

LEG. FINANCE - BILLS 1985 - 1986 2210
SB 227

COMMITTEE REPORT
SENATE

FURTHER:

Date _____

Mr. President

The Committee on FINANCE considered SB 227

practice of social work and establishing the Board of Social Worker Examiners; afd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

1/1 Kuntala - No Rec.

Chairman

Chairman recommendation

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 1/27/86

REQUEST

Bill/Resolution No.: CSSB 227 (Finance)
Title: Practice of Social Work & estab. a Board of Social Work Examiners

Sponsor: Senator Fahrenkamp
Requestor: _____
Date of Request: _____

FISCAL DETAIL

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

Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		1	34.8	36.5	38.3	40.2
TRAVEL		2.3	2.4	2.5	2.7	2.8
CONTRACTUAL		4.8	5.0	5.3	5.6	5.8
SUPPLIES		1.0	1.1	1.1	1.2	1.2
EQUIPMENT		3.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		44.8	43.3	45.4	47.8	50.0

CAPITAL						
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REVENUE		87.5	6.3	81.3	6.3	91.3
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FUNDING : (Thousands of Dollars)

GENERAL FUND		44.8	43.3	45.4	47.8	50.0
FEDERAL FUNDS						
OTHER						
TOTAL		44.8	43.3	45.4	47.8	50.0

POSITIONS :

FULL-TIME		1				
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The bill creates a Board of Social Work Examiners to implement the licensing of all practitioners utilizing the title "social worker". Three categories of licenses are established: the bachelor, master and independent. The bill also authorizes the Board to designate a nationally recognized specialty area of practice for independent social workers. (See attached for further analysis.)

Prepared by: Jennifer Strickler, Mgnt. Analyst Phone: 465-2144
Division: Occupational Licensing Date: Jan. 27 1986

Approved by Commissioner: Loren H. Lounsbury Date: 1/27/86
Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 227 (Finance)

The fiscal note is reduced from previous notes as a result of reductions in the number of meetings and exam costs based on an estimated number of exam applicants during the initial implementation stages of the bill.

PERSONAL SERVICES:

Request: 1 Licensing Examiner I, Range 12A. GGU, 12 months, to be located
in Juneau \$33,145.82.

The primary concern of this agency is that current responsibilities prohibit new licensing functions from being assumed without additional support staff. While it is possible that approximately half of the Licensing Examiner's time may be required to manage the function of licensing social workers, it is necessary that a full time position be requested since inquiries from the general public are not geared toward 'part-time' services in licensing. Staff availability to respond to the public during normal State working hours is crucial to this agency. The lack of available staff support would cause additional burden to the workload of the present staff.

TRAVEL:

Travel costs were based on one meeting in Anchorage, assuming appointed members are from Anchorage, Fairbanks, Juneau, Kenai and Nome in accordance with Sec. 08.87.010 which require that members be appointed from 'different geographic regions' of the State.

CONTRACTUAL SERVICES:

The State Teleconference Network has increased charges to \$50 per site, per hour. The teleconference network is also unavailable to boards during the legislative session. Therefore, the Alascom teleconference system would be utilized. Costs for an additional full-day teleconference meeting and a special one-hour teleconference meeting are included. The request also includes funding for public notices required by AS 44.62, printing, postage, and telephone service. Costs to cover contracting for use of licensing examinations are also included based on 20 exam candidates upon effective date of the bill.

COMMODITIES:

This funding will cover stationery and other miscellaneous desk supplies required to support the function.

EQUIPMENT: (One time costs only)

These costs are to purchase equipment for the Licensing Examiner I position.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 227 (Finance)

PROJECTED REVENUES:

FY 87:	Based on the number of practitioners identified, it is anticipated that 350 practitioners will be seeking initial licensure. 350 x \$250	\$ 87.5
FY 88:	Based on the assumption that there will be at least 25 new applicants. 25 x \$250 This will make a total of 375 licensees.	6.3
FY 89:	Projections for this fiscal year are based on the assumption that all licenses will be renewed. Based on 375 licensees x \$200 (renewal fee) In addition, another 25 new licensees to make a total of 400 licensees. 25 x \$250	75.0 <u>6.3</u> 81.3
FY 90:	Based on an estimate of 25 new licensees, this would make a total of 425 licensees.	6.3
FY 91:	Assuming this will also be a renewal year, and based on 425 licensees x \$200 renewal fee. In addition, another 25 new licensees, to make a total of 450 licensees.	85.0 <u>6.3</u> 91.3

page 4, line 28
 Change "may" to "SHALL"

Cramer
 01/23/86

Original sponsor: Fahrenkamp by request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 227 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

15 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

16 (25) Board of Social Worker Examiners (AS 08.87.010).

17 * Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:

18 (21) Board of Social Worker Examiners (AS 08.87.010) --

19 June 30, 1990.

20 * Sec. 4. AS 08 is amended by adding a new chapter to read:

21 CHAPTER 87. SOCIAL WORKERS.

22 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

23 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is
 24 created a Board of Social Worker Examiners consisting of five members,
 25 including three licensed master social workers, one of whom is li-
 26 censed as an independent social worker, one licensed bachelor social
 27 worker, and one public member. The public member may not be licensed
 28 as a social worker, employed by a licensed social worker, or have a
 29 financial interest in the social work profession. To the extent

1 possible members shall be appointed from different geographic regions
2 of the state. A member who has served two successive full terms may
3 not be reappointed until four years after the expiration of the second
4 term.

5 Sec. 08.87.020. TERM OF OFFICE. Each member of the board serves
6 for a term of four years and until the member's successor is appointed
7 and qualified. An appointment to a vacancy is for the unexpired term.

8 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least
9 once a year.

10 Sec. 08.87.040. ELECTION OF OFFICERS. The board shall elect
11 from among its members a chairperson and a secretary. Officers serve
12 for a term not exceeding two years.

13 Sec. 08.87.050. REMOVAL OF BOARD MEMBERS. The governor may
14 remove a member of the board for cause. Unexcused absences from
15 meetings are cause for removal as determined by the board.

16 Sec. 08.87.060. PER DIEM AND TRAVEL. Board members receive no
17 compensation but are entitled to per diem and travel expenses author-
18 ized for members of boards and commissions under AS 39.20.180.

19 Sec. 08.87.070. POWERS AND DUTIES OF THE BOARD. The board shall

20 (1) provide for the examination of eligible applicants for
21 licenses under this chapter;

22 (2) submit an annual report of its proceedings to the
23 governor, including recommended changes to this chapter and a state-
24 ment of money received and disbursed;

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

28 (4) after a hearing, impose disciplinary sanctions against
29 a person who violates this chapter, an order of the board, or a

1 regulation of the board;

2 (5) adopt regulations relating to requirements for the
3 supervision of persons engaged in social work under this chapter who
4 are not licensed master social workers;

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

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

9 Sec. 08.87.080. ADMINISTRATIVE PROCEDURES. The Administrative
10 Procedure Act (AS 44.62) applies to regulations and proceedings under
11 this chapter.

12 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

13 Sec. 08.87.100. LICENSING OF SOCIAL WORKERS. (a) A person is
14 eligible for a license as a bachelor social worker (LBSW) if the
15 person

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

18 (2) has satisfactorily completed the state examination for
19 the license;

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

21 (4) has a bachelor's degree in social work from a school
22 with a social work program accredited by the Council on Social Work
23 Education.

24 (b) A person is eligible for a license as a master social worker
25 (LMSW) if the person meets the requirements of (a)(1) - (3) of this
26 section and has a master's degree in social work from a school with a
27 social work program accredited by the Council on Social Work Educa-
28 tion.

29 (c) A person is eligible for a license as an independent social

1 worker (LISW) if the person meets the requirements of (a)(1) - (3) of
2 this section, has a master's degree in social work from a school with
3 a social work program accredited by the Council on Social Work Educa-
4 tion, and has completed at least 24 months of supervised post-graduate
5 experience approved by the board in the field of specialty in which
6 the person intends to engage as a private practitioner.

7 Sec. 08.87.110. SCOPE OF PRACTICE. (a) A person licensed as a
8 bachelor, master, or independent social worker may provide services
9 that enhance, protect, or restore people's capacity for social func-
10 tioning whether impaired by physical, environmental, or emotional
11 factors, guided by professional social work ethics, knowledge and
12 intervention methods.

13 (b) A social worker may practice psychotherapy only if the
14 social worker is licensed as an independent social worker with a
15 clinical specialty or as a master social worker and is employed and
16 supervised in a clinical setting.

17 (c) A social worker may practice social work autonomously only
18 if

19 (1) the person is licensed as an independent social worker;

20 (2) the board has approved the specialty in which the
21 person may engage as a private practitioner and authorizes designation
22 of the speciality on the person's license;

23 (3) the license bearing a designation of speciality is
24 prominently displayed in the place the person engages in private
25 practice; and

26 (4) the person limits the private practice of social work
27 to the designated specialty.

28 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board ^{SHALL} may provide
29 for licensing a person as a bachelor, master or independent social

1 worker without examination if the person

2 (1) holds a degree in social work from a school with a
3 social work program accredited by the Council on Social Work Educa-
4 tion;

5 (2) has an active license to practice social work in an-
6 other licensing jurisdiction with requirements at the time of the
7 original licensure that were similar to or higher than those of this
8 state;

9 (3) is not the subject of an unresolved complaint, review
10 procedure, or disciplinary proceeding undertaken by a professional
11 social worker association or regulatory authority;

12 (4) has not failed the examination of this state;

13 (5) has not previously had a license to practice social
14 work revoked in this or another jurisdiction;

15 (6) submits proof of continued competence as required by
16 regulation of the board; and

17 (7) pays all required fees.

18 Sec. 08.87.130. LICENSE RENEWAL REQUIRED. A license issued
19 under this chapter shall be renewed in accordance with AS 08.01.100.

20 Sec. 08.87.140. FEES. An applicant for examination, reexamina-
21 tion, or issuance or renewal of a license shall pay the fees estab-
22 lished by the department under AS 08.01.065.

23 ARTICLE 3. PROHIBITIONS AND PENALTIES.

24 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
25 licensed under this chapter, a person may not use the title "social
26 worker" or a title, designation, or device indicating or tending to
27 indicate that the person is a social worker or practices social work.
28 A person may not use the letters "LBSW" as part of a title unless the
29 person is licensed as a bachelor social worker under this chapter. A

1 person may not use the letters "LMSW" as part of a title unless the
2 person is licensed as a master social worker under this chapter. A
3 person may not use the letters "LISW" as part of a title unless the
4 person is licensed as an independent social worker under this chapter.
5 Except as provided in (b) of this section, a person may not use the
6 title "social worker intern" or "social worker student."

7 (b) A student enrolled in an accredited social work program may
8 use the title "social worker intern" or "social worker student" if the
9 person's activities constitute a part of the person's supervised
10 course of study.

11 (c) A person who is not licensed under this chapter may use the
12 title "associate social worker" or a similar title while the person is
13 providing services as a social worker to the state or a political
14 subdivision of the state under the supervision of a social worker li-
15 censed under this chapter.

16 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
17 worker licensed under this chapter or an associate social worker may
18 not disclose information provided to the social worker by a client in
19 the course of their professional contact. This prohibition does not
20 apply if the

21 (1) client provides written consent to the social worker to
22 reveal the communication;

23 (2) client is incompetent and the guardian or personal
24 representative provides written consent to the social worker to reveal
25 the communication;

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

29 (4) communication discloses that a crime has been committed

or reveals an intent to commit a crime;

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

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

(7) social worker is subpoenaed to testify in court;

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

(9) communication discloses information that the social worker is required by state or federal laws or regulations to disclose.

Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS. After a hearing, the board may impose a disciplinary sanction on a person licensed under this chapter when the board finds that the licensee

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

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a crime that has a substantial relationship to the licensee's activities and services or that affects

1 the licensee's ability to continue to practice competently and safely;

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

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

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

9 (A) professional incompetence;

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

13 (C) physical or mental disability;

14 (8) engaged in lewd conduct in connection with the delivery
15 of professional service;

16 (9) has been held liable for malpractice in a civil action;

17 (10) has had a license revoked in another jurisdiction.

18 Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) If it finds that a
19 licensee has committed an act set out in AS 08.87.220, the board may
20 impose the following sanctions singly or in combination:

21 (1) permanently revoke a license to practice;

22 (2) suspend a license for a determinate period of time;

23 (3) censure a licensee;

24 (4) issue a letter of reprimand to the licensee;

25 (5) place a licensee on probationary status and require the
26 licensee to

27 (A) report regularly to the board upon matters involv-
28 ing the basis of probation;

29 (B) limit practice to those areas prescribed;

1 (C) continue professional education until a satisfactory degree of skill has been attained in those areas that are
 2 the basis of probation;
 3

4 (6) impose limitations or conditions on the practice of a
 5 licensee;

6 (7) refuse to renew a license.

7 (b) The board may withdraw probationary status if it finds that
 8 the deficiencies that required the sanction have been remedied.

9 (c) The board may summarily suspend a license before final
 10 hearing or during the appeal process if the board finds that the
 11 licensee poses a clear and immediate danger to the public health and
 12 safety if the licensee continues to practice. A person whose license
 13 is suspended under this section is entitled to a hearing by the board
 14 no later than seven days after the effective date of the order. The
 15 person may appeal the suspension after a hearing to a court of compe-
 16 tent jurisdiction.

17 (d) The board may reinstate a license that has been suspended or
 18 revoked if the board finds after a hearing that the applicant is able
 19 to practice with reasonable skill and safety.

20 (e) The board shall seek consistency in the application of
 21 disciplinary sanctions. The board shall explain significant departure
 22 from prior decisions involving similar situations in findings of fact
 23 or orders.

24 Sec. 08.87.240. CRIMINAL PENALTY. A person who violates AS 08.-
 25 87.200 or 08.87.210 of this chapter is guilty of a class B misdemea-
 26 or.

27 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the
 28 superior court for an order enjoining a person not licensed under this
 29 chapter or whose license is suspended, revoked, or expired from

1 violating this chapter.

2 ARTICLE 4. GENERAL PROVISIONS.

3 Sec. 08.87.300. DEFINITION. In this chapter "board" means the
4 Board of Social Worker Examiners.

5 * Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:
6 (53) Board of Social Worker Examiners (AS 08.87.010).

7 * Sec. 6. Within 60 days after the effective date of this Act the
8 governor shall appoint initial members to the Board of Social Worker Exam-
9 iners. Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,
10 initial members must consist of three persons who have a master's degree in
11 social work from a school with a social work program accredited by the
12 Council on Social Work Education, at least one of whom is engaged in the
13 private practice of social work, one person with a bachelor's degree in
14 social work from a school with a social work program accredited by the
15 Council on Social Work Education, and one public member. Notwithstanding
16 AS 08.87.020 as enacted in sec. 4 of this Act, one initial member shall
17 serve a one-year term, one initial member shall serve a two-year term, one
18 initial member shall serve a three-year term, and two initial members shall
19 serve four-year terms, as determined by the governor.

20 * Sec. 7. (a) Notwithstanding AS 08.87.100(a) as enacted in sec. 4 of
21 this Act, a person may apply for and receive a license as a bachelor social
22 worker if the person

23 (1) holds a degree in social work from a school with a social
24 work program that is not accredited by the Council on Social Work Education
25 or a bachelor's or master's degree in a social sciences field related to
26 social work as defined by the board, and has been practicing under the
27 title "social worker" for at least 24 consecutive months before July 1,
28 1988;

29 (2) meets the requirements of AS 08.87.100(a)(1), (3) and (4);

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or

(3) has been practicing social work under the supervision of a person eligible to be licensed under this Act for at least two years, and successfully completes the examination required by AS 08.87.100(a)(2).

(b) A person who does not meet the requirement under AS 08.87.100(a)(2) but otherwise meets the requirements of AS 08.87.100(b) may apply for and receive a license as a master social worker.

(c) A person who does not meet the requirements under AS 08.87.100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply for and receive a license as an independent social worker.

(d) An application for a license under this section must be filed before July 1, 1988.

* Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work on July 1, 1986, may use a title and letters as part of the title that indicate that the person is a social worker or practices social work until June 30, 1988, even if the person is not licensed under AS 08.87.100 or 08.87.120.

* Sec. 9. This Act takes effect July 1, 1986.



Senate Finance Committee

Senator Jan Falks, Co-Chairman Senator John Sackett, Co-Chairman

DATE: January 28, 1986

TO: Lynne
Legal Services

FROM: Vicki
(4935) *Cap Bldg Rm 413*

RE: SB 227 and SB 275

Please prepare Senate Finance Committee
Substitutes for the above bills, making
changes where indicated on the attached.

Please return to me asap as they are
to be read across tomorrow morning.

THANK!

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 227 (HESS)
 Title: Practice of Social Work & Estab. Board of Social Work
 Sponsor: Sen. Fahrenkamp
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
 Program Category Affected: Consumer Protection Examiners
 BRU, Program or Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		33.1	34.8	36.5	38.3	40.2
200 TRAVEL		5.4	5.7	6.0	6.3	6.6
300 CONTRACTUAL		19.4	20.4	21.4	22.5	23.6
400 SUPPLIES		1.0	1.1	1.1	1.2	1.2
500 EQUIPMENT		3.6				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		62.5	62.0	65.0	68.3	71.6

CAPITAL						
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REVENUE		78.8	2.3	67.3	2.3	71.3
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FUNDING: (Thousands of Dollars)

GENERAL FUND		62.5	62.0	65.0	68.3	71.6
FEDERAL FUNDS						
OTHER						
TOTAL		62.5	62.0	65.0	68.3	71.6

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill creates a Board of Social Work Examiners and implements licensing of all social work practitioners in the State. The bill establishes three licensing categories, and unlimited "specialties" left to the discretion of the board. (See attached for further analysis.)

Prepared By: Jennifer Strickler Mgnt Analyst Phone: 465-2144
 Division: Occupational Licensing Date: April 23 1985

Approved by Commissioner: Loren H. Lounsbury Date: 4/24/85
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

Analysis, continued

CSSR 22Z FISCAL IMPACT

(NOTE: 5% inflation factor projected for FY '87 through
FY '90 for operating costs)

100 PERSONAL SERVICES:

1 Licensing Examiner, Range 12A,
GGU, 12 months, to be located in Juneau \$33,145.82

200 TRAVEL:

NOTE: Travel costs were based on five (5) members from different geographic regions in the State as required in the bill. The areas used in these calculations were: Anchorage, Fairbanks, Juneau, Kenai, Nome. Also, the bill mandates a minimum of two meetings a year and special meetings at the call of the Chairman or a majority of the board members if meetings are conducted over the State teleconference network. Therefore, two (2) meetings are included in this fiscal note and costs to hold one additional meeting by use of the State teleconference network.

Anchorage meeting

Anchorage, transportation	-0-
Per diem at \$80 per day x 2 days	160.00
Fairbanks, transportation	212.00
Per diem at \$80 per day x 2 days	160.00
Juneau, transportation at \$352 x 2 (board member & licensing examiner)	704.00
Per diem at \$80 per day x 2 days x 2	320.00
Kenai, transportation	64.00
Per diem at \$80 per day x 2 days	160.00
Nome, transportation	406.00
Per diem at \$80 per day x 2 days	160.00
	<hr/>
	\$ 2,346.00

Juneau meeting

Juneau, transportation	-0-
Per diem at \$80 per day x 2 days	160.00
Anchorage, transportation	352.00
Per diem at \$80 per day x 2 days	160.00
Fairbanks, transportation	564.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
Kenai, transportation	416.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
Nome, transportation	664.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
	<hr/>
	\$ 3,036.00

300 CONTRACTUAL SERVICES:

State Teleconference Network (third board meeting)

\$50.00 minimum charge for use of the network, plus
 \$30.00 to attach the Kenai member, and
 \$30.00 to attach the Nome member 110.00

(NOTE: Costs of the Juneau, Anchorage and Fairbanks sites
 are free, provided the network is used during regular
 State business hours. The \$30 fee per site is also
 applicable up to a maximum of three hours.)

Postage, telephone, printing, publications
 and other operating costs 3,000.00

Computer terminal use, at \$45 per month
 (Licensing Examiner use only) 540.00

Professional Examination Service fees for
 licensing examinations:
 Estimated 315 examinees in FY '86 for initial
 licensing at \$50 each 15,750.00

Note: 315 social workers were identified by
 this agency.

\$ 19,400.00

400 COMMODITIES:

Stationery, typewriter ribbons, pens, pencils, and
 other miscellaneous desk top supplies 1,000.00

500 EQUIPMENT: (one time costs only)

1 desk, double pedestal, 70" x 36" 747.08
 1 chair, swivel with arms 257.69
 1 typewriter, IBM Selectric II 1,340.19
 1 chair, side without arms 120.33
 1 desk calculator 382.89
 1 file cabinet, 5 drawer legal with lock 426.43
 1 table 72" x 36" 357.38

\$ 3,632.19

GRAND TOTAL: \$ 62,560.01

Projected Revenues

FY 86:

Based on the number of practitioners identified, it is anticipated that 315 practitioners will be seeking initial licensure by examination.
315 x \$250 (application & exam fee)

\$ 78.8

FY 87:

Based on the assumption that there will be at least 10 new applicants (5 by examination, and 5 by credentials)
This will make a total of 325 licensees.

2.3

FY 88:

Section 08.87.130 of the bill mandates that licenses will lapse after 24 months unless it is renewed. Licenses will be issued upon completion and approval of an application. If Section 08.87.130 remains as stated, each license will be required to renew 24 months from the date of issue, thus causing administrative complications in monitoring the duration period of each license issued. To avoid such administrative difficulties, we would prefer all licenses to expire in a specific year embedded in statutes, and on a date determined by the department.

Projections for this fiscal year is based on the assumption that all licenses will be valid for a two-year period and will be renewed during this year.

Based on 325 licensees x \$200 (renewal fee) =
In addition, another 10 new licensees to make
a total of 335 practitioners.

65.0

2.3

67.3

FY 89:

Based on an estimate of 10 new licensees, 5 by examination and 5 by credentials =
This would make a total of 345 licensees.

