRACTUAL	4.7	4.7	4.7	4.7	4.7	4.7
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	13.2	13.2	13.2	13.2	13.2	13.2
CAPITAL EXPENDITURES						
CHANGE IN REVENUES	26.4	0.0	26.4	0.0	26.4	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	13.2	13.2	13.2	13.2	13.2	13.2
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	13.2	13.2	13.2	13.2	13.2	13.2

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS

FULL-TIME	
PART-TIME	
TEMPORARY	

ANALYSIS: (Attach a separate page if necessary)

SSHB 349 renames and reorganizes the present Board of Clinical Social Work Examiners, establishes two new categories of licensure and prohibits the use of the title 'social worker' without a license. Information obtained by the division indicates 250 new applicants may seek licensure under this bill. Sec. 08.95.920 of the bill directs that license fees be equal for all three categories of social work. The new costs shown above are explained on the attached page.

Prepared by: Jennifer Strickler, Administrative Manager Phone: 465-2144
 Division: Occupational Licensing Date: 3/20/98
 Approved by Commissioner: Deborah B. Sedwick Date: 3/23/98
 Agency: Commerce and Economic Development

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO.: SSHB 349

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

Personal Services

Funding to add 2.5 months of time to an existing PPT Occupational Licensing Examiner I position, Range 12, GGU 8.5

The increase time to the existing position will be responsible for licensing of the new social work categories.

Contractual Services

This funding covers communication costs, public noticing, printing, advertising and legal services to establish new regulations. 4.7

TOTAL: 13.2

Revenue

Occupational licensing programs subject to AS 08.01.065 are required to cover their costs through license fees. Section 08.95.920 of this bill provides that all licenses regulated by the Board of Social Work Examiners share costs equally. There are currently 253 licensed clinical social workers. The 250 anticipated new applicants will bring the number of social worker license holders to 503. The biennial projected fee for all three categories of social worker license is projected to be \$318.00. This fee does not include new investigation or enforcement costs. If such costs result from the legislation, license fees will be adjusted accordingly. Similarly, Licensing Examiner costs are based on positive timekeeping and only actual time spent in licensing social workers will be billed to the program.

07/01/2005

Amended 0-LS130410

Pg 7, lines 22-23

Pg 8 lines 13, 14

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 349(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 3/30/98

Referred: Rules

Sponsor(s): REPRESENTATIVES JAMES, Kelly, Elton, Croft

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting the use of the title 'social worker' without a license; relating
2 to social workers, licensure of social workers, and the Board of Clinical Social
3 Work Examiners; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * Section 1. PURPOSE. It is the purpose of this Act to promote, preserve, and protect the
6 public health, safety, and welfare through the licensure of social workers and regulation of the
7 use of the title "social worker."

8 * Sec. 2. AS 08.01.010(10) is amended to read:
9 (10) Board of [CLINICAL] Social Work Examiners (AS 08.95.010);

10 * Sec. 3. AS 08.01.050(d)(1) is amended to read:
11 (1) Board of [CLINICAL] Social Work Examiners;

12 * Sec. 4. AS 08.03.010(c)(6) is amended to read:
13 (6) Board of [CLINICAL] Social Work Examiners (AS 08.95.010) --

14 June 30, 2005;

1 * Sec. 5. AS 08.95.010(a) is amended to read:

2 (a) There is created the Board of [CLINICAL] Social Work Examiners
3 composed of five members, as follows: one member [. FOUR MEMBERS MUST
4 BE PERSONS] licensed under this chapter as a baccalaureate social worker; one
5 member licensed under this chapter as a master social worker; two members
6 licensed under this chapter as clinical social workers; and one public member who
7 has never been licensed under this chapter. At [, INCLUDING AT] least one of
8 the licensed members must be a person who is not an employee of a federal, state,
9 or local government or of a private nonprofit organization that is exempt from federal
10 income tax. [ONE MEMBER MUST BE A PUBLIC MEMBER.]

11 * Sec. 6. AS 08.95.020 is amended to read:

12 **Sec. 08.95.020. Board meetings.** The board shall hold at least two meetings
13 [ONE MEETING] each year. The board may hold additional meetings at the call of
14 the chair or of a majority of the board members.

15 * Sec. 7. AS 08.95.030 is amended to read:

16 **Sec. 08.95.030. Duties.** The board shall

17 (1) issue licenses to qualified applicants;

18 (2) [SUBMIT AN ANNUAL REPORT OF ITS PROCEEDINGS TO
19 THE DEPARTMENT];

20 (3) AFTER A HEARING, IMPOSE DISCIPLINARY SANCTIONS ON
21 A PERSON WHO VIOLATES THIS CHAPTER OR THE REGULATIONS OR
22 ORDERS OF THE BOARD;

23 (4)] adopt regulations

24 (A) requiring that continuing education requirements be satisfied
25 before a license is renewed;

26 (B) establishing a code of professional ethics that a licensee
27 must observe;

28 (C) establishing standards of practice for social work
29 performed by a licensee; and

30 (D) establishing standards for supervisors and for
31 supervision that is required for licensure under AS 08.95.110(a);

1 (b) The board shall issue a license authorizing use of the title "master social
2 worker" to a person who

3 (1) satisfies the requirements of (a)(1), (3) - (5), and (7) of this section;
4 and

5 (2) has satisfactorily completed the examination given by the board for
6 master social worker licensing.

7 (c) The board shall issue a license authorizing use of the title "baccalaureate
8 social worker" to a person who

9 (1) satisfies the requirements of (a)(3) - (5) and (7) of this section;

10 (2) has received a bachelor's degree in social work from a college or
11 university approved by the board; and

12 (3) has satisfactorily completed the examination given by the board for
13 baccalaureate social worker licensing.

14 * Sec. 14. AS 08.95.120 is amended to read:

15 **Sec. 08.95.120. Licensing by credentials.** The board shall issue a license to
16 practice clinical social work [WITHOUT EXAMINATION] if the applicant

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

20 (2) is not the subject of an unresolved complaint or disciplinary action
21 before a regulatory authority or a professional social work association;

22 ~~(3) has satisfactorily completed [NOT FAILED] the examination for
23 a license to practice clinical social work in this state;~~

24 (4) has provided three professional references that are acceptable
25 to the board, including one reference from a person who was the licensee's
26 employer while the licensee practiced social work if the licensee was previously
27 employed to practice social work, and one reference from a resident of this state
28 if the applicant resided in this state for the three months immediately preceding
29 application for the license;

30 (5) has not had a license to practice clinical social work revoked, [OR]
31 suspended, or surrendered in lieu of disciplinary action in this state or another

Delete Am 2
08.95.120
(3) in
existing
law
A

jurisdiction;

(6) [(5)] has submitted proof of continued competency satisfactory to the board; and

(7) [(6)] has paid required fees.

* Sec. 15. AS 08.95.120 is amended by adding a new subsection to read:

(b) The board shall issue a license to use the title "master social worker" or "baccalaureate social worker," as applicable, to an applicant who

(1) holds a current similar license from another jurisdiction that, at the time of original issuance of the license, had requirements for the license that were equal to or more stringent than those of this state;

(2) is not the subject of an unresolved complaint or disciplinary action before a regulatory authority or a professional social work association;

~~(3) has satisfactorily completed the examination given by the board for master or baccalaureate social workers, as applicable;~~

(4) has provided satisfactory references acceptable to the board, including one reference from an employer while the licensee practiced social work, and one reference from a person with whom the licensee resided in this state for the three months immediately preceding the issuance of the license;

(5) has not had a license to practice social work in this state or another jurisdiction; or a license to practice social work in this state or another jurisdiction that has been revoked, suspended, or annulled;

(6) has submitted proof of continued competency satisfactory to the board; and

(7) has paid required fees.

* Sec. 16. AS 08.95.900 is amended to read:

Sec. 08.95.900. Confidentiality of communication. (a) A licensed [CLINICAL] social worker, and the social workers' employees or other persons who have access to the social worker's records, may not reveal to another person a communication made to the licensee by a client about a matter concerning which the client has employed the licensee in a professional capacity. This section does not

Delete
08.95.120
(3)
Pg 8 - lines
13-14

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
P O Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271



Write in Ink
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Adopted
4/8/98

House Of Representatives
House District 34

#1

AMENDMENTS

By Representative Jeannette James

To CS SSHB 349

Page 6, lines 22-27, delete all material and insert:

(5) [(4)] has provided three professional references that are acceptable to the board, including

(A) if the applicant was previously employed to practice social work, one reference from a person who was the applicant's employer while practicing social work; and

(B) if the applicant is currently employed to practice social work, a reference from the applicant's current employer;

[similar amendments at Page 7, lines ~~27~~²⁴-29, and Page 8, lines ~~18~~¹⁵-19].

4/8/98

AMENDMENT

Adopted
4/8/98

OFFERED IN THE HOUSE
TO: CSHB 349(L&C)

Offered to amend amendment #1 (conceptually)

Paragraph (A)

After "work"

Insert "unless the applicant demonstrates to the satisfaction of the board that the applicant is unable to satisfy the requirement of this paragraph due to no fault of the applicant"

TO: Legislative Legal Services
FROM: Louanne Christian, HFC Secretary
465-6814

Create CSHB 349 (FIN) by amending CSSS HB 349 (L&C) 0-LS1304\Q. Delete on page 7, lines 22 and 23; and on page 8, lines 13 and 14. In addition, delete from current law AS 08.95.120(3). Also incorporate Amendment 1 and the amendment to Amendment 1 as faxed on 4/8/98. All amendments were conceptual to allow other areas of legislation to be conformed to the amendments.

Alaska State Legislature

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House Of Representatives

House District 34

HB 349

Sponsor Statement

By Representative Jeannette James

HB 349: Act prohibiting the use of the title 'social worker' without a license; relating to social workers and to the Board of Clinical Social Work Examiners; and providing for an effective date.

There are some key points on "Multi-level" licensure for Social Workers in Alaska. First, it requires the State of Alaska to recognize social work as a profession, and social workers as professionals. The licensure of professional social workers will protect the health, safety and welfare of Alaskans through the effective control and regulation of persons using the title of social worker.

This bill will prohibit the use of the title "social worker" for those who do not have a license, while maintaining what is in current law that a person must be licensed as a clinical social worker to practice clinical social work.

