

LEG. FINANCE - BILLS 1985 - 1986 2211  
CSSB 227

2211



4/1

HOUSE  
COMMITTEE REPORT

(7)

Date referred: 2/7/86

FURTHER REFERRALS: FINANCE

DATE: March 26, 1986

HEALTH, EDUCATION AND  
SOCIAL SERVICES

Committee has considered CSSB 227 (Fin)

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

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCSB 227 (HES)  same title
- new title

and recommends do pass

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature] no rec  
[Signature] no rec  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature] co-chair  
Chairman  
[Signature]

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

ARTICLE I. BOARD OF SOCIAL WORKER EXAMINERS.

CHAPTER 87. SOCIAL WORKERS.

\* Sec. 4. AS 88 is amended by adding a new chapter to read:

June 30, 1990.

\* Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:  
 (3) Board of Social Worker Examiners (AS 08.87.010) --

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

Work Examiner .

of professional ethics, and are subject to licensure by the Board of Social  
 completed professional social work education or training, adhere to a code  
 net that persons providing services under the title "social worker" have  
 \* Section 1. PURPOSE. The purpose of this Act is to assure the conser-

AS IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

and providing for an effective date."

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

A BILL

FORBENNY LEGISLATURE - SECOND SESSION

IN THE LEGISLATURE OF THE STATE OF ALASKA

HOUSE OF REPRESENTATIVES BILL NO. 277 (HRSS)

BY THE HEALTH, HUMAN SERVICES AND SOCIAL SERVICES COMMITTEE

IN THE SENATE

Original sponsor: Representative by request

Offered: 4/1/86  
Referred: Finance

277/86

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 chairman 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 19.20.180.

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 specialty 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. 08.97.080. ADMINISTRATIVE PROCEDURES. The Administrative  
10 Procedure Act (AS 44.62) applies to regulations and proceedings under  
11 this chapter.

12 ARTICLE 7. LICENSING OF SOCIAL WORKERS.

13 Sec. 08.97.100. LICENSING OF SOCIAL WORKERS. (a) A person is  
14 eligible for a license as a bachelor social worker (BSW) 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, or a bachelor's degree in a behavioral sciences field  
24 related to social work.

25 (b) A person is eligible for a license as a master social worker  
26 (MSW) 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. 06.07.110. 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 specialty on the person's license;

24 (3) the license bearing a designation of specialty 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 (d) This section does not limit or affect the activities or

1 practice of a person who is not licensed under this chapter.

2 Sec. 08.37.130. LICENSE BY CREDENTIALS. The board shall provide  
3 for licensing a person as a bachelor, master or independent social  
4 worker without examination if the person

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

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

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

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

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

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

20 (7) pays all required fees.

21 Sec. 08.37.130. LICENSE RENEWAL REQUIRED. A license issued  
22 under this chapter shall be renewed in accordance with AS 08.01.100.

23 Sec. 08.37.140. FEES. An applicant for examination, reexamina-  
24 tion, or issuance or renewal of a license shall pay the fees estab-  
25 lished by the department under AS 08.01.065.

26 ARTICLE 3. PROHIBITIONS AND PENALTIES.

27 Sec. 08.37.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless  
28 licensed under this chapter, a person may not use the title "social  
29 worker" or a title, designation, or device indicating or tending to

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

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

14 (c) A person who uses a title other than the titles included in  
15 (a) and (b) of this section is not subject to this chapter.

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

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

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

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

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

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

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

9 (7) information is revealed as part of the discovery of  
10 evidence related to a court proceeding or introduced in evidence in a  
11 suit, action, or proceeding in court.

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

15 (9) communication discloses information that the social  
16 worker is required by state or federal laws or regulations to dis-  
17 close.