2.3

FY 90:

Assuming this will also be a renewal year, and based on 345 licensees x \$200 renewal fee =
In addition, another 10 new licensees, to make
a total of 355 licensees =

69.0

2.3

71.3

1.	POSITION TITLE Licensing Examiner I (Juneau)				RANGE/STEP 12A	DEPT. UNIT GGU	PAGE/LINE	COY.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	ST 2	MONTHS	RP NUMBER	PCH NUMBER	BRU PRIORITY	LOCATION AWA	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	Type of Expenditure				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		24.9							
6.	Benefits		4.0							
7.	Supplemental Benefits		1.5							
8.	Fixed Benefits		2.7							
9.	TOTAL PERSONAL SERVICES		01		33.1					
10.	Travel		02		.5					
11.	Contractual		03		3.5					
12.	Commodities		04		1.0					
13.	Equipment		05		3.6					
14.	Other									
15.	TOTAL COST				41.7					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		C.F. Match 1003								
18.		General Funds 1004		41.7						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR BSA USE ONLY										
KEY NUMBER _____										

This position is necessary to assist in the implementation of the provisions of CSSB 227. The position would assist the Board in establishing necessary files, prepare application forms for printing, publish notices of meetings and exams, prepare travel authorizations for board members, arrange for meeting rooms and exams, and perform other administrative duties as needed.

REQUEST FOR
NEW POSITION

AGENCY Commerce & Economic Development

PROGRAM Consumer Protection

BRU Occupational Licensing

COMPONENT Administration

FY 86

Page 1 of 1

Revised Date _____

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB No. 227
 Title: An Act relating to the practice of social work
 Sponsor: Sen. Fahrenkamp
 Requestor: _____
 Date of Request: 3/12/85

FISCAL DETAIL

Agency Affected: Health and Social Services
 Program Category Affected: Social Services
 BRU, Program or Subprogram(s) Affected: Social Services BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME		-0-				
PART-TIME		-0-				
TEMPORARY		-0-				

ANALYSIS: Attach a separate page if necessary

N/A

Prepared By: Michael L. Price Phone: 465-3170
 Division: Family and Youth Services Date: 3/29/85

Approved by Commissioner: J. R. Poy Date: 4-16-85
 Agency: HEALTH & SOCIAL SERVICES *JCC*

Distribution (by Agency preparing fiscal note):

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

POSITION PAPER

COMMITTEE SUBSTITUTE FOR SENATE BILL 227

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

This bill would establish a Board of Social Work Examiners which would set standards for specialty designations of Social Workers, provide for examination of eligible participants, adopt regulations for supervision of persons engaged in social work who are not Master Social Workers, and impose disciplinary sanctions. The bill would require that a person be licensed to use the title "Social Worker." The bill regulates confidentiality and the disclosure of information. The bill allows for a two year grandfathering of some persons currently employed as social workers.

The Department of Health and Social Services supports efforts to increase professional standards for social workers. The department is currently seeking to increase the number of M.S.W. and B.S.W. employees engaged in agency social work, by taking administrative actions which increase the availability and hiring of these degree'd professionals. In addition, the department believes that professional standards for social workers in the private sector would increase public confidence. The bill presents a number of complicated issues that have not been resolved quickly in other states. These areas require special scrutiny and analysis. This position paper first addresses two major issues, followed by a sectional analysis.

I. MAJOR DEPARTMENTAL ISSUES

A. Effect on Current State Employees:

There are currently 143 Division of Family and Youth Services social workers affected by the bill.

As of January 3, 1986, an Educational review of staff qualifications of Division of Family and Youth Services employees shows that of 143 social worker positions, 2 have Ph.D's, 32 have M.S.W. degrees, 20 have related master's degrees, 15 have B.S.W. degrees, and 57 have related bachelor's degrees. 52% of social work employees have a BSW or above, which represents the agency's strong management effort to continue to improve the credentials of social work staff.

Approximately 50% of social work supervisors have M.S.W. degrees from an accredited social work school. The department interprets the bill to indicate that under Section 7(a)(1) or (3) the majority of these persons would be eligible for licensure which would make it possible for their employees to qualify for licensure by related education [7(a)(1)] or experience and an examination [7(a)(3)].

Position Paper
CS SB 227
Page 2

The bill does allow for a limited license for "social workers" who do not meet all of the licensing standards, but who have degrees in social work or related fields and 24 months experience prior to July 1, 1987. The department is concerned that provisions be made for paraprofessional development and training to become licensed social workers after July 1, 1987.

B. Effect on State Hiring Practices, Including Local Hire and Affirmative Action Goals:

After the enactment of the bill, the department would be required to hire licensed social workers, with the exception of "associate social workers" who must be supervised by a licensed social worker. After July 1, 1987, it may be difficult to fill all positions, whether public or private, with licensed social workers, especially in rural areas. The bill's strict educational requirements for licensure after July 1, 1987 may impede the state's long-term goals of employing paraprofessional employees and developing a career ladder for them. The department often hires Alaska Native "Social Services Associates" who may eventually become social workers. Many of these employees possess Alaska Native language skills essential to providing services in some rural areas of the state. The bill would probably prevent these persons from advancing beyond the paraprofessional level unless they leave their communities for further education.

II. SECTIONAL ANALYSIS

A. Supervision

In addition to the concerns mentioned above, the department wishes to note other problem areas, section by section.

The bill, at 08.87.070(5), states that the licensing board must promulgate regulations determining how non-master social workers would be supervised. At this time the department cannot know how these supervision standards would relate to the department's supervisory structures. However, the department can attempt to deal with this issue when regulations are proposed in the future.

B. Powers of the Board

In Section 08.87.240, the penalty section of the bill, the department urges clarification of subsection (a) which creates a Class B misdemeanor. The present language states that "a person who violates this chapter" has committed a crime. This criminal provision should state what specific activity is made criminal, whether it is only practice without a license or, as an extreme example, whether it would be a crime for a social worker to breach confidentiality under 08.87.210.

The department also urges that Subsection (b) of 08.87.240 be set out as a separate section, as the Board's right to seek a civil injunction

would be better placed separately from the criminal penalty provisions of the bill. Also, the department urges the amendment of 08.87.240 as follows, to clarify that the Board is not empowered to issue injunctive type orders:

- (b) The Board may apply to the Superior Court for an order enjoining [MAY SEEK TO ENJOIN OR RESTRAIN] a person not licensed under this chapter or whose license is suspended, revoked or expired from violating this chapter.

C. "Grandfathering"

The details of the waiver or "grandfathering" for present social workers are contained in Section 7 of the bill. The department interprets Section 7 to mean that this license is renewable by those who are licensed through grandfathering if the license has not been revoked for disciplinary reasons.

Section (7)(a)(1) broadens who may be licensed as a social worker to include related degrees or (3) practicing social work for 2 years under the supervision of someone eligible for licensure and by successfully completing the exam.

The department continues to be concerned about the grandfathering clause in that it does not take into consideration persons who have performed the duties of social work for two years or more and are now employed in the administration of an agency which employs social workers. The department therefore recommends that the following be added to Section 7 (a): "has practiced under the title Social Worker within the last five years and is now employed in the administration of an agency that employs people under that title."

III. FINANCIAL IMPACT

Sec. 8.87.140 sets out the fee structure. This would have an impact on State employees by imposing an application fee to be determined by the board. These fees could be very significant and costly to the state employee who does not presently pay any fees.

IV. OBSERVATION

This bill is designed to guarantee high standards of social work practice in the private and public sector. In reality, the real issues for the public sector are high caseloads, high ratios of supervisees to supervisors and inadequate training funds for state employed social workers.

V. RECOMMENDATION

The department supports the licensure of social workers in both the public and private sector as an additional method to monitor quality and

Position Paper
CS SB 227
Page 4

to protect the public, and the department believes accommodation should be made for persons currently employed as social workers or in the administration of an agency which employs social workers. The department prefers a licensing bill which establishes a Behavioral Science Board to oversee several counseling professions.

RECOMMENDED: Michael L. Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE: March 6, 1986

APPROVED: John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE: 3/6/86

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : CSSB No. 227
 Title : An Act relating to the practice
of social work and establishing the
board of Social Worker Examiners
 Sponsor : HESS Committee
 Requestor : _____
 Date of Request : 2/7/86

FISCAL DETAIL

Agency Affected : Health and Social Services
 BRU : Social Services

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

None

Prepared by : Michael L. Price, Director
 Division : Family and Youth Services

Phone : 465-3170
 Date : 3/6/86

Approved by Commissioner : John R. Pugh
 Agency : Health and Social Services

Date : 3/6/86

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 227
 Title: Practice of Social Work
 & Estab. Board of Social Work
 Sponsor: Sen. Fahrenkamp
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
 Program Category Affected: Consumer Protection
 Examiners
 BRU, Program or Subprogram(s) Affected:
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		33.1	34.8	36.5	38.3	40.2
200 TRAVEL		8.8	9.2	9.7	10.2	10.7
300 CONTRACTUAL		19.3	20.3	21.3	22.4	23.5
400 SUPPLIES		1.0	1.1	1.1	1.2	1.2
500 EQUIPMENT		3.7				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		65.9	65.4	68.6	72.1	75.6

CAPITAL						
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REVENUE		78.8	2.3	67.3	2.3	71.3
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FUNDING: (Thousands of Dollars)

GENERAL FUND		65.9	65.4	68.6	72.1	75.6
FEDERAL FUNDS						
OTHER						
TOTAL		65.9	65.4	68.6	72.1	75.6

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill creates a Board of Social Work Examiners and implements licensing of all social work practitioners in the State. The bill establishes three licensing categories, and unlimited "specialties" left to the discretion of the board. (See attached for further analysis.)

Prepared By: Jennifer Strickler, Mgnt Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 4-4-85

Approved by Commissioner: Loren H. Lounsbury Date: 4/8/85
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

Analysis, continued

SB 227 FISCAL IMPACT

(NOTE: 5% inflation factor projected for FY '87 through
FY '90 for operating costs)

100 PERSONAL SERVICES:

1 Licensing Examiner, Range 12A,
GGU, 12 months, to be located in Juneau \$33,145.82

200 TRAVEL:

NOTE: Travel costs were based on five (5) members from different
geographic regions in the State as required in the bill. The areas
used in these calculations were: Anchorage, Fairbanks, Juneau,
Kenai, Nome. Also, the bill mandates a minimum of two meetings a
year and special meetings at the call of the Chairman or a majority
of the board members. Therefore, three (3) meetings are included in
this fiscal note.