As stated in the backup, this bill amends the current statute by adding two additional levels of professional social work licensure. Currently available in Alaska is the following:

1. Licensed Clinical Social Worker (LCSW), which requires a Master's of Social Work Degree (MSW) or doctorate, and two years of supervised experience.

This proposed legislation would add the following: (1) a Licensed Master's Social Worker (LMSW), which requires a MSW, and (2) a Licensed Bachelor's Social Worker (LBSW), which requires a Bachelor's of Social Work degree (BSW).

This legislation establishes the minimum qualifications for each level of social work licensure, and requires that those practicing as professionals in the state of Alaska hold a license. The bill also defines the duties of the Board of Social Work Examiners; identifies those individuals who are exempt from social work licensure in Alaska; establishes the grounds on which the Board of Social Work Examiners can impose disciplinary sanctions on a licensee.

HB 349 provides for an exemption from social work licensure, or optional licensing for individuals employed under the title of "social worker" but who lack the educational requirements. At the same time it is designed to protect all people in Alaska by ensuring the most positive, professional influence and direction possible for vulnerable children and adults. Social Work licensure will promote professional social work practices by setting educational and ethical standards for professional social workers, and by offering consumers a legal recourse against unethical or damaging social work services.

We must consider the responsibility of social workers to have a healthy, positive influence on their clients. I am sponsoring this legislation because of my growing concern about the quality of care provided for the people of Alaska. As well, the State of Alaska has the goal and the responsibility to provide the best care possible. This legislation, I believe, will help us to achieve that goal.



NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER

318 4th Street, Juneau AK 99801
586-4438 Fax: 586-4439
naswak@alaska.net

Sectional Analysis
HB 349

- Sec 1 States the purpose of the act.
- Sec 2 Changes the name of the Board from "Board of Clinical Social Work Examiners" to "Board of Social Work Examiners in the Centralized Licensing statute.
- Sec 3 Changes the name of the Board from "Board of Clinical Social Work Examiners" to "Board of Social Work Examiners" as it is subject to the Administrative Duties of the Department of Health and Social Services.
- Sec 4 Changes the name of the Board from "Board of Clinical Social Work Examiners" to "Board of Social Work Examiners" as it is subject to the termination dates of regulatory boards.
- Sec 5 Renames the "Board of Clinical Social Work Examiners" to the "Board of Social Work Examiners" and changes the composition of the Board to include individuals licensed at the MSW and BSW levels.
- Sec 6 Increases the minimum number of meetings the Board must hold each year from one to two.
- Sec 7 Adds to the duties of the Board the establishment of a code of ethics, standards of practice, and standards for supervision required for clinical licensure, as well as a duty to order a reasonable physical or mental exam if a social worker's capacity to practice safely is in question.
- Sec 8 Prescribes the amount and type of continuing education needed to maintain a professional social work license; amends current law to include a requirement for ongoing ethics training, and for an expanded range of cross-cultural training.
- Sec 9 Adds a new section to establish the grounds on which disciplinary sanctions can be imposed on a licensee by the Board.
- Sec 10 Identifies those individuals who are exempt from social work licensure in Alaska.
- Sec 11 Sets penalties for the unlawful use of the title "social worker," or the letters "LMSW" or "LBSW."
- Sec 12 Amends the requirements for licensure as a clinical social worker.

- Sec 13 Adds a new subsection to establish requirements for the "master of social work" and "bachelor of social work" license, and authorizes the Board to issue these licenses.
- Sec 14 Amends requirements for licensing by credentials to include satisfactory completion of a licensing exam and the provision of professional references.
- Sec 15 Adds a new section to establish criteria for licensing by credentials at the bachelor's and master's levels.
- Sec 16 Amends the list of conditions under which a social worker may reveal confidential information concerning clients.
- Sec 17 Adds a new subsection to clarify that certain communications made by a social worker are confidential and not public record.
- Sec 18 Adds a new section to provide for reporting immunity for social workers in specific situations.
- Sec 19 Adds a new section to exempt certain individuals from social work licensure. States that the profession of social work is a "unified occupation" and that persons licensed at any of the three level are considered to be engaged in the same occupation.
- Sec 20 Amends the definition of "board" from Board of Clinical Social Work Examiners to Board of Social Work Examiners.
- Sec 21 Amends the definition of "clinical social work."
- Sec 22 Amends the definition of "social work principles and methods."
- Sec 23 Adds a new paragraph to define "clinical social work."
- Sec 24 Removes social workers from the list of mandatory reporters of child abuse.
- Sec 25 Adds social workers to those service providers considered to be "practitioners of the healing arts." Practitioners of the healing arts are mandatory reporters of child abuse.
- Sec 26 Repeals permission to use the title of "social worker" if not licensed. The July 1, 2000 date gives state and private employers an opportunity to coordinate recruitment and hiring of professional social workers
- Sec 27 Repeals licensing exemption for individuals practicing clinical social work.
- Sec 28 Provides for the optional licensure for individuals employed under the title "social worker."
- Sec 29 Allows Board members to complete their terms notwithstanding the new Board composition requirements created by the bill in Sec 5.

- Sec 30 Directs the Board of Social Work Examiners to begin the process of developing regulations to implement the Act.
- Sec 31 Establishes an immediate effective date for Sec 30 of the Act.
- Sec 32 Establishes September 1, 1999 as the effective date for the amendment of AS 08.95.100(a) and (b)(2) - (4). as amended by Sections 10 and 11 of the Act.
- Sec 33 Establishes July 1, 2000 as the effective date of AS 08.95.100(b)(1) as enacted by Section 11 of the Act, and AS 08.95.911 as enacted by Section 19 of the Act.
- Sec 34 Established January 1, 1999 as the effective date of the act, except as provided in Sections 31-33 of the Act.

Legislative Research Report 98.033

February 5, 1998

Estimated Number of Social Workers in Alaska

Legislative Research Services
Division of Legal and Research Services
Legislative Affairs Agency
Alaska State Legislature

Prepared for Representative Jeannette James
Prepared by Maria Gladziszewski, Manager



*Legislative Research Services
130 Seward Street, Room 218
Juneau, AK 99801
907-465-3391
907-463-3351 (fax)
www.legis.state.ak.us/legres/legres.htm*

SUMMARY

You asked how many persons practice clinical social work in Alaska. Unfortunately, there is no easy way to arrive at an accurate number. According to the Department of Commerce and Economic Development's Division of Occupational Licensing, 262 persons currently hold licenses to practice clinical social work in the state. This represents a subset of social workers practicing in the state because Alaska Statute 08.95.910 provides that a license is not necessary for persons practicing clinical social work as an employee of a federal, state, or local government or of a private nonprofit organization that is exempt from federal income tax.

Currently, nearly 500 persons belong to the Alaska Chapter of the National Association of Social Workers (NASW). Members must hold, or be working toward, a bachelor's or master's degree in social work (a BSW or an MSW) but membership is voluntary and indicates nothing about whether the person practices professionally. NASW officials could not estimate the number of practicing social workers in the state. Angela Salerno with the Alaska Chapter of NASW estimated that an additional 350 to 400 persons might apply for a social worker license should the exemptions mentioned above (in AS 08.95.910) be removed.

You also asked for the number of persons working in the social worker job classes for the state of Alaska. Those numbers are presented below.

Persons Employed by the State of Alaska (as of January 16, 1998)			
Job Class	Total Positions	Positions Filled	Positions Vacant
Social Worker I	10	3	7
Social Worker II	29	26	3
Social Worker III	128	117	11
Social Worker IV	39	33	6
Social Worker V	8	6	2
TOTAL	214	185	29

SOURCE:

Alaska Department of Administration, Division of Personnel, "RO Report" for January 1998

I hope you find this information useful. Please do not hesitate to contact us with additional questions.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Division of Family and Youth Services
Social Work Positions with Social Work Degrees
In Response to HB 349

	Total Number of Social Work Positions	Current Employees with Social Work Degrees
Northern Region	54	22
Southeast Region	29	10
Southcentral Region	96	38
Total	179	70

	Current Employees with Other Bachelor Degrees	Current Employees with Other Graduate Degrees	Current Employees with No Degrees
Northern Region	9	8	9
Southeast Region	7	3	4
Southcentral Region	32	8	5
Total	48	19	18

Current Efforts to Improve Job Readiness and Training for Social Workers:

- Developing Partnership with the University to provide long term, stable staff training program.
 - Creation of child welfare training institute.
 - Improved child welfare curriculum for social work students.
 - Begin education stipend program for existing staff.

- Changing Minimum Qualifications for all social work positions.

- Increasing federal financial participation for staff training.



UNIVERSITY OF ALASKA ANCHORAGE

3211 Providence Drive
Anchorage, Alaska 99508-8230

DEPARTMENT OF SOCIAL WORK

3/10/1998

**Angela Salerno, Executive Director
National Association of Social Workers- Alaska Chapter
318 Fourth St.
Juneau, AK 99801**

Re: Sponsor Substitute for House Bill No. 349

Dear Ms. Salerno:

The purpose of this letter is to offer the Department of Social Work faculty's support for House Bill No. 349, the Multi-Level Licensure Bill. The bill establishes licensing policies and procedures for baccalaureate, master and clinical level social workers in Alaska. The faculty want to acknowledge the importance of this bill and commend the sponsors for their vision of a professional work force.

Social workers are the primary providers of social services to the poor, disadvantaged, disenfranchised, abused and neglected members of our society. We serve on the front lines to assist men, women and children who need help to grow and function as healthy, productive citizens. The licensure bill will protect the consumers of social services by insuring that only adequately prepared people will hold social work titles and deliver social work services. This protects people from ill trained, under educated, and poorly prepared people working with vulnerable and high risk populations. Abused children and elders, homeless, mentally ill, frail elderly, and any other groups in need of highly skilled and knowledgeable social workers will benefit from the standardization of requirements for different levels of practice. People will be guaranteed a professional level of competence from entry level, masters and advanced clinical social workers. Alaskans will also be assured a mechanism for review and removal of licenses for people who fail to uphold the profession's standards of care. The licensure bill is a very positive and meaningful step toward quality control for delivery of social work services.

If there are any questions regarding the faculty's support of this bill, or any other information we can provide, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth A. Sirles".

Elizabeth A. Sirles, Chair
Department of Social Work

March 12, 1998

Norm Rokeberg, Chair
Labor and Commerce Committee
Alaska State Legislature

Dear Representative Rokeberg,

I am writing to you in support of SSHB 349, an act relating to the multi-level licensing of social workers in Alaska. I am currently a graduate student; I will complete my Master's in Social Work degree in May.