18 Sec. 09.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.  
19 After a hearing, the board may impose a disciplinary sanction  
20 on a person licensed under this chapter when the board finds that the  
21 licensee

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

24 (2) engaged in deceit, fraud, or intentional misrepresenta-  
25 tion in the course of providing professional services or engaging in  
26 professional activities;

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

29 (4) has been convicted of a crime that has a substantial

1 relationship to the licensee's activities and services or that affects  
2 the licensee's ability to continue to practice competently and safely;

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

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

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

10 (A) professional incompetence;

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

14 (C) physical or mental disability;

15 (8) engaged in low conduct in connection with the delivery  
16 of professional service;

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

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

19 Sec. 08.27.236. DISCIPLINARY SANCTIONS. (a) If it finds that a  
20 licensee has committed an act set out in AS 08.27.220, the board may  
21 impose the following sanctions singly or in combination:

22 (1) permanently revoke a license to practice;

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

24 (3) censure a licensee;

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

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

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

1 (N) limit practice to those areas prescribed;  
2 (O) continue professional education until a sufficient  
3 level degree of skill has been attained in those areas that are  
4 the basis of probation;

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

7 (7) refuse to renew a license.

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

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

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

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

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

28 Sec. 08.87.250. PUNITIVE REPAIR. The board may apply to the  
29 superior court for an order enjoining a person subject to this chapter

1 or whose license is suspended, revoked, or expired from violating this  
2 chapter.

3 ARTICLE 4. GENERAL PROVISIONS.

4 Sec. 08.87.450. EXEMPTION. Employees of a regional or village  
5 nonprofit corporation organized under 43 U.S.C. 1601 - 1628 (Alaska  
6 Native Claims Settlement Act) are exempt from this chapter.

7 Sec. 08.87.500. DEFINITION. In this chapter "board" means the  
8 Board of Social Worker Examiners.

9 \* Sec. 5. AS 44.67.330(a) is amended by adding a new paragraph to read:  
10 (5) 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 and AS 39.05.055(3), one  
21 initial member shall serve a one-year term, one initial member shall serve  
22 a two-year term, one initial member shall serve a three-year term, and two  
23 initial members shall serve four-year terms, as determined by the governor.

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

27 (1) holds a degree in social work from a school with a social  
28 work program that is not accredited by the Council on Social Work Education  
29 or a bachelor's or master's degree in a social sciences field related to

1 social work as defined by the board, and has been practicing under the  
2 title "social worker"

3 (A) for at least 24 consecutive months before July 1,  
4 1988; or

5 (B) before July 1, 1988 and is employed on the date of  
6 application for a license in the administration of an agency that  
7 has employees who use the title "social worker";

8 (C) meets the requirements of AS 08.87.100(a)(1), (3) and (4);

9 or

10 (3) has been practicing social work under the supervision of a  
11 person eligible to be licensed under this Act for at least two years.

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

15 (c) A person who does not meet the requirements under AS 08.87.-  
16 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply  
17 for and receive a license as an independent social worker.

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

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

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

Offered: 1/29/86  
Referred: Rules

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  
S

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 specialty design-  
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. 08.37.080. 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 (BSW) 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 (MSW) 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. 98.87.119. 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 specialty on the person's license;

23 (3) the license bearing a designation of specialty 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. 98.87.120 LICENSE BY CREDENTIALS. The board shall 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. 08.37.215. 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

1 or reveals an intent to commit a crime;

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

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

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

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

14 (9) communication discloses information that the social  
15 worker is required by state or federal laws or regulations to dis-  
16 close.

17 Sec. 98.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS. After a hearing, the board may impose a disciplinary sanction  
18 on a person licensed under this chapter when the board finds that the  
19 licensee  
20

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

23 (2) engaged in deceit, fraud, or intentional misrepresenta-  
24 tion in the course of providing professional services or engaging in  
25 professional activities;

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

28 (4) has been convicted of a crime that has a substantial  
29 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 services;

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 satisfac-  
2 tory degree of skill has been attained in those areas that are  
3 the basis of probation;

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 nor.

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);

1 or

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

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 a 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 a license as an independent social worker.

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

13 \* Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work  
14 on July 1, 1986, may use a title and letters as part of the title that  
15 indicate that the person is a social worker or practices social work until  
16 June 30, 1988, even if the person is not licensed under AS 08.87.100 or  
17 08.87.120.