Anchorage meeting

Anchorage, transportation	-0-
Per diem at \$80 per day x 2 days	160.00
Fairbanks, transportation	212.00
Per diem at \$80 per day x 2 days	160.00
Juneau, transportation at \$352 x 2 (board member & licensing examiner)	704.00
Per diem at \$80 per day x 2 days x 2	320.00
Kenai, transportation	64.00
Per diem at \$80 per day x 2 days	160.00
Nome, transportation	406.00
Per diem at \$80 per day x 2 days	160.00
	<hr/>
	\$ 2,346.00

Juneau meeting

Juneau, transportation	-0-
Per diem at \$80 per day x 2 days	160.00
Anchorage, transportation	352.00
Per diem at \$80 per day x 2 days	160.00
Fairbanks, transportation	564.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
Kenai, transportation	416.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
Nome, transportation	664.00
Per diem at \$80 per day x 3* days *(one extra day to travel)	240.00
	<hr/>
	\$ 3,036.00

SB 227 Fiscal Impact, continued

Fairbanks meeting

Fairbanks, transportation	-0-
Per diem at \$90 per day x 2 days	180.00
Anchorage, transportation	212.00
Per diem at \$90 per day x 2 days	180.00
Juneau, transportation at \$564 x 2 (board member & licensing examiner)	1,128.00
Per diem at \$90 per day x 3 days x 2 (one extra day to travel)	540.00
Kenai, transportation	276.00
Per diem at \$90 per day x 2 days	180.00
Nome, transportation	456.00
Per diem at \$90 per day x 3 days (one extra day to travel)	270.00
	<hr/>
	\$ 3,422.00

300__CONTRACTUAL SERVICES:

Postage, telephone, printing, publications and other operating costs	3,000.00
Computer terminal use, at \$45 per month (Licensing Examiner use only)	540.00
Professional Examination Service fees for licensing examinations: Estimated 315 examinees in FY '86 for initial licensing at \$50 each	15,750.00
Note: 315 social workers were identified by this agency.	
	<hr/>
	\$ 19,290.00

400__COMMODITIES:

Stationery, typewriter ribbons, pens, pencils, and other miscellaneous desk top supplies	1,000.00
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500__EQUIPMENT: (one time costs only)

1 desk, double pedestal, 70" x 36"	747.08
1 chair, swivel with arms	257.69
1 typewriter, IBM Selectric II	1,340.19
1 chair, side without arms	120.33
1 desk calculator	382.89
1 file cabinet, 5 drawer legal with lock	426.63
1 table 72" x 36"	426.63
	<hr/>
	\$ 3,701.44

GRAND TOTAL: \$ 65,941.26

Projected Revenues

FY 86:

Based on the number of practitioners identified, it is anticipated that 315 practitioners will be seeking initial licensure by examination.
315 x \$250 (application & exam fee)

\$ 78.8

FY 87:

Based on the assumption that there will be at least 10 new applicants (5 by examination, and 5 by credentials)
This will make a total of 325 licensees.

2.3

FY 88:

Section 08.87.130 of the bill mandates that licenses will lapse after 24 months unless it is renewed. Licenses will be issued upon completion and approval of an application. If Section 08.87.130 remains as stated, each license will be required to renew 24 months from the date of issue, thus causing administrative complications in monitoring the duration period of each license issued. To avoid such administrative difficulties, we would prefer all licenses to expire in a specific year embedded in statutes, and on a date determined by the department.

Projections for this fiscal year is based on the assumption that all licenses will be valid for a two-year period and will be renewed during this year.

Based on 325 licensees x \$200 (renewal fee) =
In addition, another 10 new licensees to make
a total of 335 practitioners.

65.0

2.3

67.3

FY 89:

Based on an estimate of 10 new licensees, 5 by examination and 5 by credentials =
This would make a total of 345 licensees.

2.3

FY 90:

Assuming this will also be a renewal year, and based on 345 licensees x \$200 renewal fee =
In addition, another 10 new licensees, to make
a total of 355 licensees =

69.0

2.3

71.3

1.	POSITION TITLE LICENSING EXAMINER I (Juneau)	RANGE/STEP 12A	BARG. UNIT GGU	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION AWA	ELECTION DISTRICT
3.	CONTINUATION LEVEL		ADDITION		JUSTIFICATION This position is necessary to assist in the implementation of the provisions of SB 227. The position would assist the Board in establishing necessary files, prepare application forms for printing, publish notices of meetings and exams, prepare travel authorizations for board members, arrange for meeting rooms and examinations, and perform other administrative duties as needed.		
4.	TYPE OF EXPENDITURE		AMOUNT				
	1	2	3				
	PERSONAL SERVICES						
5.	Salary	24.9					
6.	Benefits	4.0					
7.	Supplemental Benefits	1.5					
8.	Fixed Benefits	2.7					
9.	TOTAL PERSONAL SERVICES	01	33.1				
10.	Travel	02	1.3				
11.	Contractual	03	3.5				
12.	Commodities	04	1.0				
13.	Equipment	05	3.5				
14.	Other						
15.	TOTAL COST		42.4				
	RECEIPT CODE	FUNDING SOURCE					
16.		Federal Receipts 1002					
17.		C.F. Match 1003					
18.		General Funds 1004		42.4			
19.		I-A Receipts 1005					
20.		Program Receipts 1028					
21.		Other					
FOR BSM USE ONLY							
KEY NUMBER _____							

REQUEST FOR
NEW POSITION

AGENCY Commerce and Economic Development
 PROGRAM Consumer Protection
 BRU Occupational Licensing
 COMPONENT Administration

Page 1 of 1
Revised Date _____

FY 86

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : 1/21/86

REQUEST

Bill/Resolution No. : CSSB 227 (HESS)
 Title : Practice of Social Work & estab.
 a Board of Social Work Examiners

Sponsor : Senator Fahrenkamp
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

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

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		33.1	34.8	36.5	38.3	40.2
TRAVEL		5.4	5.7	6.0	6.3	6.6
CONTRACTUAL		18.0	18.9	19.9	20.8	21.9
SUPPLIES		1.0	1.1	1.1	1.2	1.2
EQUIPMENT		3.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		61.1	60.5	63.5	66.6	69.9

CAPITAL						
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REVENUE		78.8	2.3	67.3	2.3	71.3
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FUNDING : (Thousands of Dollars)

GENERAL FUND		61.1	60.5	63.5	66.6	69.9
FEDERAL FUNDS						
OTHER						
TOTAL		61.1	60.5	63.5	66.6	69.9

POSITIONS :

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The bill creates a Board of Social Work Examiners to implement the licensing of all social work practitioners in the State. The bill establishes three licensing categories and unlimited "specialties" at the discretion of the board. (See attached for further analysis.)

Prepared by : Jennifer Strickler, Management Analyst
 Division : Occupational Licensing

Phone : 465-2144
 Date : 1-21-86

Approved by Commissioner : Loren H. Lounsbury
 Agency : Commerce & Economic Development

Date : 1-22-86

Distribution (by Agency preparing fiscal note) :

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 227 (HESS)

PERSONAL SERVICES:

Request: 1 Licensing Examiner I, Range 12A, GGU, 12 months, to be located in Juneau \$33,145.82

While it is possible that approximately half of the Licensing Examiner's time may be required to manage the function of licensing social workers, it is still necessary that a full position be requested for the following reasons:

- a) To receive funding for part of a position would not be adequate to hire a person to manage and support the licensing function on a full-time (year around) basis.
- b) The primary concern of this agency is that current responsibilities prohibit new licensing functions from being assumed without additional support staff.

TRAVEL: 1

Travel costs were based on five members from 'different geographic regions' of the State as required in Sec. 08.87.010. Calculations were based on members from Anchorage, Fairbanks, Juneau, Kenai, and Nome.

These costs can be reduced considerably if Sec. '08.87.030 mandates one meeting in the most economical location, and additional meetings using the teleconference system. Costs for teleconferencing would be added to the contractual request, however, the teleconference request would also be less than the request for travel funds. An amendment to Sec. 08.87.030 could reduce travel costs to \$2.3 to fund one meeting (based on Anchorage site).

CONTRACTUAL SERVICES:

The State Teleconference Network has increased charges to \$50 per site, per hour. The teleconference network is also unavailable to boards during the legislative session. Therefore, the Alascom teleconference system would be utilized. Teleconference costs included in this fiscal note are considered an additional meeting and are based on a one hour teleconference.

Costs for public notices, printing, postage, and telephone were also added. Costs for Professional Examination Service fees for use of licensing examinations are also included.

COMMODITIES:

This funding will cover stationery and other miscellaneous desk supplies required to support the function.

EQUIPMENT: (One time costs only)

These costs are to purchase equipment for the Licensing Examiner I position.

¹This fiscal note is based on two mandated meetings in 08.87.030, one to be held in Anchorage and one in Juneau. Costs for one teleconference is also included.

PROJECTED REVENUES
CSSB 227 (HESS)

FY 87:	Based on the number of practitioners identified, it is anticipated that 315 practitioners will be seeking initial licensure by examination. 315 x \$250 (application & exam fee)	\$ 78.8
FY 88:	Based on the assumption that there will be at least 10 new applicants (5 by examination, and 5 by credentials) This will make a total of 325 licensees.	2.3
FY 89:	Section 08.87.130 of the bill mandates that licenses will lapse after 24 months unless it is renewed. Licenses will be issued upon completion and approval of an application. If 08.87.130 remains as stated, it would create administrative complications in monitoring the duration period of each license issued. To avoid such administrative difficulties, we would suggest all licenses expire in a specific year embedded in statutes, and on a date determined by the department. Projections for this fiscal year are based on the assumption that all licenses will be valid for a two-year period and will be renewed during this year. Based on 325 licensees x \$200 (renewal fee) = In addition, another 10 new licensees to make a total of 335 practitioners	65.0 <u>2.3</u> 67.3
FY 90:	Based on an estimate of 10 new licensees, 5 by examination and 5 by credentials This would make a total of 345 licensees.	2.3
FY 91:	Assuming this will also be a renewal year, and based on 345 licensees x \$200 renewal fee = In addition, another 10 new licensees, to make a total of 355 licensees	69.0 <u>2.3</u> 71.3

Position Title OCCUPATIONAL LICENSING EXAMINER I			No. of Positions 1	Range/Step 12A	Bar. Unit GGU	Gov.	Approv.	Disapp
Time Status PFT	Staff Months 12	RP Number	Location AWA		Election District		Leg.	
Type of Expenditure			Justification					
		Amount	<p>This position is necessary to assist in the implementation of the provisions of CSSB 227. The position would assist the Board in establishing necessary files, prepare application forms for printing, publish notices of meetings and exams, prepare travel authorizations for board members, arrange for meeting rooms and exams, keep minutes and other records of the board, correspond and coordinate with professional associations and organizations for use of exams, correspond with and assist applicants in applying for licensure, and perform other administrative duties as needed.</p>					
1	2	3						
Salary	24.9							
Benefits	8.2							
Premium Pay								
Other								
Total Personal Services		33.1						
Travel		.5						
Contractual		2.0						
Commodities		1.0						
Equipment		3.6						
Other								
Total Cost		40.2						
Receipt Code			Funding Source					
			Federal Receipts 1007					
			G. F. Match 1003					
			General Funds 1004					
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
			40.2					
For B&M Use Only								
Key Number								

**Request For
New Position**

Agency Commerce & Economic Development
 BRU Occupational Licensing
 Component Administration

Page 3 of 3
 Revised Date 1/21/86

FY 87

STATE OF ALASKA
DIVISION OF OCCUPATIONAL LICENSING

Recommended changes to
CSSB 227 (HESS)

Page 1

Section 08.87.010, lines 27 and 28

Add: The public member may not be licensed as a social worker or employed by a licensed social worker and have no financial interest in the social work profession.

Reason: To be consistent with other licensing board statutes.

Page 2

Section 08.87.030, line 8

Change to read: "one time a year in accordance with AS 08.01.070(2). The board may hold additional meetings at the call of . . ."

Reason: This change would reduce costs for travel and per diem. While funding for teleconference expenses are still necessary, costs would be less than that of travel and per diem.

Section 08.87.070(3), line 27 and 28

Delete: "and authorize specialty designations on licenses."

Reason: This provision with no other restrictions (i.e. to be in accordance with national standards), grants the board unlimited authority to create "specialties".

Should a complaint be received regarding a licensee practicing 'out-side' of the specified 'specialty', the disciplinary provisions of the statutes would be unenforceable unless the board establishes the following through regulations:

- a) Identify and Define the Specialty;
- b) Set out qualifications for the specialty;
- c) Establish disciplinary controls to enforce the purpose of licensing specialties.

