

ALABAMA LEGISLATURE COMMITTEE FILED 1905-1906

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HLAB

HB 317

368

licensing is the primary way in which all such professions are certified for practice, and therefore, social work should be so regulated.

A third important fact is that social workers practice in a larger number and variety of settings, organizations, and institutions than does any other profession. There simply is no way to ensure a minimum of professional quality apart from that provided by licensing. This is dramatically illustrated in the confusion that

now exists in the public mind about what a social worker is, what he or she does, and what a client should expect in the way of service.

It is our conviction that providing competent social work help requires professional education. Experience shows the only way to ensure that persons giving services are capable is to establish minimum standards for practice. Such regulation is essential for the public, as well as for the profession.

SB 227

LEGISLATIVE HISTORY

PAGE 01 OF 04

AN ACT RELATING TO THE PRACTICE OF SOCIAL WORK AND ESTABLISHING THE BOARD OF SOCIAL WORKERS EXAMINERS; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: FARRERKAMP
CO-SPONSORS:

BY REQ

CURRENT STATUS: (S) HES2

DATE	PAGE	ACTION
03/12/85 (L)	521	READ THE FIRST TIME LAW&COMMERCE
03-18-85 (S)	571	LIC. CTR. REFERRAL. REVISED HES2 FORAGE ROLES

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

1 IN THE SENATE

BY FAHRENKAMP BY REQUEST

2

SENATE BILL NO. 227

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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

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

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

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

19 June 30, 1989.

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

21 CHAPTER 87. SOCIAL WORKERS.

22 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (7) pays all required fees.

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

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

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

8 ARTICLE 3. PROHIBITIONS AND PENALTIES.

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

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

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

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

1 reveal the communication;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (A) professional incompetence;

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

19 (C) physical or mental disability;

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

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

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

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

27 (1) permanently revoke a license to practice;

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

29 (3) censure a licensee;

1 (4) issue a letter of reprimand to the licensee;
2 (5) place a licensee on probationary status and require the
3 licensee to

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

6 (B) limit practice to those areas prescribed;

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

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

12 (7) refuse to renew a license.

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

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

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

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

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

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

6 ARTICLE 4. GENERAL PROVISIONS.

7 Sec. 08.87.300. 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.

DIVISION OF OCCUPATIONAL LICENSING

Proposed amendments to HB 317
(Sectional Analysis)

"An Act related to the practice of social workers and establishing a Board of Social Worker Examiners and providing for an effective date.

Page 1

Section 1. PURPOSE: Although the paragraph appears to be fine, we would offer one suggestion on line 13 should read "and are subject to licensure by the Board of Social Worker Examiners."

The term licensure would indicate review, control and responsibility for disciplinary sanctions.

Section 2. No Comment. Adds the Board of Social Worker Examiners.

Section 3. Basically, the Administration opposes an additional board, however, with this section there is no remarkable comments. Sets the date for termination at June 30, 1989.

Section 4. Our opinion in regard to the creation and membership of the board should be that if the board is going to be a board for licensing social workers, then the level of social workers should be equal and just. The authors of this bill include three master social workers, one of whom is an independent social worker, later definition will show that an independent social worker meets just an additional term of supervision for postgraduate experience approved by the board, the term is 24 months and we question how a board can be made up of an independent social worker if the board must initially approve the post work experience prior to one being termed an independent social worker, one bachelor social worker and one public member.

On a more appropriate makeup of a board, if the purpose is to assure the consumer that persons providing services under the title social worker have completed professional social work education and adhere to a code of professional ethics, is not the code of ethics for the bachelor social worker the same as for the master social worker? The purpose does not indicate a level, but just in the overall regulating of social workers. A more appropriate makeup of a board might be two master level social workers, two bachelor level social workers, and one public member or better yet, one master level, one independent level, one bachelor level social worker and two public members. Beginning on Line 27, relates to the interest of the public members in the social worker profession. To be consistent with the other boards, the language may be suggested that the public members would have no financial interest in the social worker profession.

Page 2

On line 9, we have problems as an administrative agency budgeting for statements such as "the board may hold special meetings at the call of the chair or of a majority of the board members." We would prefer to see that the exact number of meetings per year are embeded in statutes so we would have the statutory authority for budgeting purposes. It also makes it a lot easier for legislators to comprehend.

