

ALASKA LEGISLATURE COMMITTEE FILES 1965-1966 8072

3214.83 HHESS HB 311 - HB 320 823

BILL SHEFFIELD, GOVERNOR

**DEPT. OF HEALTH AND SOCIAL SERVICES**

**DIVISION OF PUBLIC HEALTH  
SECTION OF COMMUNICABLE DISEASE CONTROL**

3601 "C" STREET, SUITE 576  
POUCH 6333  
ANCHORAGE, AK 99502-0333  
(907) 561-4235

April 5, 1985

Representative Max Gruenberg, Jr.  
914 Clay Court  
Anchorage, AK 99503

Dear Representative Gruenberg:

I am responding to your request for more information on two points in regard to the bill concerning immunization vaccines:

- 1) The emergency supply of vaccines to private physicians:

While it is not our policy, because of the limited funding for vaccines, to distribute vaccines to private physicians, we have always responded to emergency requests for vaccines when their suppliers could not provide it and we had it available in our stock. The Anchorage branch of the Academy of Pediatrics is sharing this information to pediatricians throughout the state.

- 2) The question was raised in regards to supplying vaccines to Indian Health Service:

For many years all immunizations for IHS beneficiaries were administered by the public health nurses. As staffing in the IHS hospitals increased, it became policy to provide some vaccines to hospitals in order to initiate immunization series when the hospital was conducting the well child visit. This policy has expanded to the point where IHS facilities have been ordering immunization vaccines from the state and was interpreted as fulfilling a recommendation of vaccine administered in a public clinic and serving a less advantaged economic group. Approximately 1900 kids received some of their immunizations through Indian Health Service facilities, with completion of immunization by the State public health nurses.

I trust this information is helpful.

Sincerely,



Robert I. Fraser, M.D.  
Director

Division of Public Health

RIF/cfe

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES  
OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH #01  
JUNEAU, ALASKA 99801  
PHONE 465-3030

July 18, 1983

Dear Doctor:

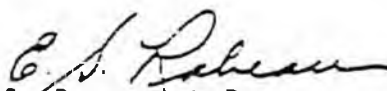
Due to increasing costs and diminishing resources, I must regretfully inform you that the State will no longer be able to provide vaccines and other immunological agents for free distribution through the offices of physicians in private practice. The agents affected include diphtheria, tetanus, pertussis, rubella, rubeola, mumps, poliomyelitis, influenza- and pneumococcal vaccines as well as immune serum globulin. This policy goes into effect immediately.

The State will continue to provide rabies immune globulin and rabies vaccine in accordance with previous policy for distribution and use as well as Hepatitis B vaccine for individuals who are members of a high risk group as defined by the State. Botulism antitoxin will also continue to be available. Rh<sub>0</sub>(D) immune globulin for prevention of isoimmunization in Rh negative individuals will continue to be made available under the existing policies established by the Section of Family Health (telephone 465-3100).

If you need assistance in locating sources from which vaccines can be purchased, please contact Craig Leutzinger, Section of Communicable Disease Control, 3601 "C" Street, Pouch 6333, Anchorage, AK 99502-0333 (telephone 561-4233).

Immunizations will continue to be available through health centers and itinerant public health nurses.

Sincerely,

  
E.S. Rabeau, M.D.  
Deputy Commissioner for  
Health Services



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

7/25/89  
Date

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Barnister  
5/3/86

Original sponsors: Davis and Koponen

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 313 (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 insurance coverage for the treat-  
7 ment of a mental or nervous condition."

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

9 \* Section 1. AS 21.42 is amended by adding a new section to read:

10 Sec. 21.42.365. COVERAGE FOR TREATMENT OF A MENTAL OR NERVOUS  
11 *limited to transfer disability insurance in the state that offer policies*  
CONDITION. (a) An insurer that issues *for delivery*, delivers, or  
12 *for major medical coverage on an expense incurred basis*  
renews a health insurance policy in the state after January 1, 1987,  
13 shall offer the insured an option to receive the following coverage  
14 for treatment of a mental or nervous condition of the insured or other  
15 person covered by the insured's health insurance policy:

16 (1) 45 days a year of inpatient treatment for each covered  
17 individual;

18 (2) a total of 50 hours a year of outpatient treatment or  
19 office visits for each covered individual, accumulated in any incre-  
20 ments of time.

21 (b) The health insurance policy may impose reasonable contract  
22 limitations, but may not require that the insured pay a higher deduct-  
23 ible or co-payment for a cost for treatment of a mental or nervous  
24 condition than for a cost for treatment of another condition or ill-  
25 ness.

26 (c) If an insured declines the coverage offered by an insurer  
27 under this section, the insurer may offer the insured other coverage  
28

1 (1) "co-payment" means the portion of the cost to be paid  
2 by the insured;

3 (2) "cost" means the lesser of the following:

4 (A) the actual charge for the treatment received for a  
5 mental or nervous condition; or

6 (B) the usual, customary and reasonable charge for the  
7 treatment;

8 (3) "health insurance policy" means a hospital or medical  
9 expense policy, or a nonprofit health care corporation plan;

10 (4) "inpatient treatment" means continuous treatment during  
11 a 24-hour period in

12 (A) the psychiatric unit of a general hospital that is  
13 either licensed under AS 18.20 or located and licensed in another  
14 state;

15 (B) a psychiatric hospital that is either licensed  
16 under AS 18.20 or located and licensed in another state; or

17 (C) a hospital that is located in

18 (i) the state and specifically exempt under  
19 AS 18.20.020 from the licensing requirements of the state;  
20 or

21 (ii) another state and specifically exempt from  
22 the licensing requirements of that state;

23 (5) "mental or nervous condition" means a mental disorder  
24 identified in

25 (A) the Diagnostic and Statistical Manual of Mental  
26 Disorders (Third Edition) published by the American Psychiatric  
27 Association; or

28 (B) the ICD-9-CM-4

1 (6) "office visit" means treatment that is not inpatient  
2 treatment or outpatient treatment and that is provided by

3 (A) a psychiatrist who is licensed as a physician in  
4 the state and certified, or eligible for certification, in psy-  
5 chiatry by the American Board of Psychiatry and Neurology;

6 (B) a physician who is employed by the federal govern-  
7 ment in the state and certified or eligible for certification in  
8 psychiatry by the American Board of Psychiatry and Neurology; or

9 (C) a psychologist or psychological associate licensed  
10 under AS 08.86;

11 (7) "outpatient treatment" means treatment that is not  
12 inpatient treatment and that is provided

13 (A) in the outpatient department of

14 (i) a hospital that is licensed under AS 18.20 or  
15 that is specifically exempt under AS 18.20.020 from the  
16 licensing requirements of the state;

17 (ii) a hospital that is located in another state  
18 and that is either licensed or specifically exempt from the  
19 licensing requirements of that state; or

20 (iii) an entity that is designated by the Depart-  
21 ment of Health and Social Services as the organizational  
22 unit in a geographical area to receive funds under AS 47.-  
23 30.520 - 47.30.620; and

24 (B) by one or more of the following, or by a person  
25 who is under the direct supervision of one or more of the follow-  
26 ing, has a master's or doctorate degree in psychology, nursing,  
27 or social work, and is employed by the same health care facility  
28

1 in the state and certified, or eligible for certification,  
2 in psychiatry by the American Board of Psychiatry and Neu-  
3 rology;

4 (ii) a physician who is employed by the federal  
5 government in the state and certified or eligible for certi-  
6 fication in psychiatry by the American Board of Psychiatry  
7 and Neurology; or

8 (iii) a psychologist licensed under AS 08.86.

9 \* Sec. 2. AS 21.36.090(d) is amended to read:

10 (d) Except to the extent necessary to comply with AS 21.42.365,  
11 a [A] person may not practice or permit unfair discrimination against  
12 a person who provides a service covered under a group disability  
13 policy that extends coverage on a expense incurred basis, or under a  
14 group service or indemnity type contract issued by a nonprofit corpo-  
15 ration, if the service is within the scope of the provider's occupa-  
16 tional license. In this subsection, "provider" means a state licensed  
17 physician, dentist, osteopath, optometrist, chiropractor, or nurse  
18 midwife.