The current provision could conceivably create a fiscal impact on the investigation unit in utilizing staff time to assure that practitioners are practicing within their "specialty" designated area as stated on their license in the event a complaint is filed.

Page 5

Section 08.87.130, line 20

Delete: "lapses after 24 months unless it is renewed."

Insert: " . . . under this chapter shall be renewed biennially on a date set by the department or it will lapse."

Reason: To renew a license 24 months after the date of issue would create an administrative nightmare of constantly being in a renewal cycle. As licensees increase, this may also cause the need for additional clerical staff to monitor.

Section 08.87.140, line 21

To be consistent with other licensing functions, language should be added to allow fees to be established under AS 08.01.065 after a year or two, to allow fees to be adjusted to meet the actual costs of the licensing function.

Page 7

Section 08.87.210, line 20

Add: (10) communication discloses evidence or knowledge of harmful or unethical conduct by any social worker licensed under this chapter; and shall report the matter to the board or an official of the department. A licensee reporting under this section is immune from any civil liability as a result of reporting to the proper authorities.

Reason: The supporters of this legislation allege that this legislation is for consumer protection. We think that consumer protection should then be built into this bill. Practitioners should submit themselves to the board's authority, wholeheartedly and without any hesitation in revealing unethical conduct. Protection of the Board and also the Courts should be granted to a licensee reporting unethical conduct in the licensee's effort to prevent abuse of clients.

Present legislation does not provide for this protection. Therefore, licensees may be hesitant to report unethical conduct by another practitioner for fear of violating the Confidentiality of Communications section and be subject to civil liabilities.

Div. of Occupational Licensing
Recommended changes to CSSB 227 (HESS)
Page 3

Page 10

Section 6., line 23

Change ". . ., and one initial member shall serve a four
[five]-year . . ."

Page 11

Section 7., line 18

The grandfather clause should be limited to the shortest
time possible and not up to two years to comply with the
act.

CSSB 227 (HESS): An Act relating to the practice of social work and establishing the Board of Social Worker Examiners; and providing for an effective date.

The Department of Commerce and Economic Development opposes CSSB 227. The legislation establishes a five-member board to implement the licensing of social works, and it is basically for this reason that our opposition stems.

Although the bill is written toward consumer protection purposes, it creates an unnecessary additional layer of licensure titled "independent social workers," which are essentially "master social workers" practicing in a specialty field. From a governmental standpoint, the important aspect is to license qualified, competent social workers and not in categories beyond that of the educational levels upon which licensure is based.

The bill also provides for a "Confidentiality of Communications" clause which, unless consideration is given to protect the reporting practitioner from civil actions by another practitioner or their agents, this section could hinder the enforcement unit from investigating complaints of unethical practice by licensees.

The purpose of licensure in Alaska is to protect the consuming public from fraud, incompetent and unethical practitioners. Therefore, any provision for a grandfather period should be limited to the shortest time possible and not in excess of two years down the road.

for Raymond H. Long
Acting Director

Harry D. Greager, Director

Date: 11/8/85

for Loren H. Lounsbury

Loren H. Lounsbury, Commissioner

Date: 11/8/85

CSSB 227 (Fin) RELATING TO THE PRACTICE OF SOCIAL WORK AND
ESTABLISHING THE BOARD OF SOCIAL WORK EXAMINERS.

Changes from CSSB 227 (HESS):

page 1, line 28

Clarifies that the public member of the board may not hold a financial interest in the social work profession. This is consistent with other licensing statutes.

page 2, line 8

Specifies that the board must meet at least once a year, rather than twice as in the HESS bill. Under departmental policy, additional meetings can be called in emergency situations or if the work load requires.

page 2, line 25

Clarifies that the board may adopt nationally recognized specialty designations for the private practice of social work and authorize the designations on licenses.

page 5, line 18

Requires that licenses be renewed biennially on a date set by the department. The HESS bill called for renewal 24 months after issuance which would have created an administrative burden of constantly being in a renewal cycle.

page 5, line 20

Fees will be established by the department with the approval of the board, and will be adjusted to meet the actual costs of the licensing function. This is consistent with other licensing statutes.

page 10, line 18

The 5 board members will serve staggered terms, with one member serving one year, one serving two years, one serving three years, and two serving four years. The HESS bill had one member serving a five year term, which was inconsistent with other licensing statutes.

page 11, line 18

Effective date has been changed from 7/1/85 to 7/1/86. The grandparenting dates have also been adjusted forward one year to coincide with the effective date.

December 10, 1985

Memorandum

To: Senator Bettye Fahrenkamp

Attn: Sandra Schubert

From: Cecilia Kleinkauf, Lobbyist
Alaska Chapter,
National Association of Social Workers

Re: CSSB 227 (HESS) Licensing of Social Workers

This memo will confirm the amendments to CSSB227 (HESS) which the Alaska Chapter, National Association of Social Workers believes are necessary.

1. Article 3 Sec. 08.87.200(c) on page 6 should be deleted.
2. Article 4 Sec. 7 (a) (3) on page 11 should also be deleted.

Attached please find a copy of the memorandum to Senator Jan Faiks, Attn: Jens Zehbe regarding the Fiscal Note for CSSB 227 (HESS). That memorandum confirms the meeting between Mr. Zehbe and myself and the discussion we held regarding how the Fiscal Note could be reduced.

cc. Senator Jan Faiks
Attn: Jens Zehbe

MEMORANDUM

To: Senator Jan Faiks
Attn: Jens Zehbe

From: Cecilia "Pudge" ^{ck}Kleinkauf

Re: CSSB227 (HESS) Fiscal Note

Date: December 5, 1985

This memo will confirm our meeting of November 27, 1985, regarding CSSB 227 (HESS) on the licensing of social workers. Specifically, we reviewed how the Fiscal Note might be revised and the following were the suggestions and recommendations from the National Association of Social Workers, Alaska Chapter.

In analyzing the Fiscal Note prepared by the Division of Occupational Licensing on 4/24/85, the following comments need to be made regarding the Expenditures portion of the Note.

1. Line Item 100-Personal Services-The Alaska Chapter, National Association of Social Workers believes that a one-half-time Licensing Examiner should be sufficient to deal with social workers' licenses.
2. Line Item 200-Travel-The Juneau meeting provided for in the Fiscal Note is unnecessary. Both of the required two meetings could be in Anchorage.
3. Line Item 300-Contractual Services-The initial examination costs of \$15,750 can be eliminated because the Bill provides that the test not be a requirement during the "phase-in" period after the Bill is passed. This provision is contained in Article 4, Section 7 (b) of CSSB227 (HESS).
4. Line Items 400-Commodities and 500-Equipment can remain the same.

With regard to Revenue, the following are important points which NASW wishes to make.

1. The number of licensees NASW has utilized in relation to this Bill has been three-hundred-fifty (350), and that impacts Revenue projections. Furthermore, NASW believes that twenty-five (25) new licensees will be an accurate number of new annual licensees. This number is based upon the fact that the Bachelor's Degree Program in Social Work at the University of Alaska, Anchorage is graduating about fifteen (15) BSW's each year, and at least ten (10) new MSW's enter the State each year from outside.
2. Based upon the number of licensees (350), income for each year (even though collected every two years) will be at least \$35,000.

Therefore, the attached Fiscal Note is seen as being more realistic by the Alaska Chapter, National Association of Social Workers.

CSSB 227 (HESS)

Proposed Fiscal Note

Alaska Chapter,
National Association of Social Workers

Expenditures

100-Personal Services	\$16572.50
200-Travel	4692.00
300-Contractual	3650.00
400-Commodities	1000.00
500-Equipment	3632.19
	<hr/>
	\$29546.50

Revenue

FY 87

Based on at least 350 licences'
Initial License fee \$35000.00

FY 88

Based on at least 25 new licences 2500.00

FY 88

Based on 375 licences and 25 new
licensees (\$200 bi-annual license
fee for 350 licensees plus \$100
initial fee for 25 licensees) 72500.00

Alaska State Legislature

RYE FAHRENKAMP, Chairman
GUS STURGULEWSKI, Vice Chairman
JOSEPHSON
FISCHER
STRONG-DE VRIES



POUCH
STATE CAPITOL
JUNEAU ALASKA 99801
(907) 465-3333
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Senate Committee on Health, Education and Social Services

April 15, 1985

BILL ANALYSIS

CS SB 227 (HESS), An Act relating to the practice of social work and establishing the Board of Social Work Examiners.

Section 08.87.010 Board Make-up

The Board would be composed of 2 master social workers (MSW), 1 independent social worker (ISW), 1 bachelor social worker (BSW), and 1 public member. The Board would meet twice a year.

Section 08.87.070 Duties of the Board

Duties would include: examinations, setting standards for specialty designations, setting supervision standards, and establishing disciplinary sanctions.

Section 08.87.100 Licensing

<u>Bachelor's (LBSW)</u>	<u>Master's (LMSW)</u>	<u>Independent (LISW)</u>
Good professional standing	Same	Same
Passed state examination	Same	Same
3 references	Same	Same
Bachelor's degree in social work from school with program accredited by Council on Social Work Education	Master's degree in social work	Master's degree in social work
Supervision may be required by regulation of the Board	None	Must have completed at least 24 months of supervised post graduate experience approved by the board.

Section 08.87.110 Scope of Practice

"Enhance, protect, or restore people's capacity for social functioning."

Section 08.87.110(b) Practice of Psychotherapy

Limited to independent social workers with a clinical specialty or a master social worker (MSW) supervised in a clinical setting.

Section 08.87.110(c) Autonomous Practice

Limited to licensed independent social workers who have Board approval.

Section 08.87.120 License by Credentials

No exam would be required for social workers who hold an active license in another jurisdiction.

Section 08.87.130 License Renewal

Required every 24 months. No continuing education requirement, but Board may adopt regulations requiring proof of continued competency (08.87.060(a)(b)).

Section 08.87.140 Fees

Intended to cover the Board's operational and administrative costs.

Section 08.87.200 Use of Title

Use of "social worker" title limited to licensed social workers. However, students enrolled in accredited program may use "social worker student" title; unlicensed state employees may use "associate social worker" title when operating under the supervision of a licensed social worker.

Section 08.87.210 Confidentiality

Required except under certain conditions (including written consent, death, criminal acts, and court proceedings).

Section 08.87.220-.240 Sanctions and Penalties

Board may impose disciplinary sanctions as outlined in the bill. Class B misdemeanor (maximum 90 day sentence) for violation of the act.

Section 7

Grandfather Clause

For 24 months following enactment of the bill, licenses will be awarded without exam to applicants who meet the eligibility requirements of AS 08.87.100 or who have a related degree and have been practicing for 24 consecutive months prior to application. Licenses will also be awarded to non-degreed persons who pass the exam and have been practicing for two years under a person eligible to be licensed. Application must be made prior to July 1, 1987.

POSITION PAPER

SENATE BILL NO. 227

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

This bill would establish a Board of Social Work Examiners which would set standards for specialty designations of Social Workers, provide for examination of eligible participants, adopt regulations for supervision of persons engaged in social work who are not Master Social Workers, and impose disciplinary sanctions. The bill would require that a person be licensed to use the title "Social Worker." The bill regulates confidentiality and the disclosure of information. The bill allows for a two year grandfathering of some persons currently employed as social workers.