18 \* Sec. 9. This Act takes effect July 1, 1986.  
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29

# 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		33.1	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						
<b>TOTAL OPERATING</b>		<b>44.8</b>	<b>43.3</b>	<b>45.4</b>	<b>47.8</b>	<b>50.0</b>

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						
<b>TOTAL</b>		<b>44.8</b>	<b>43.3</b>	<b>45.4</b>	<b>47.8</b>	<b>50.0</b>

**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

W13  
53911

0584  
Cramer

ALASKA STATE LEGISLATURE

1986 Legislature FIRST Session

SENATE BILL NO. 237

By EARL WEAVER BY REQUEST

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

Introduced in the Senate 3/12, 1986

HISTORY IN THE SENATE

19 85	3 12	Read first time and referred to Committee on LABOR & COMMERCE, WESS AND FINANCE <i>for waiver</i>
	3 18	Reported back with HESS recommendation that <i>replace</i>
	4 22	<i>w/CS, 5 do pass to forward.</i>
	1 29	<i>F.D.C. replace w/CS, 2 do pass, 1 do not pass 2 do not, new F.Y. vote, to Rules.</i>
	2 7	<i>Replaces Committee</i>
	2 7	Read second time and <i>In CS adopted and ad</i>
	2 7	Read third time and
	2 4	PASS <i>ed</i> Effective Date Yeas - 19 Yeas Nays - 1 Nays <i>Don</i> Absent - Absent Excused - Excused
	2 4	<i>Sacked</i> Reconsideration <i>not taken up</i>
	2 5	PASS <i>ed</i> Effective Date Yeas - 19 Yeas Nays - 1 Nays <i>Don</i> Absent - 0 Absent Excused - 0 Excused
	2 5	Reported correctly engrossed Signed by President Sent to House

*Reggie Mulligan*  
SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 86	Feb 7	Read first time and referred to Committee on <i>Hess Finance</i>
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reconsideration
		PASS Effective Date Yeas Yeas Nays Nays Absent Absent Excused Excused
		Reported correctly engrossed Signed by Speaker Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
	..... by Governor
	Filed with Lt. Governor
	Chapter No. ....

Offered: 4/1/86  
Referred: Finance

Original sponsor: Fahrenkamp by request

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 227 (HESS)

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, or a bachelor's degree in a behavioral sciences field  
24 related to social work.

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 (d) This section does not limit or affect the activities or

1 practice of a person who is not licensed under this chapter.

2 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board shall provide  
3 for licensing a person as a bachelor, master or independent social  
4 worker without examination if the person

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

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

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

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

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

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

20 (7) pays all required fees.

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

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

26 ARTICLE 3. PROHIBITIONS AND PENALTIES.

27 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless  
28 licensed under this chapter, a person may not use the title "social  
29 worker" or a title, designation, or device indicating or tending to

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

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

14 (c) A person who uses a title other than the titles included in  
15 (a) and (b) of this section is not subject to this chapter.

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

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

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

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

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

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

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

9           (7) information is revealed as part of the discovery of  
10 evidence related to a court proceeding or introduced in evidence in a  
11 suit, action, or proceeding in court.

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

15           (9) communication discloses information that the social  
16 worker is required by state or federal laws or regulations to dis-  
17 close.

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

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

24           (2) engaged in deceit, fraud, or intentional misrepresenta-  
25 tion in the course of providing professional services or engaging in  
26 professional activities;

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

29           (4) has been convicted of a crime that has a substantial

1 relationship to the licensee's activities and services or that affects  
2 the licensee's ability to continue to practice competently and safely;

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

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

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

10 (A) professional incompetence;

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

14 (C) physical or mental disability;

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

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

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

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

22 (1) permanently revoke a license to practice;

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

24 (3) censure a licensee;

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

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

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

- 1 (B) limit practice to those areas prescribed;  
2 (C) continue professional education until a satisfac-  
3 tory degree of skill has been attained in those areas that are  
4 the basis of probation;  
5 (6) impose limitations or conditions on the practice of a  
6 licensee;  
7 (7) refuse to renew a license.

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

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

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

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

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

28 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the  
29 superior court for an order enjoining a person subject to this chapter

1 or whose license is suspended, revoked, or expired from violating this  
2 chapter.

3 ARTICLE 4. GENERAL PROVISIONS.

4 Sec. 08.87.450. EXEMPTION. Employees of a regional or village  
5 nonprofit corporation organized under 43 U.S.C. 1601 - 1628 (Alaska  
6 Native Claims Settlement Act) are exempt from this chapter.