19 \* Sec. 3. AS 21.87.340 is amended to read:

20 Sec. 21.87.340. OTHER PROVISIONS APPLICABLE. In addition to the  
21 provisions contained or referred to previously in this chapter, the  
22 following chapters and provisions of this title also apply with re-  
23 spect to service corporations to the extent applicable and not in  
24 conflict with the express provisions of this chapter and the reason-  
25 able implications of the express provisions, and for the purposes of  
26 the application the corporations shall be considered to be mutual  
27 "insurers":  
28

- 1 (3) AS 21.09, except AS 21.09.090
- 2 (4) AS 21.18.010
- 3 (5) AS 21.18.030
- 4 (6) AS 21.18.040
- 5 (7) AS 21.18.120
- 6 (8) AS 21.21.321
- 7 (9) AS 21.36
- 8 (10) AS 21.69.400
- 9 (11) AS 21.69.520
- 10 (12) AS 21.69.600, 21.69.620, and 21.69.630
- 11 (13) AS 21.78
- 12 (14) AS 21.90
- 13 (15) AS 21.42.345 - 21.42.365 [AND 21.42.355]
- 14 (16) AS 21.89.040
- 15 (17) AS 21.89.060.

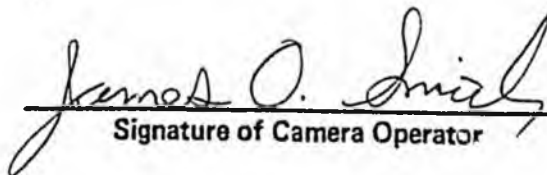
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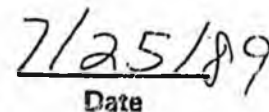


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Signature of Camera Operator

  
Date

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**HOUSE  
COMMITTEE REPORT**

(7)

Date referred: 2/26/86

FURTHER REFERRALS: FINANCE

DATE: \_\_\_\_\_

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee has considered HB 317

"An Act relating to the practice of social work and establishing the Board of 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 \_\_\_\_\_  same title
- replace with \_\_\_\_\_  new title

and recommends \_\_\_\_\_

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

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

SIGNING DO PASS:

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SIGNING OTHER RECOMMENDATIONS:

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\_\_\_\_\_  
Chairman

2/26

# COMMITTEE REPORT

## HOUSE

HEALTH, EDUCATION AND  
SOCIAL SERVICES

(7)

FURTHER: FINANCE

3/25/85

Date: Feb. 10, 1986

The Committee on LABOR & COMMERCE has had HB 317

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

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 317 (L+C)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  <sup>FIRST</sup> New Fiscal Note Sup 91
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

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[Signature]  
CHAIRMAN

Offered: 2/26/86

Referred: Health, Education &  
Social Services and Finance

*First time - Sep 91*

*Cramer*

Original sponsors: Koponen, Larson,  
Hurley, et al

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 317 (L&C)

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 (26) Board of Social Worker Examiners (AS 08.27.010).

17 \* Sec. 3. AS 08.01.050(a) is amended to read:

18 (a) The department shall provide the following administrative  
19 and budgetary services when appropriate:

20 (1) collect fees and issue receipts;

21 (2) maintain records and files;

22 (3) issue and receive application forms;

23 (4) notify applicants of acceptance or rejection of appli-  
24 cants as determined by the board;

25 (5) designate dates examinations are to be held and notify  
26 applicants;

27 (6) publish notice of examination;

28 (7) arrange space for holding examinations;

29 (8) notify applicants of results of examinations;

1 (9) issue licenses and certificates or temporary licenses  
2 or certificates as authorized by the board;

3 (10) issue duplicate licenses or certificates upon proof by  
4 the licensee of loss of the original and payment by the licensee of a  
5 fee of \$2 except as otherwise provided in this title;

6 (11) notify licensees of renewal dates at least 30 days  
7 before the expiration date of their licenses;

8 (12) compile and maintain current a register of licenses;

9 (13) answer routine inquiries;

10 (14) maintain files relating to individual licensees;

11 (15) arrange for printing and advertising;

12 (16) purchase supplies;

13 (17) employ secretarial help when needed;

14 (18) perform other services which may be requested by the  
15 board;

16 (19) provide investigative services to the boards estab-  
17 lished under AS 08.04, AS 08.20, AS 08.36, AS 08.64, AS 08.68, AS 08.  
18 70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, [AND] AS 08.86, and AS  
19 08.87, for the purpose of assisting those boards in matters of profes-  
20 sional discipline and in responding to consumer complaints.

21 \* Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:

22 (21) Board of Social Worker Examiners (AS 08.87.010) --  
23 June 30, 1990.

24 \* Sec. 5. AS 08 is amended by adding a new chapter to read:

25 CHAPTER 87. SOCIAL WORKERS.

26 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

27 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is  
28 created a Board of Social Worker Examiners consisting of five members,  
29 including two licensed master social workers, one licensed independent

1 social worker, one licensed bachelor social worker, and one public  
2 member. The public member may not be licensed as a social worker or  
3 employed by a licensed social worker. To the extent possible members  
4 shall be appointed from different geographic regions of the state. A  
5 member who has served two successive full terms may not be reappointed  
6 until four years after the expiration of the second term.

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

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

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

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

20 Sec. 08.87.060. PER DIEM AND TRAVEL. Board members receive no  
21 compensation but are entitled to per diem and travel expenses author-  
22 ized for members of boards and commissions under AS 39.20.130.

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

24 (1) provide for the examination of eligible applicants for  
25 licenses under this chapter;

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

29 (3) establish standards for specialty designations for the

1 private practice of social work and authorize speciality designations  
2 on licenses issued under this chapter;

3 (4) after a hearing, impose disciplinary sanctions against  
4 a person who violates this chapter, an order of the board, or a regu-  
5 lation of the board;

6 (5) adopt regulations relating to requirements for the  
7 supervision of persons engaged in social work under this chapter who  
8 are not licensed as master or independent social workers;

9 (6) adopt regulations requiring proof of continued compe-  
10 tence before a license is renewed;

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

13 Sec. 08.87.080. ADMINISTRATIVE PROCEDURES. The Administrative  
14 Procedure Act (AS 44.62) applies to regulations and proceedings under  
15 this chapter.

16 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

17 Sec. 08.87.100. LICENSING OF SOCIAL WORKERS. (a) A person is  
18 eligible for a license as a bachelor social worker (LBSW) if the  
19 person

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

22 (2) has satisfactorily completed the state examination for  
23 the license;

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

25 (4) has a bachelor's degree in social work from a school  
26 with a social work program accredited by the Council on Social Work  
27 Education or has successfully completed training as a provisional  
28 social worker under AS 08.87.140.

29 (b) A person is eligible for a license as a master social worker

1 (LMSW) if the person meets the requirements of (a)(1) - (3) of this  
2 section and has a master's degree in social work from a school with a  
3 social work program accredited by the Council on Social Work Educa-  
4 tion.

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

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

18 (b) A social worker may practice psychotherapy only if the  
19 social worker is licensed as an independent social worker with a  
20 clinical specialty or as a master social worker and is employed and  
21 supervised in a clinical setting.

22 (c) A social worker may practice social work autonomously only  
23 if

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

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

28 (3) the license bearing a designation of speciality is  
29 prominently displayed in the place the person engages in private

1 practice; and

2 (4) the person limits the private practice of social work  
3 to the designated specialty.

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

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

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

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

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

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

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

22 (7) pays all required fees.

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

25 Sec. 08.87.140. PROVISIONAL SOCIAL WORKERS. (a) The board  
26 shall establish a program for provisional social workers and may  
27 request assistance from the University of Alaska in conducting the  
28 program. The requirements of the program must include at least three  
29 years of study of at least 35 hours each week for 44 weeks each year.