The Department of Health and Social Services supports efforts to increase professional standards for social workers. The department is currently seeking to increase the number of M.S.W. and B.S.W. employees engaged in agency social work, by taking administrative actions which encourage the hiring of these degreed professionals. In addition, the department believes that professional standards for social workers in the private sector would increase public confidence. However, the bill presents a number of complicated issues that have not been resolved quickly in other states. These areas require special scrutiny and analysis. This position paper first addresses three major issues, followed by a sectional analysis.

I. MAJOR DEPARTMENTAL ISSUES

A. Effect on Current State Employees:

There are currently 147 state social workers affected by the bill: 135 line and supervisory workers with the Division of Family and Youth Services, six with the Department of Administration at Pioneer homes, five with the Department of Corrections, and one with the Office of Alcoholism and Drug Abuse.

A survey of staff qualifications for Division of Family and Youth Services' employees shows that of 113 state-employed social workers responding, 2 have Ph.D.s, 29 have M.S.W. degrees, 12 have related master's degrees, 10 have B.S.W. degrees, 37 have related bachelor's degrees, 14 have degrees in other areas, and 11 have no college degree (this group of 11 represents the agency's paraprofessionals). The department believes that experienced state workers without social work degrees should be allowed to continue with the state.

The bill does allow for a limited license for "social workers" who do not meet all of the licensing standards, but who have degrees in social work or related fields and 24 months experience prior to July 1, 1987. However, the bill only allows this "grandfather" group to obtain an

SENATE BILL NO. 227
PAGE 2

"original license" valid for two years (Section 7(a), pages 10-11). The department urges an amendment to allow already established state social workers to continue practice with the right to renew their licenses, subject to the disciplinary oversight of the new Social Work Board (as well as supervision by the department and "oversight" by the courts and the ombudsman). The language of the department's proposed amendment is included in the sectional bill analysis later in this paper.

B. Effect on State Hiring Practices, Including Local Hire and Affirmative Action Goals:

After the enactment of the bill, the department would be required to hire licensed social workers. It may be difficult to fill all social work positions, whether public or private, with licensed social workers, especially in rural areas. Also, the bill's strict educational requirements for licensure may impede the state's long-term goals of employing paraprofessional employees and developing a career ladder for them. The department often hires Alaska Native "Social Services Associates" who may eventually become social workers. The bill would probably prevent these persons from advancing beyond the paraprofessional level unless they leave their communities for further education.

There is currently no M.S.W. program in the State of Alaska. However, the Department of Health and Social Services is negotiating with two out-of-state universities to provide for a supervised field placement program in Alaska. The need to go out of state for the master's degree creates a hardship for Alaskans and especially limits the participation of low income persons and Natives in the social work field. (The development of an M.S.W. program through the University of Alaska would be very costly for the number of potential students.) Perhaps with further study this bill could include a method for non-degreed persons to "work up" to a level where they can be licensed as social workers based on experience and examination. (For example, AS 08.08.207 allows persons to become attorneys by clerking and examination.)

C. Effect of Licensing Which Defines Allowable "Tasks"

In Section 4 of the bill, Section 08.87.110, dealing with the scope of practice, the department urges the amendment of this section to delete any listing of services as part of a definition of the scope of practice of social work. The department and a representative from the Attorney General's office, in recent discussions with the National Association of Social Workers, have received advice that many other states find it more practical to define the practice of social work in "goals-related" language, rather than with a list of services or tasks which may be performed by social workers. Statutes with task lists may restrict the practice of some of these tasks by other, unlicensed persons, or create unnecessary battles between related professionals. The department suggests that the beginning language in 08.87.110(a), which describes

SENATE BILL NO. 227
PAGE 3

the goals of social work, could probably stand alone. Therefore, the department urges the deletion of lines 10-23 of this section, (page 4) starting on line 10 with the words "the services provided may include ..."

The department expects to receive a new suggested uniform licensure act from the National Association of Social Workers some time late the week of April 8th. As soon as this language is received we will share it with the committees and the bill sponsors.

Section 08.87.110, the Scope of Practice section, ties in with the license for title section, Section 08.87.200 (page 6). The department feels that although that it is important to license the title "social worker," the interaction between Sections 110 and Sections 200 may hamper many other persons from performing valuable services for fear of violating this licensing statute. Again, when the department receives language from N.A.S.W. we will present specific amendment language to the committees and sponsors.

II. SECTIONAL ANALYSIS

A. Supervision

In addition to the concerns mentioned above, the department wishes to note other problem areas, section by section.

The bill, at 08.87.070(5), states that the licensing board must promulgate regulations determining how non-master social workers would be supervised. At this time the department cannot know how these supervision standards would relate to the department's supervisory structures. Although the department can attempt to deal with this issue when regulations are proposed in the future, clarification in the bill would be better.

B. Confidentiality

Section 08.87.210, which states when a social worker may disclose client information, needs another subsection, as follows:

- (9) communication discloses information that the licensee is obligated by other state or federal statute or regulations to report.

The addition of such a subsection makes it clear that a social worker may make statutorily required reports, such as the reports of harm to a child or an adult required by Title 47.

C. Powers of the Board

At Section 08.87.230, which defines disciplinary sanctions, the department suggests that page 8, line 25 be amended by deleting the words "guilty of an offense under" and substituting the words "has committed a violation of." Terminology such as "guilty" and "offense" does not seem appropriate in a license disciplinary hearing, which is an administrative, civil proceeding. In Section 08.87.240, the penalty section of the bill, the department urges clarification of subsection (a) which creates a Class B misdemeanor. The present language states that "a person who violates this chapter" has committed a crime. This criminal provision should state what specific activity is made criminal, whether it is only practice without a license or, as an extreme example, whether it would be a crime for a social worker to breach confidentiality under 08.87.210.

The department also urges that Subsection (b) of 08.87.240 be set out as a separate section, as the Board's right to seek a civil injunction would be better placed separately from the criminal penalty provisions of the bill. Also, the department urges the amendment of 08.87.240 as follows, to clarify that the Board is not empowered to issue injunctive type orders:

- (b) The Board may apply to the Superior Court for an order enjoining [MAY SEEK TO ENJOIN OR RESTRAIN] a person not licensed under this chapter or whose license is suspended, revoked or expired from violating this chapter.

D. "Grandfathering"

The details of the waiver or "grandfathering" for present social workers are contained in Section 7 of the bill. The department urges that Section 7(a), specifically page 10, lines 26 and 27, be amended to read

... this act, a person may apply for and receive an original license, and subsequent license renewals, as a bachelor social worker if the person ...

The department urges the same change in the master social work language at Section 7(b), page 11, line 7.

In Subsection 7(a)(1), page 11, line 1, the department urges a definition of what is "a field related to social work" so that present social workers affected by the bill can know with certainty whether or not their degrees are considered as "related." Examples of degree fields which could be considered to be "related" to social work are: psychology, counselling and early childhood development. Much employee anxiety about the bill and much pressure on the first Social Work Board would be relieved by legislative determination of what related degrees would qualify for the "grandfather" licensing.

III. FINANCIAL IMPACT

The bill would require the state to bear the cost of creating a new board. It may be more efficient to expand the responsibility of the existing board of Psychologists and Psychiatrists to include social workers, and other therapists and counselors. The Division of Occupational Licensing obviously needs to be consulted to evaluate additional costs attached to the bill. The fees for licensing are costly and may financially impact non-profit contractors who, through their staff social workers, provide services to the state.

IV. RECOMMENDATION

The department supports the licensure of social workers in both the public and private sector as an additional method to monitor quality and to protect the public, although the department believes accommodation should be made for persons currently employed as social workers. There are many questions remaining about how to implement a licensing system in the social services area, questions that would benefit from further research and discussion.

RECOMMENDED:

Michael L. Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE:

April 15, 1985

APPROVED:

John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE:

4-16-85

Introduced: 3/12/85
Referred: Labor & Commerce, Health, Education
& Social Services and Finance

1 IN THE SENATE BY FAHRENKAMP BY REQUEST

2 SENATE BILL NO. 227

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

10 * Section 1. PURPOSE. The purpose of this Act is to assure the consu-
11 mer that persons providing services under the title "social worker" have
12 completed professional social work education, adhere to a code of profes-
13 sional ethics, and are subject to review by the Board of Social Work Exami-
14 ners.

15 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

16 (25) Board of Social Worker Examiners (AS 08.87.010).

17 * Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:

18 (21) Board of Social Worker Examiners (AS 08.87.010) --

19 June 30, 1989.

20 * Sec. 4. AS 08 is amended by adding a new chapter to read:

21 CHAPTER 87. SOCIAL WORKERS.

22 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

23 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is
24 created a Board of Social Worker Examiners consisting of five members,
25 including three master social workers, one of whom is an independent
26 social worker, one bachelor social worker, and one public member.
27 Professional members shall be licensed under this chapter. The public
28 member may not be licensed as a social worker or employed by a li-
29 censed social worker. To the extent possible members shall be

1 appointed from different geographic regions of the state. A member
2 who has served two successive full terms may not be reappointed until
3 four years after the expiration of the second term.

4 Sec. 08.87.020. TERM OF OFFICE. Each member of the board serves
5 for a term of four years and until the member's successor is appointed
6 and qualified. An appointment to a vacancy is for the unexpired
7 portion of the term.

8 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least
9 two times a year. The board may hold special meetings at the call of
10 the chair or of a majority of the board members.

11 Sec. 08.87.040. ELECTION OF OFFICERS. The board shall elect
12 from among its members a chairperson and a secretary. Officers serve
13 for a term not exceeding two years.

14 Sec. 08.87.050. REMOVAL OF BOARD MEMBERS. The governor may
15 remove a member of the board for cause. The board may by regulation
16 provide that unexcused absences from meetings are cause for removal.

17 Sec. 08.87.060. PER DIEM AND TRAVEL. Board members receive no
18 compensation but are entitled to per diem and travel expenses author-
19 ized for members of boards and commissions under AS 39.20.180.

20 Sec. 08.87.070. POWERS AND DUTIES OF THE BOARD. The board shall

21 (1) provide for the examination of eligible applicants for
22 licenses under this chapter;

23 (2) submit an annual report of its proceedings to the
24 governor, including recommended changes to this chapter and a state-
25 ment of money received and disbursed;

26 (3) establish standards for specialty designations for the
27 private practice of social work and authorize speciality designations
28 on licenses issued under this chapter;

29 (4) after a hearing, impose disciplinary sanctions against

1 a person who violates this chapter, an order of the board, or a regu-
2 lation of the board;

3 (5) adopt regulations relating to requirements for the
4 supervision of persons engaged in social work under this chapter who
5 are not master social workers;

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

8 (7) adopt regulations to carry out the purposes of this
9 chapter.

10 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

11 Sec. 08.87.100. LICENSING OF SOCIAL WORKERS. (a) A person is
12 eligible for a license as a bachelor social worker (LBSW) if the
13 person

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

16 (2) has satisfactorily completed the state examination for
17 the license;

18 (3) provides three references acceptable to the board;

19 (4) has a bachelor's degree in social work from a school
20 with a social work program accredited by the Council on Social Work
21 Education.

22 (b) A person is eligible for a license as a master social worker
23 (LMSW) if the person meets the requirements of (a)(1) - (3) of this
24 section and has a master's degree in social work from a school with a
25 social work program accredited by the Council on Social Work Educa-
26 tion.