As you consider this bill, I would like to share how the training I am currently undergoing has fundamentally changed the way I view human services. I hope to illustrate the important role of licensing in clearly identifying individuals who have actively studied social work at the university level.

From the time I was a young child, I wanted to be a newspaper reporter. I listened to my grandmother's stories of my great-grandfather's adventures as a journalist. I graduated from high school, went to college and received my journalism degree. I never did work as a reporter. I ended up working in human services, doing everything from AIDS education to grant writing to developing curriculum on substance abuse for classroom teachers.

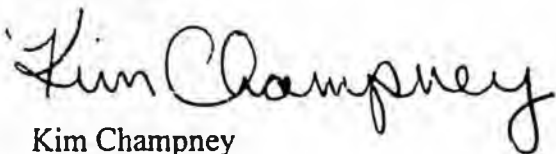
I decided to pursue an M.S.W. During the past two years, I have taken classes in human behavior, interpersonal communication, child welfare, alcoholism, assessing and treating children, domestic violence, cross-cultural social work, psychopathology, and social policy, to name a few. I have also completed over 1,000 hours of field work. Field work is required of all social work students. Students work as social workers under the supervision of a practicing social worker as well as under the guidance of a faculty supervisor. It is an experience similar to student teaching required of future teachers, although to a greater extent. This experience is invaluable because it allows the student to process and gain feedback from a variety of sources on their social work practice as well as the opportunity to apply what is being learned in the classroom.

Currently, individuals may call themselves social workers and have no exposure to this type of in-depth professional training. Individuals who have not attended medical school would never be allowed to call themselves doctors. Similarly, it is not right for service providers who do not have a social work degree to call themselves social workers.

I could very easily have obtained a social worker job with my degree in journalism. I cannot emphasize enough how different my approach would be without this training.

Thank you for considering supporting this bill.

Sincerely,



Kim Champney
MSW student

March 14, 1998

1007 Evergreen Street, Apt B
Fairbanks, Alaska 99709
(907)458-0447

Representative Norman Rokeberg
Alaska House of Representatives
State Capitol
Juneau, Alaska 99811 - 1182

Dear Representative Rokeberg,

I am writing in support of CSHB 349, Multi-Level Licensing and Title Protection for Social Workers. As the social worker for the Fairbanks Pioneers' Home and Supervisor of Adult Protective Services for the Northern Region I believe passage of this legislation will help our elders receive the highest quality professional social work services possible.

Often in protective services when a report of harm is received a person is at significant risk because of abuse or neglect. These persons are the most vulnerable Alaskans and deserve the services of well trained and skilled social workers. When family members seek assistance for a loved one in danger they need to know that the social worker they call on is someone who is knowledgeable and competent to guide them through some very difficult life decisions.

Licensed social workers will be held accountable to well established professional social work practice standards. These standards are found in a social work code of ethics that was first established in 1955 and extensively revised in 1986. To protect consumers licensing regulations provide a system to investigate and address complaints against social workers. Also licensed social workers will have continuing education requirements to maintain and enhance their professional skills.

I applaud Representative Jeannette James the sponsor of CSHB 349 for her understanding of and commitment to adequately trained and regulated Alaskan social workers. Thank you Representative Rokeberg for allowing the bill to be heard in your Committee. I hope you are able to support this important legislation. If I can provide additional information please feel free to contact me.

Respectfully,


John Waters, MSW, ACSW, LCSW

cc: Senator Gary Wilken
Representative Tom Brice

2806 John Street #2
Juneau, Alaska 99801
(907) 586-3204

Representative Norman Rokeberg
Alaska House of Representatives
State Capitol
Juneau, Alaska 99811-1182

March 12, 1998

Dear Representative Rokeberg,

I urge you to support CSHB 349, Representative James' bill to license and limit the title "social worker" to those who are properly trained. This bill will protect Alaskans—those who receive services as well as those who want to see their money invested wisely.

At the current time, the term "social worker" is used, not to refer to a professional with a degree in social work, but as a job title. The actions, or failure to act, by a social worker often have significant effects on the health and mental health of both individual clients and their families. Regulation by licensing will hold social workers accountable to one of the most comprehensive code of ethics in the helping professions.

In light of concerns regarding Alaska's fiscal gap, it is essential that money spent on services be used effectively, to assist people in providing for themselves and to protect those at risk of harm. An effective way to monitor our investment in social services is to require the hiring of qualified social work personnel. CSHB 349 will enforce standards for social work practice and allow Alaskans to raise charges of malpractice and complaints of improper conduct.

On behalf of all Alaskans, potential recipients of social work services. I thank you for your consideration of my request.

Sincerely,

Marianne Mills

Marianne Mills, M.S.W.

Deering's California Codes
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BUSINESS AND PROFESSIONS
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CHAPTER 14

Social Workers

[Division 2, Healing Arts—Chapter 14, Social Workers; Chapter added by Stats 1985 ch 820 § 1..]

Article

1. Administration. §§ 4990-4990.16
2. Application of Chapter. §§ 4992-4992.7
3. Revenue. § 4994
4. Clinical Social Workers. §§ 4996-4996.18
5. Licensed Clinical Social Workers Corporations. §§ 4998-4998.7

ARTICLE 1

Administration

[Division 2, Healing Arts—Chapter 14, Social Workers—Article 1, Administration; added by Stats 1985 ch 820 § 1.]

- § 4990. Nature and construction of chapter
- § 4990.1. Board of Behavioral Science Examiners; Number of members
- § 4990.2. Use of previous names of board
- § 4990.3. Qualifications of board members; Public members
- § 4990.4. "Approved school of social work"
- § 4990.5. Appointments to board; Terms of office; Vacancies
- § 4990.6. Election of officers
- § 4990.7. Appointment of executive officer
- § 4990.8. Executive officer's powers and duties
- § 4990.9. Executive officer's salary
- § 4990.10. Employment of personnel
- § 4990.11. Recordkeeping requirements
- § 4990.12. Research and studies on professional standards
- § 4990.13. Enforcement of chapter
- § 4990.14. Rules and regulations
- § 4990.15. Seal
- § 4990.16. Per diem and expenses

Cross References:

Department of Consumer Affairs: §§ 100 et seq.

Marriage, family and child counselors: §§ 4980 et seq.

§ 4990

SOCIAL WORKERS

Licensed educational psychologists: §§ 4986 et seq.

Application of chapter: §§ 4992 et seq.

Administrative regulations as to the Board of Behavioral Science Examiners: 16 Cal Adm Code §§ 1802 et seq.

Administrative regulations as to licensed clinical social workers: 16 Cal Adm Code: §§ 1873 et seq.

Collateral References:

Witkin Crimes § 746.

Cal Jur 3d Business and Occupation Licenses §§ 1 et seq., Healing Arts and Institutions § 63.

Am Jur 2d Occupations, Trades, and Professions §§ 1 et seq.

Proof of Facts:

Therapist's liability for injury caused by nonverbal therapy. 20 Am Jur Proof of Facts 2d 421.

Law Review Articles:

Board of Behavioral Science Examiners [current regulatory agency action]. (1984) 4 Cal Reg Law Rep No. 3 p. 38.

Report of Committee on Adoptions respecting attorney's role in independent adoptions; placement problems. 36 St BJ 985.

Annotations:

Communications to social worker as privileged. 50 ALR3d 563.

§ 4990. Nature and construction of chapter

This chapter of the Business and Professions Code constitutes the chapter on social workers. It is to be liberally construed to effect its objectives.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9000, as added by Stats 1945 ch 1508 § 1.

Collateral References:

Attorney General's Opinions:

55 Ops Atty Gen 80 (validity of statutes requiring United States citizenship as prerequisite to registration, certification, or licensure under "title act"; right of employer to require registration under "title act" as prerequisite to employment).

§ 4990.1. Board of Behavioral Science Examiners; Number of members

There is in the Department of Consumer Affairs a Board of Behavioral Science Examiners which consists of 11 members.

Added Stats 1985 ch 820 § 1.

Prior Law:

(a) Former § 9001, as added by Stats 1968 ch 1348 § 2, amended by Stats 1970 ch 760 § 1, Stats 1971 ch 716 § 148, Stats 1976 ch 1188 § 51.3, Stats 1982 ch 676 § 52.

(b) Former § 9001, as added by Stats 1945 ch 1508 § 1.

Cross References:

Department of Consumer Affairs: §§ 100 et seq.

§ 4990.2. Use of previous names of board

Wherever "Board of Social Work Examiners of the State of Califor-

nia" or "Social Worker and Marriage Counselor Qualifications Board of the State of California" is used in any law or regulations of this state it shall mean the Board of Behavioral Science Examiners.

Added Stats 1985 ch 820 § 1.

§ 4990.3. Qualifications of board members; Public members

Two members of the board shall be state-licensed clinical social workers, one shall be a licensed educational psychologist, two shall be state-licensed marriage, family and child counselors, and six shall be public members. Each member, except the six public members, shall hold at least a master's degree from an accredited college or university and shall have at least two years of experience in his or her profession.

Added Stats 1985 ch 820 § 1.

Prior Law:

(a) Former § 9002, as added by Stats 1968 ch 1348 § 5, amended by Stats 1969 ch 298 § 1, Stats 1970 ch 760 § 3, Stats 1976 ch 1188 § 52.

(b) Former § 9002, as added by Stats 1945 ch 1508 § 1, amended by Stats 1953 ch 1113 § 1.

Cross References:

Qualifications of "commissioner on examination" as identical to those of member of board: § 111.

Marriage, family and child counselors: §§ 4980 et seq.

Licensed educational psychologists: §§ 4986 et seq.

Clinical social workers: §§ 4996 et seq.

Determination of place of residence: Gov C § 244.

§ 4990.4. "Approved school of social work"

"Approved school of social work," within the meaning of this chapter, is a school which is eligible for membership in the American Association of Schools of Social Work or accredited by the Commission on Accreditation of the Council on Social Work Education.

Added Stats 1985 ch 820 § 1.

Prior Law:

(a) Former § 9002.5, as added by Stats 1953 ch 1113 § 2.

(b) Former § 9002, as added by Stats 1945 ch 1508 § 1, amended by Stats 1953 ch 1113 § 1.

§ 4990.5. Appointments to board; Terms of office; Vacancies

Each member of the board, except the members first appointed, shall be appointed for a term of four years and shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term.