1 Supervised practice fulfills the study requirement.

2 (b) The board shall issue a registration as a provisional social  
3 worker to a person who applies on a form provided by the board, is a  
4 resident of this state, and submits evidence satisfactory to the board

5 (1) that the applicant has or will have regular or full  
6 time employment under the supervision of a licensed master social  
7 worker in the practice of social work; and

8 (2) from a person who has been licensed in this state for  
9 at least two years as a master social worker, that the applicant is or  
10 will be employed as a provisional social worker, that the person will  
11 act as tutor for the applicant and will instruct the applicant in the  
12 branches of social work required by the board.

13 (c) The board may refuse to register an applicant who fails to  
14 satisfy the board of the validity of a statement in the application  
15 and may cancel a registration if the provisional social worker has not  
16 completed the program within six years after initial admission.

17 (d) The tutor shall personally supervise the work of the provi-  
18 sional social worker and administer written examinations at least once  
19 each month on the work performed during the preceding month. The  
20 provisional social worker shall answer the examination questions  
21 without research or assistance. The tutor shall submit a certificate  
22 each month to the board concerning the course work studied during the  
23 preceding month and the results of the examination and shall submit  
24 the examination and answers. The board may not give credit for a  
25 month in which the tutor fails to submit the certificate and examina-  
26 tion in a timely manner.

27 (e) The board shall establish standards for the qualification of  
28 tutors by regulation. A person may not serve as tutor to a provi-  
29 sional social worker if the person is the subject of a disciplinary

1 proceeding under this chapter or if the person has been disciplined  
2 under this chapter or under similar provisions of another licensing  
3 jurisdiction.

4 (f) A registered provisional social worker may request permis-  
5 sion to change tutors by submitting a new application for registration  
6 to the board. The board may approve the transfer of credits towards  
7 completion of the course of study.

8 (g) A registered provisional social worker may request credit  
9 for previous study at a social work school that meets the standards of  
10 the Council on Social Work Education or the National Association of  
11 Social Workers or from a school in the state that offers a course of  
12 study approved by the board as equivalent to a year's study in social  
13 work under this section. The board may not give credit for fractional  
14 parts of a school term or for correspondence study.

15 Sec. 08.87.150. FEES. The department shall adopt regulations  
16 under AS 08.01.065 that set fees for examination and investigation,  
17 permits, licenses, and license renewals.

18 ARTICLE 3. PROHIBITIONS AND PENALTIES.

19 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless  
20 licensed under this chapter, a person may not use the title "social  
21 worker" or a title, designation, or device indicating or tending to  
22 indicate that the person is a social worker or practices social work.  
23 A person may not use the letters "LBSW" as part of a title unless the  
24 person is licensed as a bachelor social worker under this chapter. A  
25 person may not use the letters "LMSW" as part of a title unless the  
26 person is licensed as a master social worker under this chapter. A  
27 person may not use the letters "LISW" as part of a title unless the  
28 person is licensed as an independent social worker under this chapter.  
29 Except as provided in (b) of this section, a person may not use the

1 title "social worker intern," "social worker student," or "provisional  
2 social worker."

3 (b) A student enrolled in an accredited social work program may  
4 use the title "social worker intern" or "social worker student" if the  
5 person's activities constitute a part of the person's supervised  
6 course of study. A person registered as a provisional social worker  
7 under AS 08.87.140 may use the title "provisional social worker."

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

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

18 (1) client provides written consent to the social worker to  
19 reveal the communication;

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

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

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

28 (5) client is a minor, the communication discloses that the  
29 client was the victim of a crime or harmful act, and the social worker

1 reveals the communication only during the course of an official exam-  
2 ination, trial or other proceeding in which the commission of the  
3 crime or harmful act is a subject of inquiry;

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

7 (7) licensee or registrant is subpoenaed to testify in  
8 court;

9 (8) licensee or registrant is collaborating or consulting  
10 with professional colleagues or an administrative superior on behalf  
11 of the client;

12 (9) communication discloses information that the licensee  
13 or registrant is required by state or federal laws or regulations to  
14 disclose.

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

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

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

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

26 (4) has been convicted of a crime that has a substantial  
27 relationship to the person's activities and services or that affects  
28 the person's ability to continue to practice competently and safely;

29 (5) intentionally or negligently engaged in or permitted

1 the performance of social work by persons under the licensee's super-  
2 vision that does not conform to minimum professional standards regard-  
3 less of whether actual injury occurred;

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

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

7 (A) professional incompetence;

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

11 (C) physical or mental disability;

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

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

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

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

19 (1) permanently revoke a license or registration to prac-  
20 tice;

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

23 (3) censure a licensee or registrant;

24 (4) issue a letter of reprimand to the licensee or regis-  
25 trant;

26 (5) place a licensee or registrant on probationary status  
27 and require the person 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 or registrant;

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 or registration  
11 before final hearing or during the appeal process if the board finds  
12 that the licensee or registrant poses a clear and immediate danger to  
13 the public health and safety if the licensee or registrant continues  
14 to practice. A person whose license or registration is suspended  
15 under this section is entitled to a hearing by the board no later than  
16 seven days after the effective date of the order. The person may  
17 appeal the suspension after a hearing to a court of competent juris-  
18 diction.

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

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

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

29 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the

1 superior court for an order enjoining a person not licensed under this  
2 chapter or whose license is suspended, revoked, or expired from vio-  
3 lating this chapter.

4 ARTICLE 4. GENERAL PROVISIONS.

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

7 \* Sec. 6. AS 44.62.330(a) is amended by adding a new paragraph to read:  
8 (53) Board of Social Worker Examiners (AS 08.67.010).

9 \* Sec. 7. Within 60 days after the effective date of this Act the  
10 governor shall appoint initial members to the Board of Social Worker Exam-  
11 iners. Notwithstanding AS 08.87.010 as enacted in sec. 5 of this Act,  
12 initial members must consist of three persons who have a master's degree in  
13 social work from a school with a social work program accredited by the  
14 Council on Social Work Education, at least one of whom is engaged in the  
15 private practice of social work, one person with a bachelor's degree in  
16 social work from a school with a social work program accredited by the  
17 Council on Social Work Education, and one public member. Notwithstanding  
18 AS 08.87.020 as enacted in sec. 5 of this Act, one initial member shall  
19 serve a one-year term, one initial member shall serve a two-year term, one  
20 initial member shall serve a three-year term, one initial member shall  
21 serve a four-year term, and one initial member shall serve a five-year  
22 term, as determined by the governor.

23 \* Sec. 8. (a) Notwithstanding AS 08.87.100(a) as enacted in sec. 5 of  
24 this Act, a person may apply for and receive a license as a bachelor social  
25 worker if the person

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

27 or

28 (2) has been practicing social work in this state for at least  
29 two years.

1 (b) A person who has not passed the examination under AS 08.87.100-  
2 (a)(2) may apply for and receive a license as a master social worker if the  
3 person

4 (1) meets the other requirements of AS 08.87.100(b); or

5 (2) has two years of experience in this state supervising per-  
6 sons practicing social work.

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

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

12 \* Sec. 9. Notwithstanding AS 08.87.200, a person practicing social work  
13 on July 1, 1985, may use a title and letters as part of the title to indi-  
14 cate that the person is a social worker or practices social work until  
15 June 30, 1987, even if the person is not licensed under AS 08.87.100 or  
16 08.87.120.

17 \* Sec. 10. (a) Notwithstanding AS 08.87.140, enacted by sec. 5 of this  
18 Act, a person who is not licensed as a master social worker may serve as  
19 tutor to a provisional social worker until June 30, 1987, if the person has  
20 applied for licensing under this Act and has not been den'ed licensure by  
21 the board.

22 (b) Notwithstanding AS 08.87.140, enacted by sec. 5 of this Act, a  
23 licensed master social worker who has been licensed for less than two years  
24 may serve as tutor to a provisional social worker until June 30, 1989, if  
25 the person meets the other requirements for tutors established by the board  
26 by regulation and has at least two years of experience supervising persons  
27 practicing social work.