7 Sec. 08.87.500. 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 and AS 39.05.055(3), one  
21 initial member shall serve a one-year term, one initial member shall serve  
22 a two-year term, one initial member shall serve a three-year term, and two  
23 initial members shall serve four-year terms, as determined by the governor.

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

27 (1) holds a degree in social work from a school with a social  
28 work program that is not accredited by the Council on Social Work Education  
29 or a bachelor's or master's degree in a social sciences field related to

1 social work as defined by the board, and has been practicing under the  
2 title "social worker"

3 (A) for at least 24 consecutive months before July 1,  
4 1988; or

5 (B) before July 1, 1988 and is employed on the date of  
6 application for a license in the administration of an agency that  
7 has employees who use the title "social worker";

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

10 (3) has been practicing social work under the supervision of a  
11 person eligible to be licensed under this Act for at least two years.

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

15 (c) A person who does not meet the requirements under AS 08.87.-  
16 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply  
17 for and receive a license as an independent social worker.

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

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

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

Offered: 1/29/86  
Referred: Rules

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  
30

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 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) submit: 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

1 or reveals an intent to commit a crime;

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

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

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

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

14 (9) communication discloses information that the social  
15 worker is required by state or federal laws or regulations to dis-  
16 close.

17 Sec. 08.87.270. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANG-  
18 TIONS. After a hearing, the board may impose a disciplinary sanction  
19 on a person licensed under this chapter when the board finds that the  
20 licensee

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

23 (2) engaged in deceit, fraud, or intentional misrepresenta-  
24 tion in the course of providing professional services or engaging in  
25 professional activities;

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

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

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

5) intentionally or negligently engaged in or permitted the performance of social work by persons under the licensee's supervision that does not conform to minimum professional standards regardless of whether actual injury occurred;

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

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

(8) engaged in low conduct in connection with the delivery of professional service;

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

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

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

(1) permanently revoke a license to practice;

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

(3) censure a licensee;

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

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

(A) report regularly to the board upon matters involving the basis of probation;

(B) limit practice to those areas prescribed;

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

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 iner 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);  
CSSB 227(Fin)

1 or

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

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 a 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 a license as an independent social worker.

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

13 \* Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work  
14 on July 1, 1986, may use a title and letters as part of the title that  
15 indicate that the person is a social worker or practices social work until  
16 June 30, 1988, even if the person is not licensed under AS 08.87.100 or  
17 08.87.120.

18 \* Sec. 9. This Act takes effect July 1, 1986.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

Offered: 1/29/86  
Referred: Rules

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.

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14 remove a member of the board for cause. Unexcused absences from  
15 meetings are cause for removal as determined by the board.

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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  
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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.

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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) submit: 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

1 or reveals an intent to commit a crime;

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

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

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

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

14 (9) communication discloses information that the social  
15 worker is required by state or federal laws or regulations to dis-  
16 close.

17 Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
18 TIONS. After a hearing, the board may impose a disciplinary sanction  
19 on a person licensed under this chapter when the board finds that the  
20 licensee

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

23 (2) engaged in deceit, fraud, or intentional misrepresenta-  
24 tion in the course of providing professional services or engaging in  
25 professional activities;

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

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

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

5) intentionally or negligently engaged in or permitted the performance of social work by persons under the licensee's supervision that does not conform to minimum professional standards regardless of whether actual injury occurred;

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

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

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

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

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

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

(1) permanently revoke a license to practice;

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

(3) censure a licensee;

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

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

(A) report regularly to the board upon matters involving the basis of probation;

(B) limit practice to those areas prescribed;

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

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);

1 or

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

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 a 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 a license as an independent social worker.

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

13 \* Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work  
14 on July 1, 1986, may use a title and letters as part of the title that  
15 indicate that the person is a social worker or practices social work until  
16 June 30, 1988, even if the person is not licensed under AS 08.87.100 or  
17 08.87.120.

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

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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 speciality.

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 ori\_ginal 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 vic-  
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.

Offered: 4/22/85  
Referred: Finance

Original sponsor: Fahrenkamp by request

1 IN THE SENATE BY THE HEALTH, EDUCATION AND  
2 CS FOR SENATE BILL NO. 227 (HESS) SOCIAL SERVICES COMMITTEE  
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 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, 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 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 or employed by a licensed social worker. To the  
29 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