The Governor shall appoint four of the public members and the five

licensed members qualified as provided in Section 4990.4 with the advice and consent of the Senate. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.

Added Stats 1985 ch 820 § 1.

Prior Law:

(a) Former § 9003, as added by Stats 1968 ch 1348 § 7, amended by Stats 1969 ch 298 § 2, Stats 1976 ch 1188 § 53, Stats 1978 ch 1161 § 443, Stats 1982 ch 676 § 53.

(b) Former § 9003, as added by Stats 1945 ch 1508 § 1.

§ 4990.6. Election of officers

Not later than the first of March of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9004, as added by Stats 1945 ch 1508 § 1.

§ 4990.7. Appointment of executive officer

The board shall appoint an executive officer, which position is hereby designated as a confidential position and exempt from civil service under subdivision (e) of Section 4 of Article VII of the California Constitution.

The executive officer shall have the same qualifications required of a member of the board, and shall serve at its pleasure.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9005, as added by Stats 1945 ch 1508 § 1, amended by Stats 1978 ch 1161 § 444, Stats 1984 ch 47 § 83.

§ 4990.8. Executive officer's powers and duties

The executive officer shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9006, as added by Stats 1945 ch 1508 § 1, amended by Stats 1984 ch 47 § 84.

Cross References:

Executive officer's duty and powers in enforcing this chapter: § 4990.13.

§ 4990.9. Executive officer's salary

With the approval of the Director of Consumer Affairs, the board shall fix the salary of the executive officer.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9007, as added by Stats 1945 ch 1508 § 1, amended by Stats 1971 ch 716 § 149, Stats 1984 ch 47 § 85.

Cross References:

Director of Consumer Affairs: §§ 150 et seq.

§ 4990.10. Employment of personnel

Subject to the State Civil Service Act and Section 159.5, the board may employ such clerical, technical, and other assistants as it deems necessary, within budget limitations.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9008, as added by Stats 1945 ch 1508 § 1, amended by Stats 1971 ch 716 § 150.

Cross References:

Employment of board's personnel: §§ 154 et seq.

Division of Investigation; transfer of agency personnel: § 159.5.

State Civil Service Act: Gov C §§ 18570 et seq.

§ 4990.11. Recordkeeping requirements

The board shall keep an accurate record of all of its proceedings and a register of all applicants for licenses and of all individuals to whom a license as a licensed clinical social worker is issued.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9009, as added by Stats 1945 ch 1508 § 1, amended by Stats 1970 ch 760 § 4, Stats 1980 ch 1022 § 1.

Cross References:

Publication of directories of certificate holders or licensees: § 112.

Sale of copies of public records: § 161.

§ 4990.12. Research and studies on professional standards

The board may conduct research in, and make studies of problems involved in, the maintaining of professional standards among those engaged in social service work in California and may publish its recommendations thereon.

Added Stats 1985 ch 820 § 1.

Prior Law: Former § 9010, as added by Stats 1945 ch 1508 § 1.

§ 4990.13. Enforcement of chapter

The duty of enforcing this chapter is vested in the board and the executive officer subject to and under the direction of the board.

In the performance of this duty, the board and the executive officer have all the powers and are subject to all the responsibilities vested in and imposed upon the head of a department by Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

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Insurance

ORS 675.336. For a first violation of the provisions of ORS 675.210 to 675.340, the board shall issue a warning notice. The board may impose a fine of not to exceed \$200 on a second violation and may impose a fine of not to exceed \$1,000 upon third and subsequent violations.

(2) In imposing a penalty pursuant to the schedule adopted pursuant to subsection (1) of this section, the board shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of the statute or rule.

(c) The economic or financial conditions of the person incurring the penalty.

(d) The immediacy and extent to which the violation threatens the public health or safety.

(3) A civil penalty imposed under ORS 675.336 may be remitted or reduced upon such terms or conditions as the board considers proper and consistent with the public health and safety. [1991 c.791 §3]

675.340 Enforcement procedure. The district attorney shall prosecute all persons charged with violations of any of the provisions of ORS 675.210 to 675.340 and 675.990 (2). The secretary, under the direction of the board, shall aid the district attorney in the enforcement of ORS 675.210 to 675.340 and 675.990 (2). [1977 c.858 §17]

CLINICAL SOCIAL WORKERS

(Generally)

675.510 Definitions for ORS 675.510 to 675.600. As used in ORS 675.510 to 675.600, unless the context requires otherwise:

(1) "Board" means the State Board of Clinical Social Workers.

(2) "Clinical social work" means the professional practice of applying principles and methods with individuals, couples, families, children and groups, which include, but are not restricted to:

(a) Providing diagnostic, preventive and treatment services of a psychosocial nature pertaining to personality adjustment, behavior problems, interpersonal dysfunctioning or deinstitutionalization;

(b) Developing a psychotherapeutic relationship to employ a series of problem solving techniques for the purpose of removing, modifying, or retarding disrupted patterns of behavior, and for promoting positive personality growth and development;

(c) Counseling and the use of psychotherapeutic techniques, such as disciplined interviewing which is supportive, directive or insight oriented depending upon diagnosed problems, observation and feedback, systematic analysis, and recommendations;

(d) Modifying internal and external conditions that affect a client's behavior, emotions, thinking, or intrapersonal processes;

(e) Explaining and interpreting the psychosocial dynamics of human behavior to facilitate problem solving; and

(f) Supervising, administering or teaching clinical social work practice.

(3) "Clinical social work associate" means a person who holds a master's or doctoral degree from an accredited college or university accredited by the Council on Social Work Education whose plan of practice and supervision has been approved by the board, and who is working toward licensure in accordance with ORS 675.510 to 675.600 and rules adopted by the board.

(4) "Division" means the Health Division of the Department of Human Resources.

(5) "Licensed clinical social worker" means a person licensed under the provisions of ORS 675.510 to 675.600 to practice clinical social work. [1977 c.677 §1; 1979 c.769 §1; 1989 c.721 §25]

675.520 Use of title prohibited without license. After July 1, 1990, no person shall use the title or purport to be a "licensed clinical social worker" or use any other title that includes those words unless the person is licensed in accordance with the provisions of ORS 675.510 to 675.600. [1977 c.677 §2; 1987 c.158 §138; 1989 c.721 §26]

(Licensing)

675.530 License; qualifications. Upon application therefor accompanied by the fee established under ORS 675.571, the State Board of Clinical Social Workers shall issue a license to any applicant who furnishes evidence satisfactory to the board that the applicant:

(1) Has completed all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(2) Holds a master's or doctoral degree in social work from an accredited college or university accredited by the Council on Social Work Education;

(3) Has completed the equivalent of two years of full-time experience in the field of clinical social work in accordance with rules of the board. The rules shall be developed after consultation with persons active in the field of clinical social work and may take

into account experience which may be gained in the course of the study of social work;

(4) Has satisfactorily completed the requirements for certificate of clinical social work associate; and

(5) Has performed to the satisfaction of the board in the written examination prescribed by the board. [1977 c.677 §4; 1979 c.769 §3; 1989 c.721 §28]

675.535 Examination. (1) The State Board of Clinical Social Workers shall adopt rules stating the subject on which an applicant may be examined, how the written examination is to be administered and the scoring or evaluation process used to determine whether an applicant has passed the examination. The board shall provide a copy of these rules to an applicant at least 30 days prior to any examination.

(2) Examinations for applicants for licenses under ORS 675.510 to 675.600 shall be held not less frequently than once every year at such times and places as the board may determine. Timely and appropriate notice shall be sent to each applicant.

(3) Upon written request to the board, any applicant may discuss the applicant's performance on the examination with the board.

(4) Any applicant who fails to attain a passing grade on the examination shall be allowed to take the examination a second time. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again. [1989 c.721 §31]

675.537 Certificate of social work associate; requirements. Upon application therefor accompanied by the fee established under ORS 675.571, the State Board of Clinical Social Workers shall issue a certificate of clinical social work associate to any applicant who furnishes evidence satisfactory to the board that the applicant:

(1) Has completed all applicable provisions of ORS 675.510 to 675.600 and the applicable rules of the board;

(2) Holds a master's or doctoral degree in social work from an accredited college or university accredited by the Council on Social Work Education; and

(3) Has developed a plan approved by the board for completion of practice and supervision requirements as defined by the rules of the board. [1989 c.721 §30]

675.540 Grounds for disciplinary action; authorized sanctions. (1) The State Board of Clinical Social Workers may impose any or all of the sanctions specified in subsection (2) of this section, upon proof, after a hearing pursuant to the provisions of ORS

183.310 to 183.550 relating to a contested case, that a person:

(a) Has been convicted in this or any other state of a crime that is a felony in this state;

(b) Has been convicted of a felony in a federal court;

(c) Is unable to perform the practice of clinical social work by reason of mental illness, physical illness, or alcohol or other drug abuse;

(d) Has been grossly negligent in the practice of clinical social work;

(e) Has violated one or more of the rules of the board pertaining to the certification or licensing of clinical social workers; or

(f) Has failed to comply with ORS 675.585.

(2) Pursuant to the provisions of subsection (1) of this section, the board may:

(a) Deny, suspend, revoke or refuse to renew any certificate or license issued under ORS 675.510 to 675.600.

(b) Place a licensed clinical social worker on probation and impose conditions or limits on the scope of practice of a licensed clinical social worker.

(c) Impose a civil penalty of not to exceed \$1,000. [1977 c.677 §6; 1979 c.769 §5; 1985 c.52 §4; 1989 c.721 §32]

675.550 Reissuance of revoked certificate or license. In case a certificate or license has been revoked or the renewal thereof refused, the State Board of Clinical Social Workers may reissue such certificate or license at the expiration of one year from the time it was revoked. [1977 c.677 §7; 1979 c.769 §6; 1989 c.721 §33]

675.560 When certificate or license effective; renewal; continuing education. (1) Associate certification or licensure shall be effective when an associate certificate or license is issued by the board.

(2) Associate certification or licensure shall expire on the last day of the calendar year in which the certificate or license has been issued.

(3) Renewal of associate certification may be obtained upon payment of the appropriate fee and the submission of a sworn statement by the associate, on a form provided by the board, which demonstrates to the board's satisfaction that satisfactory progress is being made toward completion of the associate's adopted supervisory plan.