28 \* Sec. 11. This Act takes effect July 1, 1986.  
29

Introduced: 3/25/85  
Referred: Labor & Commerce  
Health, Education & Social  
Services and Finance

*Carroll*  
0953

BY KOPONEN, LARSON, HURLEY,  
GRUENBERG, GOLL AND DAVIS

1 IN THE HOUSE

2 HOUSE BILL NO. 317

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

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

19 June 30, 1989.

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

21 CHAPTER 87. SOCIAL WORKERS.

22 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

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

HB 317

COMMITTEE COPY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (7) pays all required fees.

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

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

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

8           ARTICLE 3. PROHIBITIONS AND PENALTIES.

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

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

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

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

1 reveal the communication;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (A) professional incompetence;

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

19 (C) physical or mental disability;

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

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

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

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

27 (1) permanently revoke a license to practice;

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

29 (3) censure a licensee;

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

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

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

6 (B) limit practice to those areas prescribed;

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

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

12 (7) refuse to renew a license.

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

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

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

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

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

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

6                           ARTICLE 4. GENERAL PROVISIONS.

7           Sec. 08.87.300. 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 30 days after the effective date of this Act the  
12 governor shall appoint initial members to the Board of Social Worker Exam-  
13 iners. Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,  
14 initial members must consist of three persons who have a master's degree in  
15 social work from a school with a social work program accredited by the  
16 Council on Social Work Education, at least one of whom is engaged in the  
17 private practice of social work, one person with a bachelor's degree in  
18 social work from a school with a social work program accredited by the  
19 Council on Social Work Education, and one public member. Notwithstanding  
20 AS 08.87.020 as enacted in sec. 4 of this Act, one initial member shall  
21 serve a one-year term, one initial member shall serve a two-year term, one  
22 initial member shall serve a three-year term, one initial member shall  
23 serve a four-year term, and one initial member shall serve a five-year  
24 term, as determined by the governor.

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

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

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

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

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

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

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

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

*ae 4/26*  
*5/2/86*

Revision Date: \_\_\_\_\_

REQUEST Page 1 of 3  
 Bill/Resolution No.: CSHB 317 (L&C)  
 Title: Practice of Social Work & Establishing the Board of Social Work Examiners  
 Sponsor: House Labor & Commerce  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL  
 Agency Affected: Commerce & Econ. Dev  
 BRU: Occupational Licensing  
 Components: \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		33.1	34.8	36.5	38.3	40.2
TRAVEL		5.3	5.6	5.9	6.2	6.5
CONTRACTUAL		4.3	4.5	4.8	5.0	5.2
SUPPLIES		1.0	1.1	1.1	1.2	1.2
EQUIPMENT		3.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		47.3	46.0	48.3	50.7	53.1
CAPITAL						
REVENUE		87.6	10.0	85.4	10.0	112.9

FUNDING : (Thousands of Dollars)

GENERAL FUND		47.3	46.0	48.3	50.7	53.1
FEDERAL FUNDS						
OTHER						
TOTAL		47.3	46.0	48.3	50.7	53.1

POSITIONS :

FULL-TIME		1				
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The bill establishes a five member Board of Social Work Examiners to license and regulate the practice of social work in three categories, the LBSW, LMSW and LISW. The bill requires members to be appointed from different geographical regions of the State and (see attached)

Prepared by: Jennifer Strickler, Mgnt Analyst Phone: 465-2144  
 Division: Occupational Licensing Date: 2/21/86  
 Approved by Commissioner: [Signature] Date: 2/24/86  
 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. CSHB 317 (L&C) Page 2 of 3

provide for two meetings annually, and additional meetings at the call of the chair. It also establishes a provisional social worker registration for a setting similar to that of an apprenticeship; but makes no assurance that licensure may be granted at the end of the six year time period allowed for a provisional license.

### PERSONAL SERVICES:

Request: 1 Licensing Examiner I, Range 12A, GGU, 12 months  
to be located in Juneau \$33,145.92

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 one-third 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 are based on two meetings, one in Anchorage and one in Juneau. It is assumed that members will be appointed 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:

Contractual costs consist of one six-hour teleconference meeting, one one-hour special teleconference meeting, printing, postage, telephone and funding for public notices as well as a two-hour regulation hearing by teleconference.

### SUPPLIES:

This funding will cover stationary 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. CSHB 317 (L&C) Page 3 of 3

## PROJECTED REVENUES:

FY 87:	Based on the number of practitioners identified, it is anticipated that 219 practitioners will be seeking initial licensure. 219 x \$400	** \$ 87.6
FY 88:	Based on the assumption that there will be at least 25 new applicants. 25 x \$400	10.0
FY 89:	Projections for this fiscal year are based on the assumption that all licenses will be renewed. Based on 244 renewing x \$350 (renewal fee) In addition, 25 new licensees x \$400	85.4 <u>10.0</u> 95.4
FY 90:	Based on an estimate of 25 new licensees x \$400	10.0
FY 91:	Assuming this will also be a renewal year, 294 licensees x \$350 (renewal fee) In addition, 25 new licensees x \$400	102.9 <u>10.0</u> 112.9

\*\*Note: The 219 practitioners were determined as a result of the 131 State employees not required to be licensed by the bill. Total number of Social Workers identified in Alaska by the Alaska Chapter of the National Association of Social Workers were 350 practitioners.

ALASKA STATE LEGISLATURE

14th... Legislature FIRST.. Session

HOUSE ..... BILL ..... NO. 317.....

By KOPONEN, LARSON, HURLEY, ...  
GRUENBERG, GOLL, DAVIS

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

Board of Social Workers Examiners

Introduced in the House ... 3/25, 19... 85

HISTORY IN THE HOUSE

19 85  
Mar. 25 Read first time and referred to Committee on L&C, HESS AND FINANCE

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  
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19 Read first time and referred to Committee on

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 President  
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 Received from Senate

Concurred in Senate amendment thus adopting:  
VOTE

Failed to concur in Senate amendment; asked Senate to recede  
VOTE

Senate receded from amendment  
VOTE

Senate failed to recede from amendment  
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House  
VOTE

CC adopted by Senate  
VOTE

To enrolling  
Reported correctly enrolled  
Sent to Governor

..... by Governor

Filed with Lt. Governor

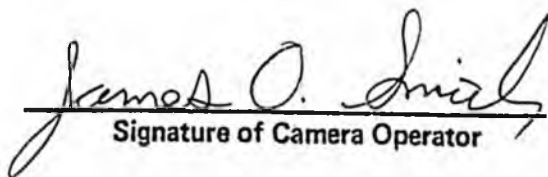
Chapter No. ....

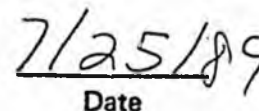


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Signature of Camera Operator

  
Date

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1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NC. 319 (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 creating the special education service  
7 agency."

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

9 \* Section 1. PURPOSE. It is the purpose of this Act to

10 (1) make special education and related services available to all  
11 exceptional children, as that term is defined in AS 14.30.350(4);

12 (2) encourage cooperation in making special educational programs  
13 and services available to these children;

14 (3) ensure that free appropriate public education services are  
15 provided for all exceptional children in the state.

16 \* Sec. 2. AS 14.30 is amended by adding new sections to read:

17 ARTICLE 8. SPECIAL EDUCATION SERVICE AGENCY.

18 Sec. 14.30.600. AGENCY ESTABLISHED. There is established, as a  
19 public organization, a special education service agency.

20 Sec. 14.30.610. GOVERNING BOARD. (a) The agency shall be gov-  
21 erned by an 11 member board appointed by the commissioner of education  
22 with the approval of the state board of education. The board consists  
23 of

24 (1) one member from the Governor's Council for the Handi-  
25 capped and Gifted;

26 (2) one member from the Department of Education;

27 (3) five members who are special education teachers or  
28 directors, school administrators, or higher education or teacher  
29 training representatives;

1 (4) two members who are parents of children requiring  
2 special education outreach services;

3 (5) one member from the Department of Health and Social  
4 Services;

5 (6) one public member.