Line 15, we would request that the statement "or the board may by regulations provide that unexcused absences from meetings are a cause for removal," should be changed to "the board shall by regulations provide"

Line 26, established standards for specialty designations for the private practice of social workers and authorize specialty designations on licenses issued under this chapter. We question whether this is entirely necessary and, if so, a number of specialties or their designation should be embeded in statutes that the board will not someday inflict upon the State numerous different specialties such as marriage and family therapists and the various other types of social worker problems that one might consider themselves as a specialists. We might also relate that this should be according to national standards.

Page 3

Line 3, we would agree that there might be some professions that need supervision, however, we believe that if there is a need to license social workers then it should be the responsibility of the board to ensure that a person going from a bachelor level social worker to a master level should be reviewed by the board and not under the supervision of a master level. The two problems we see with this is that the potential for master levels not endorsing bachelor levels because of an economic sanction or "turf protection" or as we have in the psychology field where supervision can be done by phone. Is this an appropriate method of supervision? We doubt that it is, and would request legislative mandates to prevent abuse of "lower" levels of the profession.

On line 8, item number 7, we oppose the wording "adopt regulations to carry out the purpose of this chapter." We are consistently advised by the legislators that there are too many regulations being adopted, that there are regulations superceding or circumventing legislative authority, and intent, however, statements that say "adopt regulations to carry out the purpose of this chapter," give the board the statutory authority and the mandated function to involve themselves in numerous regulation projects.

The following comments will deal with Article 2, licensing of social workers.

We would have problems with line 14 when it says "is fit to practice" Again the board term of fit to practice left up to regulations by the board could lead us into turf protection failing to license those that are competent and a lax definition of "fit." We would request that the word "fit" be changed to "qualified" as specified on line 19. We would also have problems with one who is possibly in professional competition identifying what is a good professional standard. Not that the fact that they could not identify what a good professional standing is, however, what are they referring to as "is in good professional standing."

Line 18, provide three references acceptable to the board. They would submit that at the start of the licensing the board is going to have enough work to do to identify what is acceptable. I believe the word "acceptable" should be removed and in place should be the statement "(3) provides three professional references to the board."

Line 25, we would need to ask the question, what is the Council on Social Work Education and what is the accrediting authority? At the current time of this writing, that is unknown.

Beginning on page 3, line 27, which is the start of the licensed independent social worker section, we would oppose this. We believe that, if we are going to license social workers and we are going to further break it down as master, independent, and baccalaureate levels, we should not break it down further because someone is a private practitioner. Thereby, is it necessary for the definition of an independent social worker, we think not. We think from a governmental standpoint, the important aspect is that we are licensed and qualified competent social workers. We have sent copies of this legislation to members of the Board of Psychology requesting an evaluation of what the social worker or the drafters deemed to be appropriate for the scope of practice.

Beginning on line 28 of page 4, we would oppose the position that as listed under (c) a person may practice social work autonomously only if (1) the person is licensed as an independent social worker. We question the motive and why could not a master level social worker, which is apparently endorsed in accredited schools as being a competent level to practice in the public, why must it be an "additional title" of independent social worker.

Page 5.

Beginning on line 1, we are concerned that the board would have too much authority over too many different areas and could ultimately lead to the verification of turf protection, economic sanctions and possibly even anti-trust complaints.

Line 7, we would suggest that this be deleted.

Line 25, we do not believe that this is an appropriate subject for licensure by credentials, but for renewal of licensure. It is not that we are saying we don't believe competent practitioners should be required to produce that evidence, however, in licensing by credential is a means to immediately or expeditiously license practitioners that meet certain requirements. The factor of proof of continued competency is normally between initial license and renewals.

On line 29 in place of "lapses after 24 months," would require additional staff to maintain a suspense file to see that each applicant is licensed 24 months after the date they are initially issued.

Page 6.

We would like to make known to the sponsors that we are presently supporting House Bill 78, which will have a new section AS 08.01.065 which will provide that the department will set the fees by regulations after concurrence by the board affected.

Line 25, Section 08.87.210, Confidentiality of Communications.