(4) Renewal of a license may be obtained upon payment of the appropriate fee and the submission of a sworn statement by the applicant, on a form provided by the board, that insures that the applicant has been actively

engaged in clinical social work during the license period and has completed the applicable continuing education requirements and that there exists no reason for denial of the renewal. (1977 c.677 §9; 1979 c.769 §8; 1989 c.721 §34)

675.565 Continuing education. The State Board of Clinical Social Workers shall require evidence of continuing education as a requirement for renewal of licensure in order to insure the highest quality of professional services to the public. (1989 c.721 §39)

675.570 (1977 c.677 §8; 1979 c.769 §7; 1985 c.52 §5; repealed by 1989 c.721 §35 (675.571 enacted in lieu of 675.570))

675.571 Fees; authorization; rules. (1) The State Board of Clinical Social Workers shall collect fees for application for certification, annual renewal of certification, examination, reexamination, licensure, annual renewal of licensure and delinquent renewal fees.

(2) Such fees are to be used to defray the expenses of the board and are continuously appropriated for that purpose.

(3) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the budget of the State Board of Clinical Social Workers, as the budget may be modified by the Emergency Board.

(4) The board may impose a delinquent renewal fee for certificates and licenses renewed after January 1 but before February 1. Applications received on or after February 1 are subject to an additional delinquent fee. However, the board shall not treat any certificate or license as lapsed unless it is not renewed by March 31.

(5) All fees collected under this section are nonrefundable. (1989 c.721 §36 (enacted in lieu of 675.570); 1991 c.703 §20; 1993 c.8 §1)

675.580 Confidentiality of communication by client; exceptions. (1) A licensed clinical social worker, a certified clinical social work associate or any employees of the licensed clinical social worker shall not disclose any communication given by a client in the course of noninvestigatory professional activity when such communication was given to enable the licensed clinical social worker to aid the client, except:

(a) When the client or those persons legally responsible for the client's affairs give consent to the disclosure;

(b) When the client initiates legal action or makes a complaint against the licensed clinical social worker to the board;

(c) When the communication reveals a clear intent to commit a crime which reasonably is expected to result in physical injury to a person;

(d) When the communication reveals that a minor was the victim of a crime, abuse or neglect; or

(e) When disclosure of the communication is necessary to obtain further professional assistance for the client.

(2) Nothing in this section is intended to prevent a licensed clinical social worker who is a public employee from disclosing communications from a client when such disclosure is made in the performance of the licensed clinical social worker's duty as a public employee and the public employer has determined that such disclosure is necessary in the performance of the duty of the licensed clinical social worker as a public employee. (1977 c.677 §10; 1979 c.769 §9; 1989 c.721 §37)

675.583 Duty to report evidence of impairment or unprofessional conduct; confidentiality of report; limitation on liability. (1) A licensed clinical social worker shall report to the State Board of Clinical Social Workers any information the licensed clinical social worker has which appears to show that a licensed clinical social worker is or may be impaired, or may be guilty of unprofessional conduct according to the guidelines of the code of ethics, where such reporting does not conflict with the requirements of ORS 675.580.

(2) Any information provided to the board pursuant to subsection (1) of this section is confidential and shall not be subject to public disclosure.

(3) Any person who reports or provides information to the board under subsection (1) of this section in good faith shall not be subject to an action for civil damages as a result thereof.

(4) As used in this section:

(a) An "impaired clinical social worker" is a person unable to perform the practice of clinical social work by reason of mental illness, physical illness or alcohol or other drug abuse.

(b) "Unprofessional conduct" is behavior by a licensed clinical social worker which is in violation of the code of ethics. (1989 c.721 §40)

675.585 Duty to report incompetence or unprofessional conduct; confidentiality of report; limitation of liability. (1) A certified or licensed clinical social worker shall report to the board any information the per-

son may have which appears to show that a certified or licensed clinical social worker is or may be professionally incompetent or is or may be guilty of unprofessional conduct.

(2) Any information provided to the board pursuant to subsection (1) of this section is confidential and shall not be subject to public disclosure.

(3) Any person who reports or provides information to the board under subsection (1) of this section in good faith shall not be subject to an action for civil damages as a result thereof. [1985 c.52 §9; 1989 c.721 §38]

(State Board)

675.590 State Board of Clinical Social Workers; term; qualifications. (1) There is established a State Board of Clinical Social Workers within the Health Division.

(2) The Governor shall appoint seven members to the board, consisting of members as specified in subsection (4) of this section.

(3) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for one consecutive reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) The composition of the board shall be as follows:

(a) Four members shall be licensed clinical social workers who are licensed in accordance with the provisions of ORS 675.510 to 675.600; and

(b) Three members shall be public citizens who have demonstrated an interest in the field of clinical social work.

(5) Members are entitled to compensation and expenses as provided in ORS 292.495. [1979 c.769 §2; 1985 c.52 §6; 1989 c.69 §1; 1989 c.721 §41]

675.595 General powers of board. In addition to the powers otherwise granted under ORS 675.510 to 675.600, the State Board of Clinical Social Workers shall have the following powers:

(1) To determine the qualifications of applicants to practice clinical social work in this state; to cause to have examinations prepared, conducted and graded and to grant certificates or licenses to qualified applicants upon their compliance with the provisions of ORS 675.510 to 675.600 and the rules of the board.

(2) To grant or deny annual renewal of certificates or licenses and to renew certificates and licenses which have lapsed for

nonpayment of the renewal fee, subject to the provisions of ORS 675.510 to 675.600.

(3) To suspend or revoke certificates or licenses, subject to ORS 675.510 to 675.600.

(4) To issue letters of reprimand, to impose probationary periods with the authority to restrict the scope of practice of a licensed clinical social worker or clinical social work associate or to require practice under supervision.

(5) To impose civil penalties not to exceed \$1,000.

(6) To restore certificates or licenses which have been suspended, revoked or voided by nonpayment of the renewal fee.

(7)(a) To collect annual fees for application, examination and certification or licensing of applicants, for renewal of certificates and licenses, and for issuance of limited certificates, such fees to be used to defray the expenses of the board as provided in ORS 675.571; and

(b) To collect delinquent renewal fees as provided in ORS 675.571 (4).

(8) To investigate alleged violations of ORS 675.510 to 675.600.

(9) To issue subpoenas for the attendance of witnesses, take testimony, administer oaths or affirmations to witnesses, conduct hearings and require the production of relevant documents in all proceedings pertaining to the duties and powers of the board.

(10) To enforce 675.510 to 675.600 and exercise general supervision over the practice of clinical social work in this state.

(11) To adopt a common seal.

(12) To formulate a code of professional conduct for the practice of clinical social work giving particular consideration to the code of ethics.

(13) To formulate and enforce continuing education requirements for licensed clinical social workers to insure the highest quality of professional services to the public. [1989 c.721 §43; 1995 c.79 §340]

675.600 Duties of board. (1) The State Board of Clinical Social Workers shall:

(a) Pursuant to ORS 183.310 to 183.550, make rules necessary to carry out the provisions of ORS 675.510 to 675.600;

(b) Publish annually a list of the names and addresses of all persons who have been certified or licensed under ORS 675.510 to 675.600;

(c) Establish a program for impaired clinical social workers to assist licensed clinical social workers to regain or retain their certification or licensure and impose the requirement of participation as a condi-

tion to reissuance or retention of the certificate or license;

(d) Establish a voluntary arbitration procedure that may be invoked with the consent of clients and the licensed clinical social workers whereby disputes between clients and workers may be resolved; and

(e) Report to the Legislative Assembly on its activities regarding the certification or licensure of clinical social workers during the preceding biennium.

(2) The board may appoint an administrator who shall not be a member of the board. The board shall fix the compensation for the administrator. (1977 c.677 §5; 1979 c.769 §4; 1985 c.52 §7; 1989 c.721 §42)

675.810 (1977 c.677 §15; 1979 c.769 §11; repealed by 1985 c.52 §2)

**LICENSED PROFESSIONAL
COUNSELORS
AND MARRIAGE AND FAMILY
THERAPISTS**

(Generally)

675.705 Definitions for ORS 675.715 to 675.835. As used in ORS 675.715 to 675.835:

(1) "Board" means the Oregon Board of Licensed Professional Counselors and Therapists.

(2) "Division" means the Health Division of the Department of Human Resources.

(3) "Licensed marriage and family therapist" means a person to whom a license has been issued under ORS 675.715.

(4) "Licensed professional counselor" means a person issued a license under ORS 675.715.

(5) "Licensee" means a licensed professional counselor or a licensed marriage and family therapist.

(6) "Marriage and family therapy" means the identification and treatment of cognitive, affective and behavioral conditions as symptoms of marital and familial relational dysfunctions. "Marriage and family therapy" involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, marital pairs and families.

(7) "Professional counseling" means counseling services provided to individuals, couples, families, children, groups, organizations or the general public through the therapeutic relationship, developing understanding of personal problems, defining goals and planning action reflecting interests, abilities, aptitudes and needs as these relate to problems and concerns in personal, social, educational, rehabilitation and career adjust-

ments. "Professional counseling" includes, but is not limited to:

(a) Application of counseling theories and techniques designed to assist clients with current or potential problems and to facilitate change in thinking, feeling and behaving.

(b) Research activities including reporting, designing, conducting or consulting on research in counseling with human subjects.

(c) Referral activities including the referral to other specialists.

(d) Consulting activities which apply counseling procedures and interpersonal skills to provide assistance in solving problems that a client may have in relation to an individual, group or organization. (1989 c.721 §1; 1993 c.546 §108)

(Licensure)

675.715 Application; fee; qualifications; examinations; licensure. In order to obtain a license as a professional counselor or a marriage and family therapist, an applicant shall make application on a form and in such a manner as the board prescribes, accompanied by the nonrefundable fee established under ORS 675.785. The Oregon Board of Licensed Professional Counselors and Therapists shall issue a license as a professional counselor or a marriage and family therapist to each applicant who furnishes satisfactory evidence to the board that the applicant meets the following qualifications:

(1) Is not in violation of any of the provisions of ORS 675.715 to 675.835 and the rules adopted by the board.