6 (b) The seven members appointed under (a)(3) - (4) of this  
7 section shall be chosen with due regard to geographically balanced  
8 representation of areas of the state and to representation of persons  
9 with a variety of different special education needs.

10 Sec. 14.30.620. TERMS, VACANCIES, AND COMPENSATION. (a) The  
11 term of office of a board member is three years.

12 (b) A vacancy occurring during a term of office shall be filled  
13 in the same manner as the original appointment. A member appointed  
14 to fill a vacancy serves for the unexpired term of the member the  
15 appointee succeeded.

16 (c) Board members receive no salary but are entitled to per diem  
17 and travel expenses authorized by law for other boards and commissions.  
18

19 Sec. 14.30.630. BYLAWS. The board, in consultation with the  
20 department and on the approval of a majority of the members of the  
21 board, shall adopt and amend bylaws for the operation of the agency  
22 and the board.

23 Sec. 14.30.640. EMPLOYEES. Employees of the agency are not in  
24 the state service and are not subject to the State Personnel Act  
25 (AS 39.25). However, employees of the agency shall be members of  
26 either the Teachers' Retirement System (AS 14.25) or the Public Employees'  
27 Retirement System (AS 39.35).

28 Sec. 14.30.650. POWERS AND DUTIES. (a) The board may

29 (1) receive and expend public and private funds to carry

1 out the purposes of the agency;

2 (2) contract with the department and other public or pri-  
3 vate agencies for the provision of special education or related ser-  
4 vices;

5 (3) do whatever is necessary to carry out the purposes of  
6 AS 14.30.600 - 14.30.680.

7 (b) The board shall

8 (1) provide special education services including

9 (A) itinerant outreach services to deaf, deaf-blind,  
10 mentally retarded, hearing impaired, blind and visually impaired,  
11 orthopedically handicapped, other health-impaired, severely  
12 emotionally disturbed, and multi-handicapped students;

13 (B) special education instructional support and train-  
14 ing of local school district special education personnel; and

15 (C) other services the board determines to be appro-  
16 priate to special education needs;

17 (2) hire an executive director and approve the employment  
18 of personnel necessary to operate the agency;

19 (3) provide for an annual audit of the agency;

20 (4) provide the department with a three-year plan of opera-  
21 tion including a description of the services to be offered by the  
22 agency, the method by which the services will be evaluated, informa-  
23 tion on the number of students and school district personnel to be  
24 served, a schedule of funds available to the agency from all sources,  
25 and other information that may be required by the department by regu-  
26 lation;

27 (5) present an annual budget to the department.

28 Sec. 14.30.660. ELIGIBILITY FOR SERVICE. The services of the  
29 agency shall be available to school districts that serve children

1 whose special education needs occur infrequently, who require special  
2 ized services not normally available in the school district, and wh  
3 cannot be easily served by local school district personnel because o  
4 the low number of students in the district in need of the particula  
5 service. The agency may provide services to exceptional children, a  
6 that term is defined in AS 14.30.350.

7 Sec. 14.30.670. FUNDING. Each fiscal year the department shall  
8 allocate to the agency \$100 for each special education student in the  
9 state in average daily membership or the equivalent of <sup>two per cent</sup> 2/10 of one  
10 percent of the funds appropriated for special education for that  
11 fiscal year, whichever is greater.

12 Sec. 14.30.680. DEFINITIONS. In AS 14.30.600 - 14.30.680,  
13 unless the context otherwise requires,

14 (1) "agency" means the special education service agency;

15 (2) "board" means the governing board of the special educa  
16 tion service agency.

17 \* Sec. 3. AS 14.25 is amended by adding a new section to read:

18 Sec. 14.25.047. PARTICIPATION BY SPECIAL EDUCATION AGENCY EM  
19 PLOYEES. An employee of the Special Education Agency may participat  
20 in the retirement fund under this chapter if

21 (1) the employee possesses or is eligible to possess  
22 teacher certificate under AS 14.20.020; and

23 (2) the employee pays all retroactive contributions r  
24 quired to be made under this chapter.

25 \* Sec. 4. AS 14.25.220(20) is amended to read:

26 (20) "membership service" means

27 (A) full or part-time service as a teacher in a public  
28 school in the Territory or State of Alaska, or both, under the  
29 supervision and control of the Territorial Board of Education or

1 the Department of Education or the school board of a city  
2 regional educational attendance area, or borough school district

3 (B) full-time or part-time teaching at the University  
4 of Alaska or a full-time administrative position at the Universi-  
5 ty of Alaska which requires academic standing and which has been  
6 approved for inclusion in the system by the administrator;

7 (C) any period during which the teacher receives a  
8 disability benefit under this system or is on an approved sabbat-  
9 ical leave granted in accordance with AS 14.20.310; [OR]

10 (D) continuous service as a state legislator when  
11 performed by a state legislator who elects membership under  
12 AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);

13 OR

14 (E) full-time or part-time service as an employee of  
15 the Special Education Agency subject to the requirements of  
16 AS 14.25.047:

17 \* Sec. 5. Notwithstanding AS 14.30.620(a), enacted by sec. 2 of this  
18 Act, the initial members of the governing board of the special education  
19 service agency, four shall serve a term of four years, five shall serve a  
20 term of three years, and two shall serve a term of two years. The initial  
21 terms shall be assigned to initial board members by the commissioner of  
22 education by lot.

COMMITTEE REPORT  
HOUSE

(7)

FURTHER: FINANCE

4/15/85

Date: 21st April 1985

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had CS HB 319 (L2C)

"An Act relating to physical agents."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- and recommends \_\_\_\_\_  new title
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
*W. J. ...*  
 \_\_\_\_\_  
*David W. ...*  
 \_\_\_\_\_  
*Alice ...*  
 \_\_\_\_\_  
*Katie Hurley (signed original)*  
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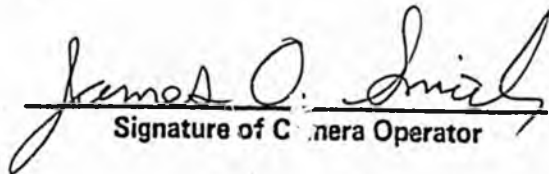
CHAIRMAN

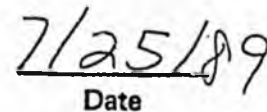
*W. J. ... Co. Clerk*



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Date

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POSITION PAPER  
HOUSE BILL NO. 320

"An Act relating to hospital inspections and investigations by the Department of Health and Social Services."

I. Background:


The purpose of HB320 is two fold; a) to reduce the annual hospital licensing demands on limited departmental staff, and b) to reduce the level of interruption to hospital operations as a result of duplicative licensing review activities.

The Joint Commission on the Accreditation of Hospitals (JCAH) reviews each hospital in Alaska once every three years. In addition, the Alaska Department of Health & Social Services conducts a review of each hospital annually. The Department recognizes that JCAH review standards are equal to those of the state, and that substitution of the JCAH review where possible would permit better utilization of limited State staff resources.

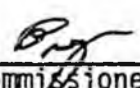
The administrative burden on the state licensing agency has expanded greatly in the last two years with no corresponding increase in State staff. Although the Department has streamlined its review procedures to accommodate this larger workload, the option to substitute the JCAH review would complement the other improvements already made. This would not create any undue risk to the public as significant differences have seldom been noted between the JCAH and State level review findings.

II. Departmental Position:

The Department supports HB320.