27 (c) A person is eligible for a license as an independent social
28 worker (LISW) if the person meets the requirements of (a)(1) - (3) of
29 this section, has a master's degree in social work from a school with

1 a social work program accredited by the Council on Social Work Educa-
2 tion, and has completed at least 24 months of supervised post-graduate
3 experience approved by the board in the field of specialty in which
4 the person intends to engage as a private practitioner.

5 Sec. 08.87.110. SCOPE OF PRACTICE. (a) A person licensed as a
6 bachelor, master, or independent social worker may provide services
7 that enhance, protect, or restore people's capacity for social func-
8 tioning whether impaired by physical, environmental, or emotional
9 factors, guided by professional social work ethics, knowledge and
10 intervention methods. The services provided may include

- 11 (1) identifying and evaluating social problems;
- 12 (2) developing statistics and data on social problems;
- 13 (3) assisting people and organizations to solve problems
14 relating to social functioning;
- 15 (4) client advocacy;
- 16 (5) developing community resources relating to social
17 services;
- 18 (6) planning and administering social services programs;
- 19 (7) therapeutic counseling;
- 20 (8) consultation regarding social service programs and the
21 provision of social services;
- 22 (9) training and supervising social workers under AS 08.-
23 87.070(5).

24 (b) A social worker may practice psychotherapy only if the
25 social worker is licensed as an independent social worker with a
26 clinical specialty or as a master social worker and is employed and
27 supervised in a clinical setting.

28 (c) A person may practice social work autonomously only if

- 29 (1) the person is licensed as an independent social worker;

1 (2) the board has approved the specialty in which the
2 person may engage as a private practitioner and authorizes designation
3 of the speciality on the person's license;

4 (3) the license bearing a designation of speciality is
5 prominently displayed in the place the person engages in private
6 practice; and

7 (4) the person limits the private practice of social work
8 to the designated specialty.

9 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board may provide
10 for licensing a person as a bachelor, master or independent social
11 worker without examination if the person

12 (1) holds a degree in social work from a school with a
13 social work program accredited by the Council on Social Work Educa-
14 tion;

15 (2) has an active license to practice social work in an-
16 other licensing jurisdiction with requirements at the time of the
17 original licensure that were similar to or higher than those of this
18 state;

19 (3) is not the subject of an unresolved complaint, review
20 procedure, or disciplinary proceeding undertaken by a professional
21 social worker association or regulatory authority;

22 (4) has not failed the examination of this state;

23 (5) has not previously had a license to practice social
24 work revoked in this or another jurisdiction;

25 (6) submits proof of continued competence as required by
26 regulation of the board; and

27 (7) pays all required fees.

28 Sec. 08.87.130. LICENSE RENEWAL REQUIRED. A license issued
29 under this chapter lapses after 24 months unless it is renewed.

1 Sec. 08.87.140. FEES. The following fees are imposed under this
2 chapter:

- 3 (1) application.....\$ 100
- 4 (2) initial license by examination..... 150
- 5 (3) license by credentials..... 100
- 6 (4) license renewal..... 200
- 7 (5) reexamination..... 150

8 ARTICLE 3. PROHIBITIONS AND PENALTIES.

9 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
10 licensed under this chapter, a person may not use the title "social
11 worker" or a title, designation, or device indicating or tending to
12 indicate that the person is a social worker or practices social work.
13 A person may not use the letters "LBSW" as part of a title unless the
14 person is licensed as a bachelor social worker under this chapter. A
15 person may not use the letters "LMSW" as part of a title unless the
16 person is licensed as a master social worker under this chapter. A
17 person may not use the letters "LISW" as part of a title unless the
18 person is licensed as an independent social worker under this chapter.
19 Except as provided in (b) of this section, a person may not use the
20 title "social worker intern" or "social worker student."

21 (b) A student enrolled in an accredited social work program may
22 use the title "social worker intern" or "social worker student" if the
23 person's activities constitute a part of the person's supervised
24 course of study.

25 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
26 worker licensed under this chapter may not disclose information pro-
27 vided to the social worker by a client in the course of their profes-
28 sional contact. This prohibition does not apply if the

- 29 (1) client provides written consent to the social worker to

1 reveal the communication;

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

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

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

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

15 (6) client brings charges against the social worker and the
16 social worker reveals the communication only as necessary to defend
17 the charges;

18 (7) licensee is subpoenaed to testify in court concerning
19 adult abuse, child abuse, or child neglect;

20 (8) licensee is collaborating or consulting with profes-
21 sional colleagues or an administrative superior on behalf of the
22 client.

23 Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
24 TIONS. After a hearing, the board may impose a disciplinary sanction
25 on a person licensed under this chapter when the board finds that the
26 licensee

27 (1) secured a license through deceit, fraud, or intentional
28 misrepresentation;

29 (2) engaged in deceit, fraud, or intentional

1 misrepresentation in the course of providing professional services or
2 engaging in professional activities;

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

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

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

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

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

15 (A) professional incompetence;

16 (B) addiction or severe dependency on alcohol or other
17 drugs that may endanger the public by impairing the licensee's
18 ability to practice;

19 (C) physical or mental disability;

20 (8) engaged in lewd or immoral conduct in connection with
21 the delivery of professional service;

22 (9) has been held liable for malpractice in a civil action;

23 (10) has had a license revoked in another jurisdiction.

24 Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) When it finds that
25 a licensee is guilty of an offense under AS 08.87.220, the board may
26 impose the following sanctions singly or in combination:

27 (1) permanently revoke a license to practice;

28 (2) suspend a license for a determinate period of time;

29 (3) censure a licensee;

1 (4) issue a letter of reprimand to the licensee;

2 (5) place a licensee on probationary status and require the
3 licensee to

4 (A) report regularly to the board upon matters involv-
5 ing the basis of probation;

6 (B) limit practice to those areas prescribed;

7 (C) continue professional education until a satisfac-
8 tory degree of skill has been attained in those areas that are
9 the basis of probation;

10 (6) impose limitations or conditions on the practice of a
11 licensee;

12 (7) refuse to renew a license.

13 (b) The board may withdraw probationary status if it finds that
14 the deficiencies that required the sanction have been remedied.

15 (c) The board may summarily suspend a license before final
16 hearing or during the appeal process if the board finds that the
17 licensee poses a clear and immediate danger to the public health and
18 safety if the licensee continues to practice. A person whose license
19 is suspended under this section is entitled to a hearing by the board
20 no later than seven days after the effective date of the order. The
21 person may appeal the suspension after a hearing to a court of compe-
22 tent jurisdiction

23 (d) The board may reinstate a license that has been suspended or
24 revoked if the board finds after a hearing that the applicant is able
25 to practice with reasonable skill and safety.

26 (e) The board shall seek consistency in the application of
27 disciplinary sanctions. The board shall explain significant departure
28 from prior decisions involving similar situations in findings of fact
29 or orders.

1 Sec. 08.87.240. PENALTY. (a) A person who violates this chap-
2 ter is guilty of a class B misdemeanor.

3 (b) The board may seek to enjoin or restrain a person not li-
4 censed under this chapter or whose license is suspended, revoked or
5 expired from violating this chapter.

6 ARTICLE 4. GENERAL PROVISIONS.

7 Sec. 08.87.50. DEFINITION. In this chapter "board" means the
8 Board of Social Worker Examiners.

9 * Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:
10 (53) Board of Social Worker Examiners (AS 08.87.010).

11 * Sec. 6. Within 30 days after the effective date of this Act the
12 governor shall appoint initial members to the Board of Social Worker Exam-
13 iners. Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,
14 initial members must consist of three persons who have a master's degree in
15 social work from a school with a social work program accredited by the
16 Council on Social Work Education, at least one of whom is engaged in the
17 private practice of social work, one person with a bachelor's degree in
18 social work from a school with a social work program accredited by the
19 Council on Social Work Education, and one public member. Notwithstanding
20 AS 08.87.020 as enacted in sec. 4 of this Act, one initial member shall
21 serve a one-year term, one initial member shall serve a two-year term, one
22 initial member shall serve a three-year term, one initial member shall
23 serve a four-year term, and one initial member shall serve a five-year
24 term, as determined by the governor.

25 * Sec. 7. (a) Notwithstanding AS 08.87.100(a) as enacted in sec. 4 of
26 this Act, a person may apply for and receive an original license as a
27 bachelor social worker if the person

28 (1) holds a degree in social work from a school with a social
29 work program that is not accredited by the Council on Social Work Education

1 or a bachelor's or master's degree in a field related to social work and
2 has been practicing under the title "social worker" for at least 24
3 consecutive months before July 1, 1987; or

4 (2) meets the requirements of AS 08.87.100(a)(1), (3) and (4).

5 (b) A person who does not meet the requirement under AS 08.87.100-
6 (a)(2) but otherwise meets the requirements of AS 08.87.100(b) may apply
7 for and receive an original license as a master social worker.

8 (c) A person who does not meet the requirements under AS 08.87.-
9 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
10 for and receive an original license as an independent social worker.

11 (d) An application for a license under this section must be filed
12 before July 1, 1987.

13 * Sec. 8. This Act takes effect July 1, 1985.

Offered: 4/22/85
Referred: Finance

Original sponsor: Fahrenkamp by request

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 227 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the practice of social work and
8 establishing the Board of Social Worker Examiners;
9 and providing for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. PURPOSE. The purpose of this Act is to assure the consu-
12 mer that persons providing services under the title "social worker" have
13 completed professional social work education or training, adhere to a code
14 of professional ethics, and are subject to licensure by the Board of Social
15 Work Examiners.
16 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:
17 (25) Board of Social Worker Examiners (AS 08.87.010).
18 * Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:
19 (21) Board of Social Worker Examiners (AS 08.87.010) --
20 June 30, 1989.
21 * Sec. 4. AS 08 is amended by adding a new chapter to read:
22 CHAPTER 87. SOCIAL WORKERS.
23 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.
24 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is
25 created a Board of Social Worker Examiners consisting of five members,
26 including three licensed master social workers, one of whom is li-
27 censed as an independent social worker, one licensed bachelor social
28 worker, and one public member. The public member may not be licensed
29 as a social worker or employed by a licensed social worker. To the
extent possible members shall be appointed from different geographic

1 regions of the state. A member who has served two successive full
2 terms may not be reappointed until four years after the expiration of
3 the second term.

4 Sec. 08.87.020. TERM OF OFFICE. Each member of the board serves
5 for a term of four years and until the member's successor is appointed
6 and qualified. An appointment to a vacancy is for the unexpired term.

7 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least
8 two times a year. The board may hold special meetings at the call of
9 the chair or of a majority of the board members if the meetings are
10 conducted over the state teleconference network.

11 Sec. 08.87.040. ELECTION OF OFFICERS. The board shall elect
12 from among its members a chairperson and a secretary. Officers serve
13 for a term not exceeding two years.

14 Sec. 08.87.050. REMOVAL OF BOARD MEMBERS. The governor may
15 remove a member of the board for cause. Unexcused absences from
16 meetings are cause for removal as determined by the board.

17 Sec. 08.87.060. PER DIEM AND TRAVEL. Board members receive no
18 compensation but are entitled to per diem and travel expenses author-
19 ized for members of boards and commissions under AS 39.20.180.