(2) Has received:

(a) A graduate degree in counseling in a program approved by the Council for Accreditation of Counseling and Related Educational Programs of the American Counseling Association;

(b) A graduate degree in marriage and family therapy in a program approved by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy;

(c) A graduate degree, under standards explicitly adopted by the board by rule that is determined by the board to be comparable in both content and quality to a degree approved under paragraph (a) or (b) of this subsection; or

(d) A graduate degree, determined by the board to meet at an acceptable level at least a majority of the board's adopted degree standards, and has completed additional graduate training obtained in a counselor or marriage and family therapy program at an

1996 REVISED CODE of WASHINGTON



Containing all laws of a general and permanent nature enacted through March 31, 1996.

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salon/shop or the home, office, or other location selected by the client for obtaining the services of a personal service operator, or with the appropriate individual license when delivering services to placebound clients. Placebound clients are defined as persons who are ill, disabled, or otherwise unable to travel to a salon/shop. [1991 c 324 § 20.]

18.16.200 Disciplinary action—Grounds. Any applicant or licensee under this chapter may be subject to disciplinary action by the director if the licensee or applicant:

- (1) Has been found guilty of a crime related to the practice of cosmetology, barbering, esthetics, manicuring, or instructional art;
- (2) Has made a material misstatement or omission in connection with an original application or renewal;
- (3) Has engaged in false or misleading advertising;
- (4) Has performed services in an unsafe or unsanitary manner;
- (5) Has aided and abetted unlicensed activity;
- (6) Has engaged in the commercial practice of cosmetology, barbering, manicuring, esthetics, or instructed in or operated a school without first obtaining the license required by this chapter;
- (7) Has engaged in the commercial practice of cosmetology in a school;
- (8) Has not provided a safe, sanitary, and good moral environment for students and public;
- (9) Has not provided records as required by this chapter;
- (10) Has not cooperated with the department in supplying records or assisting in an investigation or disciplinary procedure; or
- (11) Has violated any provision of this chapter or any rule adopted under it. [1991 c 324 § 14; 1984 c 208 § 13.]

18.16.210 Violations—Penalties. If, following a hearing, the director finds that an applicant or licensee has violated any provision of this chapter or any rule adopted under it, the director may impose one or more of the following penalties:

- (1) Denial of a license or renewal;
- (2) Revocation or suspension of a license;
- (3) A fine of not more than five hundred dollars per violation;
- (4) Issuance of a reprimand or letter of censure;
- (5) Placement of the licensee on probation for a fixed period of time;
- (6) Restriction of the licensee's authorized scope of practice;
- (7) Requiring the licensee to make restitution or a refund as determined by the director to any individual injured by the violation; or
- (8) Requiring the licensee to obtain additional training or instruction. [1984 c 208 § 14.]

18.16.220 Appeal—Procedure. Any person aggrieved by the refusal of the director to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of any license issued under this chapter or by the application of any penalty under RCW 18.16.210, shall have the right to appeal the decision of the director to

the superior court of the county in which the person maintains his or her place of business. Such appeal shall be filed within thirty days of the director's decision. [1984 c 208 § 15.]

18.16.230 License suspension—Nonpayment or default on educational loan or scholarship. The director shall suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose. [1996 c 293 § 5.]

Severability—1996 c 293: See note following RCW 18.04.420.

18.16.900 Short title—1984 c 208. This act shall be known and may be cited as the "Washington cosmetologists, barbers, and manicurists act". [1984 c 208 § 20.]

18.16.905 Severability—1984 c 208. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1984 c 208 § 22.]

18.16.907 Effective date—1984 c 208. This act shall take effect July 1, 1984. [1984 c 208 § 23.]

18.16.910 Severability—1991 c 324. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1991 c 324 § 22.]

Chapter 18.19 COUNSELORS

Sections

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- 18.19.020 Definitions.
- 18.19.030 Registration or certification required.
- 18.19.040 Exemptions.
- 18.19.050 Powers of secretary—Application of uniform disciplinary act—Public education program.
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Temporary retirement of certified persons.
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- 18.19.901 Severability—1987 c 512.

18.19.010 Legislative findings—Insurance benefits not mandated. The qualifications and practices of counselors in this state are virtually unknown to potential clients. Beyond the regulated practices of psychiatry and psychology, there are a considerable variety of disciplines, theories, and techniques employed by other counselors under a number of differing titles. The legislature recognizes the right of all counselors to practice their skills freely, consistent with the requirements of the public health and safety, as well as the right of individuals to choose which counselors best suit their needs and purposes. This chapter shall not be construed to require or prohibit that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person registered or certified under this chapter. [1987 c 512 § 1.]

18.19.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Certified marriage and family therapist" means a person certified to practice marriage and family therapy pursuant to RCW 18.19.130.

(2) "Certified mental health counselor" means a person certified to practice mental health counseling pursuant to RCW 18.19.120.

(3) "Certified social worker" means a person certified to practice social work pursuant to RCW 18.19.110.

(4) "Client" means an individual who receives or participates in counseling or group counseling.

(5) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

(6) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

(7) "Department" means the department of health.

(8) "Secretary" means the secretary of the department or the secretary's designee. [1991 c 3 § 19; 1987 c 512 § 3.]

18.19.030 Registration or certification required. No person may, for a fee or as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice by the department under this chapter unless exempt under RCW 18.19.040. No person may represent himself or herself as a certified social worker, certified mental health counselor, or certified marriage and family therapist without being so certified by the department under this chapter. [1991 c 3 § 20; 1987 c 512 § 2.]

18.19.040 Exemptions. Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person without a mandatory charge;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies;

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) Counselors whose residency is not Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they don't hold themselves out to be registered or certified in Washington state. [1987 c 512 § 4.]

18.19.050 Powers of secretary—Application of uniform disciplinary act—Public education program. (1) In addition to any other authority provided by law, the secretary has the following authority:

(a) To adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) To set all certification, registration, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(c) To establish forms and procedures necessary to administer this chapter;

(d) To hire clerical, administrative, and investigative staff as needed to implement this chapter;

(e) To issue a registration to any applicant who has met the requirements for registration;

(f) To set educational, ethical, and professional standards of practice for certification;

(g) To prepare and administer or cause to be prepared and administered an examination for all qualified applicants for certification;

(h) To establish criteria for evaluating the ability and qualifications of persons applying for a certificate, including standards for passing the examination and standards of qualification for certification to practice;

(i) To evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate and to establish standards and procedures for accepting alternative training in lieu of such graduation;

(j) To issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;

(k) To set competence requirements for maintaining certification; and

(l) To develop a dictionary of recognized professions and occupations providing counseling services to the public included under this chapter.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications and registrations and the discipline of certified practitioners and registrants under this chapter. The secretary shall be the disciplining authority under this chapter. The absence of educational or training requirements for counselors registered under this chapter or the counselor's use of nontraditional nonabusive therapeutic techniques shall not, in and of itself, give the secretary authority to unilaterally determine the training and competence or to define or restrict the scope of practice of such individuals.

(3) The department shall publish and disseminate information in order to educate the public about the responsibilities of counselors and the rights and responsibilities of clients established under this chapter. Solely for the purposes of administering this education requirement, the secretary shall assess an additional fee for each registration and certification application and renewal, equal to five percent of the fee. The revenue collected from the assessment fee may be appropriated by the legislature for the department's use in educating consumers pursuant to this section. The authority to charge the assessment fee shall terminate on June 30, 1994. [1991 c 3 § 21; 1987 c 512 § 5.]

18.19.060 Information disclosure to clients. Persons registered or certified under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the department, that will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the counselor, the

receipt of which shall be acknowledged in writing by the counselor and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the department may require by rule. The disclosure information shall also include a statement that registration of an individual under this chapter does not include a recognition of any practice standards, nor necessarily imply the effectiveness of any treatment. [1987 c 512 § 6.]

18.19.070 Council established—Membership—Qualifications—Removal—Vacancy—Duties and powers—Compensation. (1) The Washington state mental health quality assurance council is created, consisting of seven members appointed by the secretary. All appointments shall be for a term of four years. No person may serve as a member of the council for more than two consecutive full terms.

Voting members of the council must include one social worker certified under RCW 18.19.110, one mental health counselor certified under RCW 18.19.120, one marriage and family therapist certified under RCW 18.19.130, one counselor registered under RCW 18.19.090, one hypnotherapist registered under RCW 18.19.090, and two public members. Each member of the council must be a citizen of the United States and a resident of this state. Public members of the council may not be a member of another health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the council, or have a material or financial interest in the rendering of health services regulated by the council.

The secretary may appoint the initial members of the council to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the council hold office until their successors are appointed.

The secretary may remove any member of the council for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(2) The council shall meet at the times and place designated by the secretary and shall hold meetings during the year as necessary to provide advice to the secretary.

Each member of the council shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the council shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the council. The members of the council are immune from suit in an action civil or criminal, based on their official acts performed in good faith as members of the council. [1996 c 191 § 1 - 1994 sp.s. c 9 § 501; 1991 c 3 § 22; 1987 c 512 § 7.]

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

18.19.080 Official records. The secretary shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for registration or

certification under this chapter, with the result of each application. [1991 c 3 § 23; 1987 c 512 § 8.]

18.19.090 Registration of counselors and hypnotherapists. The secretary shall issue a registration to any applicant who submits, on forms provided by the secretary, the applicant's name, address, occupational title, name and location of business, and other information as determined by the secretary, including information necessary to determine whether there are grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW. Applicants for registration shall register as counselors or may register as hypnotherapists if employing hypnosis as a modality. Applicants shall, in addition, provide in their titles a description of their therapeutic orientation, discipline, theory, or technique. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250, which shall accompany the application. [1991 c 3 § 24; 1987 c 512 § 9.]

18.19.100 Registration renewal. The secretary shall establish administrative procedures, administrative requirements, and fees for renewal of registrations as provided in RCW 43.70.250 and 43.70.280. [1996 c 191 § 5; 1991 c 3 § 25; 1987 c 512 § 10.]

18.19.110 Certification of social workers. (1) The department shall issue a certified social worker certificate to any applicant meeting the following requirements:

(a) A minimum of a master's degree from an accredited graduate school of social work approved by the secretary;

(b) A minimum of two years of post-master's degree social work practice under the supervision of a social worker certified under this chapter or a person deemed acceptable to the secretary, such experience consisting of at least thirty hours per week for two years or at least twenty hours per week for three years; and

(c) Successful completion of the examination in RCW 18.19.150, unless the applicant qualified under an exemption pursuant to subsection (2) of this section or RCW 18.19.160.

Applicants shall be subject to the grounds for denial or issuance of a conditional certificate in chapter 18.130 RCW.