Recommend By:   
Rod Betit, Director  
Division of Medical Assistance

Date: 3/29/85

Approved By:   
John R. Pugh, Commissioner  
Department of Health & Social Services

Date: 7/1/85

**STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB320  
 Title: An Act relating to hospitals inspections & investigations  
 Sponsor: Koponen  
 Requestor: \_\_\_\_\_  
 Date of Request: 3/28/85

**FISCAL DETAIL**

Agency Affected: DHSS  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Medical Assistance Administration

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

**FUNDING: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

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

**ANALYSIS:** Attach a separate page if necessary

Prepared By: <sup>EW</sup> Rod Betit, Director *RC*  
 Division: Medical Assistance Phone: 465-3355  
 Date: 3/29/85

Approved by Commissioner: *J.R.P.* Date: 4-1-85  
 Agency: Health & Social Services *JCC*

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget



Official Business

# Alaska State Legislature

## Senate Finance Committee

JAN FAIKS  
CO-CHAIRMAN

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 13, 1985

### MEMORANDUM

TO: Senator Bettye Fahrenkamp, Chairman  
Health, Education and Social Services Committee

FROM: Senator Jan Faiks

SUBJECT: Senate Bill 45 - An act relating to hospital inspections and investigations by the Department of Health and Social Services.

#### I. Senate Bill 45

Alaska Statute 18.20.080(a) now requires the Department of Health and Social Services to make an inspection of hospital facilities on a yearly basis. By removing the word "annual" from this section, SB 45 will give the Department flexibility to inspect hospitals more often or less often than once a year.

#### II. Proposed Amendment to SB 45

The Joint Commission on Accreditation of Hospitals (JCAH) is a private organization which conducts inspections of hospital facilities that are comparable to the inspections conducted by the Department. The JCAH inspection involves an in-depth examination of the hospital's physical plant, safety and sanitation, record keeping, medical staff, medical services, and its management and administration.

Each hospital pays for its JCAH survey, and if it is found to be satisfactory, the facility is accredited for a three year period. I am enclosing a document entitled "General Administrative Policies and Procedures" which gives further information about the JCAH inspection program.

Forty states now use the JCAH findings rather than incur public expense to inspect these facilities. The proposed amendment would allow the Department of Health and Social Services to accept a JCAH inspection in lieu of conducting a similar inspection itself. The end result will be a manpower savings to the State without a loss of protection to the public.

alaska  
state  
hospital  
association

file SB 45

319 Seward St., Juneau, Alaska 99801 • (907) 586-1790  
REPRESENTING ACUTE, LONG TERM AND OUTPATIENT FACILITIES

Chairman of the Board  
Edward Zeiss  
Cordova Community Hospital  
Cordova

Chairman-Elect  
Michael Herring  
South Peninsula Hospital  
Homer

Immediate Past Chairman  
Mark Hawkins  
Sitka Community Hospital  
Sitka

Secretary/Treasurer  
Emma Ivy  
Wrangell General Hospital  
Wrangell

Delegate to the American  
Hospital Association  
Al M. Camosso  
Providence Hospital  
Anchorage

Alternate Delegate to the  
American Hospital Assoc.  
Sister Barbara Haase  
Ketchikan General Hospital  
Ketchikan

Delegate to the American  
Health Care Association  
Jack Buck  
St. Ann's Nursing Home  
Juneau

Alternate Delegate to the  
American Health Care  
Association  
Craig Slater  
Petersburg General Hospital  
Petersburg

Delegate to the Association  
of Western Hospitals  
Keith Campbell  
Seward General Hospital  
Seward

Alternate Delegate to the  
Association of Western  
Hospitals  
Jane Sabes  
Norton Sound Regional  
Hospital  
Nome

Trustee Delegate to the  
American Hospital Assoc.  
Moe Kadish  
Trustee, Providence  
Hospital  
Anchorage

Alternate Trustee Delegate  
to the American Hospital  
Association  
Maxine Robertson  
Trustee, Ketchikan  
General Hospital

Physician Member of  
the Board  
Morris Horning, M.D.  
Anchorage

President  
Dennis L. DeWitt  
Juneau

January 24, 1985

Senator Jan Faiks  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, AK 99811

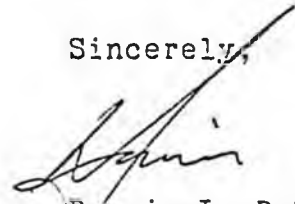
Dear Senator Faiks:

The Alaska State Hospital Association has reviewed Senate Bill No. 45 and wishes to indicate our support for its passage.

We respectfully request that it be amended to specifically permit the Department of Health and Social Services to accept the Joint Commission on the Accreditation of Hospitals survey in lieu of licensure. This would relieve any ambiguity as to the intent of the legislation. I have attached a suggested amendment for your consideration.

We are anxious to be of whatever help is necessary to assist in the passage of SB 45.

Sincerely,

  
Dennis L. DeWitt  
President

DLD/agk

cc: Friday Mailing  
Senator Fahrenkamp ✓  
Commissioner Pugh

---

# General Administrative Policies and Procedures

## Who May Apply for Survey

To be eligible for a JCAH accreditation survey, a hospital\* must meet the following requirements:

- Be located within the United States or one of its territories or possessions or, unless an exception is made by the president of JCAH (or in the absence of the president, the chairman of the Board of Commissioners), be owned or controlled by the United States or by an entity organized under the laws of the United States or one of its states, territories, or possessions.
- Have a valid, current license to operate.
- Maintain facilities, beds, and services that are available over a continuous 24-hour period, seven days a week.
- Be a hospital where the median length of stay is 30 days or less (exceptions may be made by the president of JCAH) or where the treatment provided is of such a nature that patients would not ordinarily be transferred to another facility for more intensive care. Not included are convalescent or domiciliary homes, homes for the aged, or other like establishments where only custodial care is provided.† Also excluded are student health centers and offices or clinics that primarily provide ambulatory care patient services and do not regularly admit inpatients.
- Have been in operation and actively caring for patients for at least six months before the survey so there is a record of performance that can be evaluated.
- Have a governing body, an organized medical staff,‡ and a nursing service.
- Have the primary function of diagnosis, treatment, and/or rehabilitation.

\*The chief executive officer of a hospital that provides only psychiatric/substance abuse services has the option of an accreditation survey using either the standards contained in this *Manual* or the standards contained in the *Consolidated Standards Manual for Child, Adolescent, and Adult Psychiatric, Alcoholism, and Drug Abuse Facilities*. The same option is applicable to a psychiatric/substance abuse department/service of a general hospital. This option will be honored for a three-year period, beginning with the April 1, 1984, effective date of this *Manual*.

†JCAH conducts a special survey for rehabilitation hospitals and other specialty hospitals, such as chronic disease hospitals, burn centers, and orthopedic hospitals, in which the median length of stay is over or under 30 days. Such facilities are surveyed for compliance with selected standards from this *Manual* and the *Accreditation Manual for Long Term Care Facilities*.

‡See Glossary.

- Provide for the following:

Building and grounds safety	Pharmaceutical services
Dietetic services	Professional library services
Emergency services	Quality assurance program
Functional safety and sanitation	Radiology services
Infection control	Rehabilitation programs/services
Medical record services	Respiratory care services*
Nuclear medicine services*	Social work services
Pathology and medical laboratory services	Special care services*
- Have at least one of the following acute clinical services—medicine, obstetrics-gynecology,† pediatrics, or surgery;‡ child, adolescent, or adult psychiatric services; or alcoholism or drug abuse services.
- Must provide that only a member of the medical staff, either individually or in cooperation with a licensed practitioner with clinical privileges, has the authority to admit a patient to the hospital.
- Must provide that only a licensed practitioner with clinical privileges will be directly responsible for a patient's diagnosis and treatment within the area of his privileges, that each patient's general medical condition will be the responsibility of a physician member of the medical staff, and that other direct medical care to patients will be provided only by a member of the house staff‡ or by allied health personnel acting under the supervision of a licensed practitioner with clinical privileges.
- Provide registered nurse supervision at all times, as well as other nursing services necessary for continuous patient care.
- Complete and return an Application for Survey with the nonrefundable application-processing fee.
- Provide the information requested in the *Hospital Survey Profile*.
- Operate without restriction by reason of sex, race, creed, or national origin.