20 Sec. 08.87.070. POWERS AND DUTIES OF THE BOARD. The board shall

21 (1) provide for the examination of eligible applicants for
22 licenses under this chapter;

23 (2) submit an annual report of its proceedings to the
24 governor, including recommended changes to this chapter and a state-
25 ment of money received and disbursed;

26 (3) establish standards for specialty designations for the
27 private practice of social work and authorize speciality designations
28 on licenses issued under this chapter;

29 (4) after a hearing, impose disciplinary sanctions against

1 a person who violates this chapter, an order of the board, or a regu-
2 lation of the board;

3 (5) adopt regulations relating to requirements for the
4 supervision of persons engaged in social work under this chapter who
5 are not licensed master social workers;

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

8 (7) adopt regulations to carry out the purposes of this
9 chapter.

10 Sec. 08.87.080. ADMINISTRATIVE PROCEDURES. The Administrative
11 Procedure Act (AS 44.62) applies to regulations and proceedings under
12 this chapter.

13 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

14 Sec. 08.87.100. LICENSING OF SOCIAL WORKERS. (a) A person is
15 eligible for a license as a bachelor social worker (LBSW) if the
16 person

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

19 (2) has satisfactorily completed the state examination for
20 the license;

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

22 (4) has a bachelor's degree in social work from a school
23 with a social work program accredited by the Council on Social Work
24 Education.

25 (b) A person is eligible for a license as a master social worker
26 (LMSW) if the person meets the requirements of (a)(1) - (3) of this
27 section and has a master's degree in social work from a school with a
28 social work program accredited by the Council on Social Work Educa-
29 tion.

1 (c) A person is eligible for a license as an independent social
2 worker (LISW) if the person meets the requirements of (a)(1) - (3) of
3 this section, has a master's degree in social work from a school with
4 a social work program accredited by the Council on Social Work Educa-
5 tion, and has completed at least 24 months of supervised post-graduate
6 experience approved by the board in the field of specialty in which
7 the person intends to engage as a private practitioner.

8 Sec. 08.87.110. SCOPE OF PRACTICE. (a) A person licensed as a
9 bachelor, master, or independent social worker may provide services
10 that enhance, protect, or restore people's capacity for social func-
11 tioning whether impaired by physical, environmental, or emotional
12 factors, guided by professional social work ethics, knowledge and
13 intervention methods.

14 (b) A social worker may practice psychotherapy only if the
15 social worker is licensed as an independent social worker with a
16 clinical specialty or as a master social worker and is employed and
17 supervised in a clinical setting.

18 (c) A social worker may practice social work autonomously only
19 if

20 (1) the person is licensed as an independent social worker;

21 (2) the board has approved the specialty in which the
22 person may engage as a private practitioner and authorizes designation
23 of the speciality on the person's license;

24 (3) the license bearing a designation of speciality is
25 prominently displayed in the place the person engages in private
26 practice; and

27 (4) the person limits the private practice of social work
28 to the designated specialty.

29 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board may provide

1 for licensing a person as a bachelor, master or independent social
2 worker without examination if the person

3 (1) holds a degree in social work from a school with a
4 social work program accredited by the Council on Social Work Educa-
5 tion;

6 (2) has an active license to practice social work in an-
7 other licensing jurisdiction with requirements at the time of the
8 original licensure that were similar to or higher than those of this
9 state;

10 (3) is not the subject of an unresolved complaint, review
11 procedure, or disciplinary proceeding undertaken by a professional
12 social worker association or regulatory authority;

13 (4) has not failed the examination of this state;

14 (5) has not previously had a license to practice social
15 work revoked in this or another jurisdiction;

16 (6) submits proof of continued competence as required by
17 regulation of the board; and

18 (7) pays all required fees.

19 Sec. 08.87.130. LICENSE RENEWAL REQUIRED. A license issued
20 under this chapter lapses after 24 months unless it is renewed.

21 Sec. 08.87.140. FEES. The following fees are imposed under this
22 chapter:

- 23 (1) application.....\$ 100
24 (2) initial license by examination..... 150
25 (3) license by credentials..... 100
26 (4) license renewal..... 200
27 (5) reexamination..... 150

28 ARTICLE 3. PROHIBITIONS AND PENALTIES.

29 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless

1 licensed under this chapter, a person may not use the title "social
2 worker" or a title, designation, or device indicating or tending to
3 indicate that the person is a social worker or practices social work.
4 A person may not use the letters "LBSW" as part of a title unless the
5 person is licensed as a bachelor social worker under this chapter. A
6 person may not use the letters "LMSW" as part of a title unless the
7 person is licensed as a master social worker under this chapter. A
8 person may not use the letters "LISW" as part of a title unless the
9 person is licensed as an independent social worker under this chapter.
10 Except as provided in (b) of this section, a person may not use the
11 title "social worker intern" or "social worker student."

12 (b) A student enrolled in an accredited social work program may
13 use the title "social worker intern" or "social worker student" if the
14 person's activities constitute a part of the person's supervised
15 course of study.

16 (c) A person who is not licensed under this chapter may use the
17 title "associate social worker" or a similar title while the person is
18 providing services as a social worker to the state or a political
19 subdivision of the state under the supervision of a social worker li-
20 censed under this chapter.

21 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
22 worker licensed under this chapter or an associate social worker may
23 not disclose information provided to the social worker by a client in
24 the course of their professional contact. This prohibition does not
25 apply if the

26 (1) client provides written consent to the social worker to
27 reveal the communication;

28 (2) client is incompetent and the guardian or personal
29 representative provides written consent to the social worker to reveal

1 the communication;

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

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

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

12 (6) client brings charges against the social worker and the
13 social worker reveals the communication only as necessary to defend
14 the charges;

15 (7) licensee is subpoenaed to testify in court;

16 (8) licensee is collaborating or consulting with profes-
17 sional colleagues or an administrative superior on behalf of the
18 client;

19 (9) communication discloses information that the licensee
20 is required by state or federal laws or regulations to disclose.

21 Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
22 TIONS. After a hearing, the board may impose a disciplinary sanction
23 on a person licensed under this chapter when the board finds that the
24 licensee

25 (1) secured a license through deceit, fraud, or intentional
26 misrepresentation;

27 (2) engaged in deceit, fraud, or intentional misrepresenta-
28 tion in the course of providing professional services or engaging in
29 professional activities;

1 (3) advertised professional services in a false or mislead-
2 ing manner;

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

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

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

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

13 (A) professional incompetence;

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

17 (C) physical or mental disability;

18 (8) engaged in lewd conduct in connection with the delivery
19 of professional service;

20 (9) has been held liable for malpractice in a civil action;

21 (10) has had a license revoked in another jurisdiction.

22 Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) If it finds that a
23 licensee has committed an act set out in AS 08.87.220, the board may
24 impose the following sanctions singly or in combination:

25 (1) permanently revoke a license to practice;

26 (2) suspend a license for a determinate period of time;

27 (3) censure a licensee;

28 (4) issue a letter of reprimand to the licensee;

29 (5) place a licensee on probationary status and require the

1 licensee to

2 (A) report regularly to the board upon matters involv-
3 ing the basis of probation;

4 (B) limit practice to those areas prescribed;

5 (C) continue professional education until a satisfac-
6 tory degree of skill has been attained in those areas that are
7 the basis of probation;

8 (6) impose limitations or conditions on the practice of a
9 licensee;

10 (7) refuse to renew a license.

11 (b) The board may withdraw probationary status if it finds that
12 the deficiencies that required the sanction have been remedied.

13 (c) The board may summarily suspend a license before final
14 hearing or during the appeal process if the board finds that the
15 licensee poses a clear and immediate danger to the public health and
16 safety if the licensee continues to practice. A person whose license
17 is suspended under this section is entitled to a hearing by the board
18 no later than seven days after the effective date of the order. The
19 person may appeal the suspension after a hearing to a court of compe-
20 tent jurisdiction.

21 (d) The board may reinstate a license that has been suspended or
22 revoked if the board finds after a hearing that the applicant is able
23 to practice with reasonable skill and safety.

24 (e) The board shall seek consistency in the application of
25 disciplinary sanctions. The board shall explain significant departure
26 from prior decisions involving similar situations in findings of fact
27 or orders.

28 Sec. 08.87.240. CRIMINAL PENALTY. A person who violates
29 AS 08.87.200 or 08.87.210 of this chapter is guilty of a class B

1 misdemeanor.

2 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the
3 superior court for an order enjoining a person not licensed under this
4 chapter or whose license is suspended, revoked, or expired from vio-
5 lating this chapter.

6 ARTICLE 4. GENERAL PROVISIONS.

7 Sec. 08.87.300. DEFINITION. In this chapter "board" means the
8 Board of Social Worker Examiners.

9 * Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:
10 (53) Board of Social Worker Examiners (AS 08.87.010).

11 * Sec. 6. Within 60 days after the effective date of this Act the
12 governor shall appoint initial members to the Board of Social Worker Exam-
13 iners. Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,
14 initial members must consist of three persons who have a master's degree in
15 social work from a school with a social work program accredited by the
16 Council on Social Work Education, at least one of whom is engaged in the
17 private practice of social work, one person with a bachelor's degree in
18 social work from a school with a social work program accredited by the
19 Council on Social Work Education, and one public member. Notwithstanding
20 AS 08.87.020 as enacted in sec. 4 of this Act, one initial member shall
21 serve a one-year term, one initial member shall serve a two-year term, one
22 initial member shall serve a three-year term, one initial member shall
23 serve a four-year term, and one initial member shall serve a five-year
24 term, as determined by the governor.

25 * Sec. 7. (a) Notwithstanding AS 08.87.100(a) as enacted in sec. 4 of
26 this Act, a person may apply for and receive a license as a bachelor social
27 worker if the person

28 (1) holds a degree in social work from a school with a social
29 work program that is not accredited by the Council on Social Work Education

1 or a bachelor's or master's degree in a social sciences field related to
2 social work as defined by the board, and has been practicing under the
3 title "social worker" for at least 24 consecutive months before July 1,
4 1987;

5 (2) meets the requirements of AS 08 87.100(a)(1), (3) and (4);
6 or

7 (3) has been practicing social work under the supervision of a
8 person eligible to be licensed under this Act for at least two years, and
9 successfully completes the examination required by AS 08.87.100(a)(2).

10 (b) A person who does not meet the requirement under AS 08.87.100-
11 (a)(2) but otherwise meets the requirements of AS 08.87.100(b) may apply
12 for and receive a license as a master social worker.

13 (c) A person who does not meet the requirements under AS 08.87.-
14 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
15 for and receive a license as an independent social worker.

16 (d) An application for a license under this section must be filed
17 before July 1, 1987.

18 * Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work
19 on July 1, 1985, may use a title and letters as part of the title that
20 indicate that the person is a social worker or practices social work until
21 June 30, 1987, even if the person is not licensed under AS 08.87.100 or
22 08.87.120.

23 * Sec. 9. This Act takes effect July 1, 1985.

COMMITTEE REPORT
SENATE

3/18/85

FURTHER:

FINANCE

Date

4-19-85

Mr. President

HESS

SB 227

The Committee on _____ considered _____
practice of social work and establishing the Board of Social Worker
Examiners; efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
 do pass with attached amendment(s)
 replace with/or adopt CS for SB 227 (HESS)
 new title
 same title and recommends Do Pass
 and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
 reports it back without recommendation
 recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Joe Josephson
Paul Grish
Arthur Sturgis

Edna De Vries Letter of Intent
Vice-Chairman DO PASS
Do Pass
Chairman recommendation