(2) Except as provided in RCW 18.19.160, an applicant is exempt from the examination provisions of this chapter under the following conditions if application for exemption is made within twelve months after July 26, 1987:

(a) The applicant shall establish to the satisfaction of the secretary that he or she has been engaged in the practice of social work as defined in this chapter for two of the previous four years; and

(b) The applicant has the following academic qualifications: (i) A doctorate or master's degree in social work from an accredited graduate school of social work or comparable and equivalent educational attainment as determined by the secretary in consultation with the advisory committee; and (ii) two years of postgraduate social work experience under the supervision of a social worker who qualifies for certification under this chapter or under the supervision of any other professional deemed appropriate by the secretary.

(3) Certified social work practice is that aspect of counseling that involves the professional application of social work values, principles, and methods by individuals trained in accredited social work graduate programs and requires knowledge of human development and behavior, knowledge of social systems and social resources, an adherence to the social work code of ethics, and knowledge of and sensitivity to ethnic minority populations. It includes, but is not limited to, evaluation, assessment, treatment of psychopathology, consultation, psychotherapy and counseling, prevention and educational services, administration, policy-making, research, and education directed toward client services. [1991 c 3 § 26; 1987 c 512 § 12.]

18.19.120 Certification of mental health counselors—Practice defined—Continuing education. (1) The department shall issue a certified mental health counselor certificate to any applicant meeting the following requirements:

(a) A master's or doctoral degree in mental health counseling or a behavioral science master's or doctoral degree in a related field with the program equivalency as determined by rule by the department based on nationally recognized standards; and

(b) Two years of postgraduate practice of counseling under the supervision of a qualified mental health counselor-supervisor or other mental health professional deemed appropriate by the secretary that may be accumulated concurrently with completion of the required program equivalency; and

(c) Qualification by an examination, submission of all necessary documents, and payment of required fees.

(2) Certified mental health counseling practice is that aspect of counseling that involves the provision of professional mental health counseling services to individuals, couples, and families, singly or in groups, whether the services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise. "Certified mental health counseling" means the application of principles of human development, learning theory, group dynamics, and etiology of mental illness and dysfunctional behavior to individuals, couples, families, groups, and organizations, for the purpose of treating mental disorders and promoting optimal mental health and functionality. Certified mental health counseling also includes, but is not limited to, the assessment, diagnosis, and treatment of mental and emotional disorders, educational techniques developed to prevent such disorders, as well as the application of a wellness model of mental health.

(3) Nothing in this definition shall be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW.

(4) The secretary may establish rules governing mandatory continuing education requirements for a certified mental health counselor applying for renewal. [1995 c 183 § 1; 1991 c 3 § 27; 1987 c 512 § 13.]

18.19.130 Certification of marriage and family therapists—Practice defined. (1) The department shall

issue a certified marriage and family therapist certificate to any applicant meeting the following requirements:

(a) A master's or doctoral degree in marriage and family therapy, or a behavioral science master's or doctoral degree and the program equivalency as determined by rule by the department based on nationally recognized standards;

(b)(i) After receiving a master's or doctoral degree in marriage and family therapy, two years of postgraduate practice of marriage and family therapy, under the supervision of a qualified marriage and family therapy supervisor;

(ii) After receiving a master's or doctoral degree in a behavioral science, two years of postgraduate practice in marriage and family therapy under supervision of a qualified marriage and family supervisor, which may be accumulated concurrently with completion of the program equivalency as adopted by the department by rule; and

(c) A passing score on a written examination that includes a section on Washington's statutes and rules, including provisions of the uniform disciplinary act, approved by the department for certified marriage and family therapists.

(2) The practice of marriage and family therapy is that aspect of counseling that involves the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise. "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of marriage and family systems. Marriage and family therapy involves the professional application of family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such disorders. [1993 c 259 § 1; 1991 c 3 § 28; 1987 c 512 § 14.]

18.19.140 Applications for certification. Applications for certification shall be submitted on forms provided by the secretary. The secretary may require any information and documentation which reasonably relates to the need to determine whether the applicant meets the criteria for certification provided for in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the secretary as provided in RCW 43.70.250, which shall accompany the application. The department shall not knowingly permit access to or use of its mailing list of certificate holders for commercial purposes. [1991 c 3 § 29; 1987 c 512 § 17.]

18.19.150 Examination of applicants for certification. (1) The date and location of the examinations required under this chapter shall be established by the secretary. Applicants who have been found by the secretary to meet the other requirements for certification will be scheduled for the next examination following the filing of the application. However, the applicant will not be scheduled for any examination taking place sooner than sixty days after the application is filed.

(2) The secretary shall examine each applicant, by means determined most effective, on subjects appropriate to

the scope of practice. The examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading thereon, and the grading of any practical work shall be preserved for a period of not less than one year after the secretary has published the results. All examinations shall be conducted by the secretary by means of fair and wholly impartial methods.

(4) Any applicant who fails to make the required grade in the first examination is entitled to take up to three subsequent examinations as the applicant desires upon the prepayment of a fee determined by the secretary as provided in RCW 43.70.250 for each subsequent examination. Upon failure of four examinations, the secretary may invalidate the original application and require remedial education prior to admittance to future examinations.

(5) The secretary may approve an examination prepared or administered, or both, by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirement. [1991 c 3 § 30; 1987 c 512 § 16.]

18.19.160 Certification of persons credentialed out-of-state—Temporary retirement of certified persons. (1) Upon receiving a written application, evidence of qualification and the required fee, the department shall issue a certificate for certification without examination to an applicant who is currently credentialed under the laws of another jurisdiction, if the requirements of the other jurisdiction are substantially equal to the requirements of this chapter.

(2) A person certified under this chapter who is or desires to be temporarily retired from practice in this state shall send written notice to the secretary. Upon receipt of the notice, the person shall be placed upon the nonpracticing list. While on the list, the person is not required to pay the renewal fees and shall not engage in any such practice. In order to resume practice, application for renewal shall be made in the ordinary course with the renewal fee for the current period. Persons in a nonpracticing status for a period exceeding five years shall provide evidence of current knowledge or skill, by examination, as the secretary may require. [1991 c 3 § 31; 1987 c 512 § 19.]

18.19.170 Renewal of certificates. A certificate issued under this chapter shall be renewed as provided in RCW 43.70.250 and 43.70.280. The secretary may establish continuing competence requirements. [1996 c 191 § 6; 1991 c 3 § 32; 1987 c 512 § 15.]

18.19.180 Confidential communications. An individual registered or certified under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.19.060 nor any information acquired from persons consulting the individual in a professional capacity when that information was necessary to enable the individual to render professional services to those persons except:

(1) With the written consent of that person or, in the case of death or disability, the person's personal representative, other person authorized to sue, or the beneficiary of a

insurance policy on the person's life, health, or physical condition;

(2) That a person registered or certified under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;

(3) If the person is a minor, and the information acquired by the person registered or certified under this chapter indicates that the minor was the victim or subject of a crime, the person registered or certified may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;

(4) If the person waives the privilege by bringing charges against the person registered or certified under this chapter;

(5) In response to a subpoena from a court of law or the secretary. The secretary may subpoena only records related to a complaint or report under chapter 18.130 RCW; or

(6) As required under chapter 26.44 RCW. [1991 c 3 § 33; 1987 c 512 § 11.]

18.19.190 Other professions not affected. This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW, or in any way infringing upon the practice of psychology as defined in chapter 18.83 RCW, or restricting the scope of the practice of counseling for those registered or certified under this chapter. [1987 c 512 § 18.]

18.19.900 Short title. This chapter shall be known as the omnibus credentialing act for counselors. [1987 c 512 § 20.]

18.19.901 Severability—1987 c 512. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1987 c 512 § 28.]

Chapter 18.20 BOARDING HOMES

Sections

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18.20.200 License suspension—Nonpayment or default on educational loan or scholarship.

18.20.900 Severability—1957 c 253

18.20.010 Purpose. The purpose of this chapter is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of boarding homes, which, in the light of advancing knowledge, will promote safe and adequate care of the individuals therein. It is further the intent of the legislature that boarding homes be available to meet the needs of those for whom they care by recognizing the capabilities of individuals to direct their self-medication or to use supervised self-medication techniques when ordered and approved by a physician licensed under chapter 18.57 or 18.71 RCW or a *podiatrist licensed under chapter 18.22 RCW. [1985 c 297 § 1; 1957 c 253 § 1.]

*Reviser's note: The term "podiatrist" was changed to "podiatric physician and surgeon" by 1990 c 147.

18.20.020 Definitions. As used in this chapter:

(1) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(2) "Boarding home" means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of health.

(5) "Department" means the state department of health.

(6) "Authorized department" means any city, county, city-county health department or health district authorized by the secretary of health to carry out the provisions of this chapter. [1991 c 3 § 34; 1989 c 329 § 1; 1985 c 213 § 4; 1979 c 141 § 25; 1957 c 253 § 2.]

Savings—Effective date—1985 c 213: See notes following RCW 43.20.050.

18.20.030 License required. After January 1, 1958, no person shall operate or maintain a boarding home as defined in this chapter within this state without a license under this chapter. [1957 c 253 § 3.]

18.20.040 Application for license. An application for a license shall be made to the department or authorized department upon forms provided by either of said departments and shall contain such information as the department reasonably requires, which shall include affirmative evidence

RENEWED 1921



PART 4

SOCIAL WORKERS

Editor's note: Provisions relating to social workers were contained in article 63.5 of this title prior to its repeal in 1988.

12-43-401. Definitions. As used in this part 4, unless the context otherwise requires:

- (1) "Board" means the state board of social work examiners.
- (2) "Graduate school of social work" means any university or other institution of higher education offering a full-time graduate course of study in social work approved by the council on social work education, or its predecessor organization, or a substantially equivalent program approved by the board.
- (3) "Grievance board" means the state grievance board created by section 12-43-702.
- (4) "Licensed clinical social worker" means a person who practices psychotherapy and social work and who is licensed under the provisions of this part 4.
- (5) "Social work" means a professional service developed to effect change in human behavior, emotional responses, and social conditions of individuals, couples, families, groups, and communities. "Social work" can only be performed with specialized knowledge and skills related to human development, including an understanding of unconscious motivation, the potential for human growth, the availability of social resources, and the knowledge of social systems. The disciplined application of social work knowledge and skill includes but is not restricted to counseling and the use of applied psychotherapy with individuals, couples, families, and groups for purposes of diagnosis, evaluation, and treatment (applied psychotherapy referring to a variety of treatment methods developing out of generally accepted theories about human behavior and development).