#### How To Apply for Survey

Hospitals that wish to be accredited by JCAH should begin by sending a request for an Application for Survey to the following address:

Joint Commission on Accreditation of Hospitals  
Scheduling Department—Application Requests  
875 North Michigan Avenue  
Chicago, Illinois 60611

JCAH sends the hospital one application for completion. The application should be returned to JCAH with the nonrefundable application-processing fee. The hospital should retain a copy for its records.

#### Survey Fees

Survey fees are related to the cost of maintaining JCAH operations and ordinarily are determined annually.

When a hospital is scheduled for survey, JCAH sends the hospital an invoice

\*Not required for hospitals that provide only psychiatric/substance abuse services.

†Must have anesthesia services as well.

‡See Glossary.

and asks the hospital to pay the fees in accordance with the terms specified in the invoice, except where prohibited by law.

Section 952, PL 96-499, the Omnibus Reconciliation Act of 1980, requires that Medicare providers include, in all their contracts for services costing \$10,000 or more in any 12-month period, a clause allowing the secretary of the US Department of Health and Human Services (DHHS), the US comptroller general, or their representatives to examine the contract and the contractor's books and records. To satisfy this statutory requirement with respect to any such hospital paying JCAH \$10,000 or more in any 12-month period and to avoid the necessity for executing a special contract with each such hospital, JCAH herein stipulates that if its charges to any such hospital amount to \$10,000 or more in any 12-month period, the contract or any agreement upon which such charges are based and any of JCAH's books, documents, and records that may be necessary to verify the extent and nature of JCAH costs will be available for four years after the survey to the secretary of DHHS, the comptroller general, or any of their duly authorized representatives. The same conditions will apply to any subcontracts JCAH has with related organizations if the payments under such contracts amount to \$10,000 or more in any 12-month period. This stipulation applies to all contracts and JCAH books and records pertinent to charges paid to JCAH on December 5, 1980, or later.

#### Survey Personnel, Duration of Survey, and Schedules

Accreditation surveys are conducted by JCAH surveyors. The number of days required for a survey and the composition of the survey team are based on information in the hospital's Application for Survey. The hospital is notified of the date of its survey approximately four weeks in advance. To keep survey fees to a minimum, JCAH attempts to schedule surveys systematically and efficiently.

#### Multiple-Category Facilities

JCAH has standards for the following four categories of service: (1) acute care general hospitals, including hospital-sponsored ambulatory health care services; (2) psychiatric and substance abuse facilities and programs;\* (3) long term care facilities; and (4) ambulatory health care organizations, excluding hospital-sponsored ambulatory health care services. JCAH refers to a facility offering two or more of these categories of service as a "multiple-category facility."

The Application for Survey contains provisions for a multiple-category facility to indicate all health care services provided by its corporate body. For accreditation purposes, a corporate body is an organization that has a single governing body that is legally, organizationally, and functionally responsible for managing one or more health care facilities, programs, or services within a reasonable geographic area, usually considered to be 100 miles or less. Corporations with facilities located over large geographic areas can be excluded from this definition. JCAH realizes that due to their nature and circumstances, certain government-owned or corporate-owned facilities may have to be considered on an individual basis and be given special consideration.

JCAH tailors the survey process to the nature and needs of a multiple-category facility. A single survey is conducted by a survey team specifically

\*Facilities that provide services only to child, adolescent, or adult psychiatric patients, to alcoholism or drug abuse patients, or to any combination of the aforementioned age and disability groups are not considered multiple-category facilities. Such facilities are surveyed for compliance with this *Manual* or with the *Consolidated Standards: Manual for Child, Adolescent, and Adult Psychiatric, Alcoholism, and Drug Abuse Facilities*.

chosen for its expertise in the standards that will be used to survey the facility, and the facility receives a single accreditation decision and a single survey report based on JCAH's evaluation of all health care services provided by the facility's corporate body. Policies that are specific to the tailored survey process are published periodically in *JCAH Perspectives*.

JCAH also has standards for community mental health service programs, which are published in *Principles for Accreditation of Community Mental Health Service Programs*, and standards for hospice service programs, which are published in the *Hospice Standards Manual* (available December 1983). JCAH does not require multiple-category facilities that include community mental health and hospice service programs to be surveyed under these standards. However, if a multiple-category facility wishes to seek special recognition of these programs by requesting a survey under the standards for the programs, JCAH will handle the survey as part of the tailored survey process just described.

#### Accreditation Survey Procedures

The purpose of a JCAH accreditation survey is to assess the extent of a hospital's compliance with the applicable standards in this *Manual*. A hospital's compliance with the standards is assessed through at least one of the following means:

- Statements from authorized and responsible hospital personnel;
- Documentation of compliance provided by the hospital;
- Answers to questions concerning the implementation of a standard, or examples of its implementation, that will enable a judgment of compliance to be made; and
- On-site observations by JCAH surveyors.

Because each standard has some degree of importance, a hospital must be prepared to provide evidence of its compliance with each standard that is applicable to its operations. To be accredited, a hospital must demonstrate that it is in substantial compliance with the standards, although it need not be in full compliance with each applicable standard.

In the event that JCAH surveyors find that some aspect of hospital operations adversely affects patient health and safety, their findings may be considered for accreditation purposes even if the standards do not specifically address those operations. In considering any such findings, JCAH may obtain expert consultation.

#### Public Information Interviews

Although JCAH does not ask a hospital to announce its forthcoming survey through the mass media, it does ask the hospital to provide an opportunity during a full on-site survey for the presentation of information by consumers and the public as well as personnel and staff of the facility undergoing survey. Anyone who has information about a hospital's compliance with the accreditation standards may request a public information interview.

JCAH requires a hospital to post, in a public place on its premises, the official JCAH announcement of the date of survey and of the opportunity for a public information interview. Ordinarily, the public notice must be posted four weeks before the survey date; the notice must indicate that requests for a public information interview must be made in writing and that JCAH must receive them at least two working days before a hospital's accreditation survey begins. The notice must remain posted until the first day of the survey. Furthermore, if

someone asks about the survey, JCAH expects the hospital to inform the person of the survey dates and the fact that a public information interview may be requested or that such an interview is already scheduled.

The hospital should promptly send any request for a public information interview that it receives to JCAH's Hospital Accreditation Program and retain a copy for its files. JCAH acknowledges each request and sends a copy of this acknowledgment to the facility. The hospital is responsible for notifying the interviewees of the exact date, time, and place of the public information interview.

JCAH surveyors are required to report on whether JCAH policies concerning public information interviews have been carried out properly. This includes reporting the manner in which the notice was posted in the hospital.

Public information interviews usually are conducted during the morning of the first survey day and ordinarily do not exceed two hours in length. The hospital is expected to provide reasonable accommodation either within the hospital or at a location that is conveniently accessible to the hospital. Surveyors conduct the interview session and receive the information. Representatives of the hospital are expected to attend.

The interview consists only of the orderly receipt of information offered, verbally or in writing, within the prescribed time limit. All information received is fully considered for pertinence and verification; the findings are reported to JCAH central office staff with the results and recommendations of the survey. Any further participation in the survey by an outside source of information must be authorized by the hospital.

#### Accreditation Decision and Appeal

At the completion of the on-site survey, the surveyors hold a summation conference with one or more representatives of at least the hospital's governing body, administration, medical staff, and nursing staff. The form of the conference is of the hospital's choosing. During the conference, the surveyors present survey findings for discussion and clarification, and representatives of the hospital are given full opportunity to comment on any adverse findings noted by the surveyors.

JCAH staff evaluates the results of the survey, the recommendations of the surveyors, and any other relevant information, such as the extent of the hospital's compliance with recommendations, evidence of recent improvements, or documentation of plans to correct deficiencies. Based on its evaluation, JCAH staff recommends to the Accreditation Committee of the Board of Commissioners that the hospital either be accredited or be denied accreditation. (See Appendix B for a full discussion of accreditation and appeal procedures.)