Source: L. 88: Entire article R & RE, p. 549, § 1, effective July 1.

Law reviews. For article, "Court-ordered Counseling by Social Workers in Colorado", see 15 Colo. Law, 47 (1985).

12-43-402. State board of social work examiners - subject to termination. (1) There is hereby created the state board of social work examiners, consisting of seven members who are residents of the state of Colorado and appointed by the governor.

(2) The board shall consist of five members who are licensed clinical social workers and two members who are laypersons.

(3) No board member shall serve more than two full consecutive terms.

(4) (a) Each member shall hold his office until the expiration of his appointed term or until a successor is duly appointed. Thereafter the term of each member shall be three years. Any vacancy occurring in board membership other than by expiration of term shall be filled by the governor by appointment for the unexpired term of such a member.

(b) The terms of existing board members serving on the board which existed on June 30, 1988, shall continue for the remainder of the terms for which such members were originally appointed and shall not be disturbed by the provisions of this section.

(5) The provisions of section 24-34-104, C.R.S., concerning the termination schedule for regulatory bodies of the state unless extended as provided in that section, are applicable to the state board of social work examiners created by this section.

Source: L. 88: Entire article R & RE, p. 550, § 1, effective July 1.

12-43-403. Licensure - examination. (1) The board shall license as a licensed clinical social worker and issue an appropriate certificate to any person who files an application therefor, accompanied by such fee as is required by section 12-43-204, and who furnishes evidence satisfactory to the board that he:

- (a) Is at least twenty-one years of age;
- (b) Is not in violation of any of the provisions of this article and the rules and regulations adopted under this article;
- (c) Has obtained a master's or doctoral degree from a graduate school of social work or the equivalent educational training as determined by the board;

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(d) Has had two years of post-master's experience or one year of postdoctoral experi-
ence under appropriate supervision in applied psychotherapy; and

(e) Has demonstrated professional competence by satisfactorily passing an examina-
tion, which may be written, oral, or both, as prescribed by the board. This examination
shall require demonstration of special knowledge and skill in applied psychotherapy.
Applicants shall also be tested on interventive methods and techniques and the underlying
theories.

(2) Upon investigation of the application for a certificate and the evidence submitted
pursuant to paragraphs (a) to (d) of subsection (1) of this section, the board, not less
than thirty days prior to the examination, shall notify each applicant that such application
and evidence are satisfactory and accepted or unsatisfactory and rejected. If the applica-
tion is rejected, said notice shall state the reasons for such rejection.

(3) The place of examination shall be designated in advance by the board, and such
examination shall be held not less than twice a year at such time and place and under
such supervision as the board may determine, if there are applicants desiring to be exam-
ined, and shall be given at such other times as, in the opinion of the board, the number
of applicants warrants.

(4) The board or its designated representatives shall administer and score the examina-
tion. The board shall take any actions necessary to ensure impartiality. The passing score
in each part of the examination shall be determined by the board based upon a level
of minimum competency to engage in the practice of social work.

Source: L. 88: Entire article R & RE, p. 550, § 1, effective July 1.

Am. Jur.2d. See 61 Am. Jur.2d, Physicians,
Surgeons, and Other Healers, § § 55, 56, 58, 59,
61.

C.J.S. See 70 C.J.S., Physicians, Surgeons,
and Other Health-Care Providers, § § 11-13, 19,
20.

Law reviews. For article, "Court-ordered
Counseling by Social Workers in Colorado", see
15 Colo. Law. 47 (1985).

12-43-404. Rights and privileges of licensure. Any person who possesses a valid
unsuspended and unrevoked certificate as a licensed clinical social worker has the right
to use the titles "licensed clinical social worker" and "clinical social worker" and the
abbreviation "LCSW". No other person shall assume these titles or use this abbreviation
on any work or letter, sign, figure, or device to indicate that the person using the same
is a licensed clinical social worker.

Source: L. 88: Entire article R & RE, p. 551, § 1, effective July 1.

Law reviews. For article, "Court-ordered
Counseling by Social Workers in Colorado", see
15 Colo. Law. 47 (1985).

12-43-405. Compliance period. Any person licensed or registered under section
12-63.5-106 (1) or (3) on June 30, 1988, prior to its repeal, shall have until July 1, 1989,
to attain compliance with the educational and licensure requirements of this part 4 and
shall not be in violation of the provisions of section 12-43-404 until said date. Any person
licensed under section 12-63.5-106 (2) on June 30, 1988, prior to its repeal, shall be
deemed to be in compliance with the requirements of this part 4. All persons subject
to this section shall comply with all the other provisions of this article.

Source: L. 88: Entire article R & RE, p. 551, § 1, effective July 1.

PART 5

MARRIAGE AND FAMILY THERAPISTS

12-43-501. Definitions. As used in this part 5, unless the context otherwise requires:

- (1) "Board" means the state board of marriage and family therapist examiners.
- (2) "Grievance board" means the state grievance board created by section 12-43-702.
- (3) "Marriage and family therapist" means a marriage and family therapist who prac-
tices psychotherapy and marriage and family therapy and who is licensed pursuant to
the provisions of this part 5.

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ISSUED IN DECEMBER, 1997

COVERING LEGISLATION THROUGH
THE 1997 SESSION OF THE 1997-98 LEGISLATURE

DEERING'S
BUSINESS AND
PROFESSIONS
CODE

ANNOTATED

OF THE STATE OF CALIFORNIA

§§ 3000-4999

Annotated and Indexed by the Publisher's Editorial Staff

Note—An updated analysis of the Business and Professions Code appears at the beginning of the supplement to the first volume.

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ARTICLE 7

Review

[Added Stats 1994 ch 908 § 37.]

§ 4989. Review of powers and duties of board

The powers and duties of the board, as set forth in this chapter, shall be subject to the review required by Division 1.2 (commencing with Section 473). The first review shall be performed as if this chapter were scheduled to become inoperative on July 1, 1999, and would be repealed as of January 1, 2000, as described in Section 473.1.

Added Stats 1994 ch 908 § 37 (SB 2036).

CHAPTER 14

Social Workers

Collateral References:

B-W Cal Civ Prac, Bus Lit § 15:2.

ARTICLE 1

Administration

Collateral References:

Witkin & Epstein, Criminal Law (2d ed) § 1046.

Witkin Summary (9th ed) Torts § 777.

§ 4990.1. (Operative until July 1, 1999; Repealed January 1, 2000) Board of Behavioral Science Examiners; Number of members

There is in the Department of Consumer Affairs a *Board of Behavioral Sciences* which consists of 11 members.

This section shall become inoperative on July 1, 1999, and, as of January 1, 2000, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2000, deletes or extends the dates on which it becomes inoperative and is repealed.

Amended Stats 1994 ch 908 § 38 (SB 2036), operative until July 1, 1999; Stats 1996 ch 829 § 90 (AB J473), operative until July 1, 1999.

Amendments:

1994 Amendment: Added the second paragraph.

1996 Amendment: Substituted "Board of Behavioral Sciences" for "Board of Behavioral Science Examiners".

§ 4990.2. Use of previous names of board

Wherever "Board of Social Work Examiners of the State of California" or "Social Worker and Marriage Counselor Qualifications Board of the State of California" is used in any law or regulations of this state it shall mean the *Board of Behavioral Sciences*.

Amendments:

1996 Amendment: Substituted "Board of Behavioral Sciences" for "Board of Behavioral Science Examiners".

§ 4990.4. "Approved school of social work"

"Approved school of social work," within the meaning of this chapter, is a

TITLE 7

Review

1994 ch 908 § 37.]

Board of

d. as set forth in this chapter, shall be
 Section 1.2 (commencing with Section 473),
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ARTICLE 14

Workers

TITLE 1

Administration

§ 4990.19: Repealed January 1, 2000) Board of
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[3 B & P C]

school *that is* accredited by the Commission on Accreditation of the Council
 on Social Work Education.

Amended Stats 1992 ch 1308 § 1 (AB 3718).

Amendments:

1992 Amendment: Substituted "that is" for "which is eligible for membership in the American Association
 of Schools of Social Work or" before "accredited".

§ 4990.8. (Operative until July 1, 1999; Repealed January 1, 2000) Executive
 officer's powers and duties

The executive officer shall exercise the powers and perform the duties
 delegated by the board and vested in him or her by this chapter.

*This section shall become inoperative on July 1, 1999, and, as of January 1,
 2000, is repealed, unless a later enacted statute, which becomes effective on or
 before January 1, 2000, deletes or extends the dates on which it becomes
 inoperative and is repealed.*

Amended Stats 1994 ch 908 § 39 (SB 2036), operative until July 1, 1999.

Amendments:

1994 Amendment: Added the second paragraph.

§ 4990.15. Seal

The board shall have and use a seal bearing the words "*The Board of
 Behavioral Sciences*," and shall otherwise conform to Section 107.5.

Amendments:

1996 Amendment: Substituted "The Board of Behavioral Sciences" for "The Board of Behavioral Science
 Examiners".

§ 4990.17. [Section repealed 1996.]

Added Stats 1991 ch 525 § 1 (SB 686). Repealed Stats 1996 ch 829 § 93 (AB 3473). The repealed section
 related to reimbursement for investigation as to social work.

ARTICLE 2

Application of Chapter

§ 4992. Application for license

Every applicant for a license under this chapter shall file an application with
 the board accompanied by the application fee prescribed by this chapter.
 Every application received after January 1, 1988, shall also be accompanied
 by the examination fee prescribed by this chapter.

The application shall contain information showing that the applicant has all
 the qualifications required by the board for admission to the examination.

Amended Stats 1987 ch 826 § 1.

Amendments:

1987 Amendment: Added the second sentence in the first paragraph.

§ 4992.2. [Section repealed 1988.]

Repealed Stats 1988 ch 1091 § 1. The repealed section related to finality of board action, and applications
 for reconsideration.

§ 4992.3. Refusal, suspension, or revocation of license or registration: Unpro-
 fessional conduct

The board may refuse to issue a registration or a license, or may suspend or
 revoke the license or registration of any registrant or licensee if the applicant,

Beginning in 1992.

[3 B & P C]

Italics indicate changes or additions. . . . indicate omissions.