When JCAH staff tentatively determines that it will recommend nonaccreditation to the Accreditation Committee, a representative of JCAH contacts the hospital, informs the chief executive officer of staff's intent, and discusses the areas of noncompliance upon which the recommendation would be based. When necessary, arrangements may be made for further discussions between representatives of the hospital and JCAH.

JCAH also sends the chief executive officer of the hospital a list of the areas of less than substantial compliance. If the chief executive officer maintains that sufficient documentation can be submitted to demonstrate either that the hospital was in compliance with the standards in question or that the hospital has corrected the major deficiencies identified during the on-site survey, the hospital is given 15 days to submit the documentation. JCAH staff reviews the documentation and will take one of the following actions: (1) change its recommendation and submit a recommendation to grant accreditation, along with the survey

findings and the hospital's documentation, to the Accreditation Committee for a decision; (2) conduct a resurvey of all or part of the hospital; or (3) submit its recommendation to deny accreditation, along with the survey findings and the hospital's documentation, to the Accreditation Committee for decision.

The Accreditation Committee considers the recommendation of JCAH staff and will either grant accreditation to the hospital or initially decide to deny accreditation. The hospital is notified of the decision and is provided with recommendations for improvements. Copies of these recommendations are sent to the chairman of the hospital's governing body, the chief executive officer, and the president of the medical staff.

Any decision of the Accreditation Committee to accredit a hospital is final, and the hospital's accreditation is effective as of the first day after completion of the survey.

If the Accreditation Committee initially decides that accreditation should be denied, and if the facility was not an accredited hospital at any time during the two years before the survey, the committee may direct JCAH staff to inform the hospital that instead of either accepting a nonaccreditation decision or requesting an interview, it may elect to consider the survey a consultation and education visit that does not result in a nonaccreditation decision.

Any initial decision of the Accreditation Committee that accreditation should be denied entitles the hospital to appeal the nonaccreditation decision in accordance with the procedures described in Appendix B of this *Manual*. These procedures are summarized in the following paragraphs.

Except in rare and unusual circumstances where patient life or safety may be in jeopardy, the hospital is given an opportunity to come to JCAH for an interview with representatives of JCAH after the Accreditation Committee has made an initial decision to deny accreditation. The results of the interview are reported to the Accreditation Committee for its consideration. If the Accreditation Committee decides to deny accreditation, the hospital has the right to a hearing before an Appeals Hearing Panel composed of impartial individuals selected by the president of JCAH. If the hospital fails to properly request an interview or a hearing, as described in Appendix B, any decision of the Accreditation Committee to deny accreditation becomes final.

If a hearing is held, the Appeals Hearing Panel considers the survey findings and all other available materials, including any oral and written presentations made by the hospital. The panel then makes a recommendation concerning accreditation to the Board of Commissioners.

The Board of Commissioners or a committee of the Board of Commissioners (excluding any members who may have participated in any earlier consideration by the Accreditation Committee) considers the recommendation of the Appeals Hearing Panel and decides either to grant or deny accreditation to the hospital. Any decision of the Board of Commissioners or its committee to accredit the hospital is final, and the hospital's accreditation is effective as of the first day after completion of the survey; any decision of the Board of Commissioners or its committee to deny accreditation is also final and is effective as of the date of the decision.

#### Duration of Accreditation

If it is found to be in substantial compliance with JCAH standards, a hospital is awarded accreditation for three years. Approximately 18 months from the date of its survey, each accredited hospital is asked to conduct an interim self-survey, using procedures and submitting reports as required by JCAH. At the request of an accredited hospital, JCAH will conduct a full accreditation survey more frequently than once every three years.

In the process of deciding to accredit a hospital, the Accreditation Committee determines whether survey findings warrant any contingencies. When a hospital is accredited subject to one or more contingencies, JCAH will monitor the hospital's efforts to improve an area of concern identified during an accreditation survey. The type of monitoring required and the time allotted for demonstrating improvement depends on the nature of the concern—particularly its effect on patient care—and the time required to satisfactorily address the concern. Hospitals that receive contingencies ordinarily are asked either to submit a written progress report or to undergo a focused on-site survey. During a focused survey, JCAH surveyors ordinarily address only those concerns identified in contingencies. Some contingencies, however, may require surveyors to address issues related to the areas of concern. The size of the survey team and the duration of the focused survey depend on the number and extent of concerns addressed in contingencies. Usually, focused surveys are not as extensive as full accreditation surveys.

Accreditation is not automatically renewable. A hospital must undergo another full accreditation survey and demonstrate substantial compliance with JCAH standards to renew accreditation. Several months before a hospital's accreditation is due to expire, JCAH will send the hospital an Application for Survey and, upon receipt of the completed application, JCAH will schedule the survey. JCAH ordinarily schedules the survey as near as possible to the hospital's survey anniversary date. However, to allow latitude in adjusting to a hospital's needs, surveys may be scheduled within a 90-day period surrounding the hospital's anniversary date. With a hospital's consent, JCAH may schedule the survey up to 90 days before accreditation is due to expire.

Following a survey, a hospital's previous accreditation status continues until a decision is made to accredit the hospital or a final decision is made to deny accreditation to the hospital.

An accredited hospital may be surveyed at any time at the discretion of JCAH. Ordinarily, no fee is charged for a survey initiated at JCAH's discretion.

A hospital that is not granted accreditation or that has its accreditation withdrawn may apply for a resurvey, but the resurvey will not be conducted until six months after the final nonaccreditation decision. This six-month waiting period may be waived by the president of JCAH if the hospital demonstrates sufficient progress in addressing recommendations to justify such a waiver.

Accreditation is not automatically transferable. If an accredited hospital changes ownership or control or undergoes a major change in its capacity or in the categories of services offered, it must notify JCAH not more than 30 days after such change. Accreditation is continued until JCAH can determine whether a resurvey is necessary. If JCAH decides to resurvey the hospital, the hospital will be asked to submit an Application for Survey and the required fee within 20 days of notification by JCAH. Failure to comply with these provisions results in loss of accreditation.

An accredited hospital also must notify JCAH not more than 30 days after a merger or consolidation or a major change in facilities or organization; for example, JCAH must be notified when a hospital relocates or undergoes a major renovation. As in the case of a change of ownership or control, JCAH may decide that the hospital has to be resurveyed.

#### Confidentiality

In submitting its Application for Survey, the hospital must provide, or authorize JCAH to obtain, official records and reports of private organizations and of public or publicly recognized licensing, examining, reviewing, or planning bodies.

Except as required by law, all information obtained by JCAH in the accreditation survey process, including the public information interview, and the results and recommendations of the survey are treated as confidential matters between JCAH and the surveyed hospital. The results and recommendations of the survey will be provided only to the surveyed hospital, which may release them at its discretion.

However, when a serious condition jeopardizing public safety or the safety of a patient is found in a hospital, and when this condition has been pointed out to the chief executive officer, the proper local or state authority will be notified of the problem in writing.

Except as required by law and as noted in the preceding paragraph, JCAH does not release any information obtained through the survey process that identifies a particular hospital without the written authorization of the hospital. This restriction does not prevent JCAH from publishing aggregate data obtained from accreditation surveys.

JCAH does provide the following information upon request from anyone:

- Whether JCAH has received an Application for Survey from a particular hospital;
- A list of hospitals tentatively scheduled for survey, without indication of specific survey dates;
- Upcoming survey dates for a particular hospital after the hospital has been notified of the survey dates; and
- Whether a hospital is or is not accredited.

#### **Public Recognition**

JCAH provides each accredited hospital with a certificate of accreditation. A hospital is not charged for the initial certificate or any new certificate issued to reflect a change in the hospital's name. Additional certificates can be obtained from JCAH at cost.

The certificate and all copies remain the property of JCAH and must be returned to JCAH if the hospital is issued a new certificate reflecting a change in name or if its accreditation expires or is withdrawn or denied for any cause.