We have consistently had concerns where professions such as psychologists and social workers would enter a confidentiality of communications requirements on the books and does not provide when a practitioner violates a client. An example of this is one practitioner having some type of unauthorized physical contact with a patient, the patient ultimately goes to the second practitioner, she reports this type of conduct, the second practitioner advises this agency of the conduct, however, he refuses to identify the practitioner in the first instances, and he also refuses to identify his client. This then sets the division and the State at liability that we cannot take any action against the practitioner because we don't know or are not informed of the identity. I believe in this portion of the bill, some wording should be indicated that would provide a practitioner who brings unethical conduct to the attention of the division or the board should have the sanction of the board and also the courts in his efforts prevent abusive clients. For lack of a better word, the practitioner reporting the unethical conduct should be immune from any civil liabilities. This, of course, is a danger if the alleged complaints are not substantiated to the degree that action could be taken against an offending practitioner and ultimately because of lack of proof the case goes unsatisfied.

On page 7 at line 12, there appears to be this implication which says the social worker reveals communication only during the course of an official examination, trial or other proceedings. I would require that the drafters of this legislation identify what is considered an official examination.

Even though this agency does official inquiries in the performance of its function, they have sometime been classified as not meeting the standards of an official examination. I think this should be spelled out in advance so all would be aware.

The purpose alleged by the solicitors of the legislation is for the consumer protection and we think consumer protection should be built into this portion of the bill, the practitioner should submit themselves to the board's authority and wholeheartedly and without any hesitation. A recommendation might be to add a number (9) which says "the social worker shall reveal a communications to members of the board during an interview or their designated representatives during an official inquiry for the board or on behalf of the board.

Page 8

Beginning on line 5, I would ask that there be a clearer definition as to what section 4 would indicate. They have too many vague and board statements and words in relation to this one particular paragraph that says "has been convicted of a crime that has a substantial relationship to the licensees' activities and services or that affects the licensees' ability to continue to practice competently and safely." Definition would need to be obtained in regard to substantial relationship, licensees' activities and services, and practice competently and safely.

Beginning on line 8, item 5, a definition must be obtained for minimum professional standards. Are these to be set by the board or are we following some national accreditation associations' definitions?

Page 10, Article 4, General Provision.

Line 11, section 6, within 30 days, we will recommend that this be changed to 90 or 120 days giving the Governor's Office sufficient time to look for and appoint qualified board members. We would also recommend that our comments as addressed in the previous chapter dealing with the makeup be inserted here. Our recommendation would be three social workers consisting of a master, an independent and a baccalaureate level and two public members. If that is not agreeable, then either two baccalaureate members and two master levels with one lay person.

Beginning with section 7, line 25, on page 10 and continuing on page 11, we would oppose that entire section unless it was rewritten. Indications in the section itself says that the Board of Social Worker Examiners are going out in the field to anyone and I suggest as a basis for this statement is on line 28 of page 10 the statement is made "(1) holds a degree in social work from a school with a social work program that is not accredited by the Council on Social Work Education or a bachelor's or master's degree in a field related to social work and has been practicing under the title social

worker for at least 24 consecutive months before July 1, 1987; or" this statement in effect appears to be an effort to increase the numbers in this licensed profession. If we are saying that it is necessary to license social workers for the protection of the consumer, then we should be prepared to limit our licensing function to those social workers that are in effect at the time this bill goes in to become law. We also take exception when they use a word "that hold a master or bachelor degree in a field related to social work and has been practicing under the title social worker." The problem is that there are many counselors out there that identify themselves as social workers. They can at this point in time since there is no licensing requirement in this State and they would not be breaking any law. Does the Board of Social Worker Examiners then consider them the appropriate people to carry the title of social worker and be licensed by the State of Alaska?

Page 11, beginning on line 4, this is another apparent effort for the grandfathering clause. The legislation should identify criteria as established by the proposers of this legislation that meets acceptable standards nationwide for the initial licensing. Those persons holding those qualifications on the date the bill becomes effective should be the ones that are grandfathered, not applications for licensing to be received before July 1, 1987 which is in excess of two years down the road. The grandfathering clause should terminate on July 1, 1985.

This bill is in opposition to the Administration's position of proliferation or endorsing of more professional licensing boards. I submit that the major and most important question is, have the consumers come requesting this profession become licensed or has any governmental agency been involved with complaints from consumers that have been abused by those holding themselves out to be social workers? The answer to both of those questions is negative.

Reviewing this bill, it is apparent that the profession who now numbers approximately 315 to this agency's knowledge, of those 138 are State employees. All information that has been obtained by this agency is that social workers employed by the State of Alaska do not desire to be licensed. We also have received information that the employees' union for the State, APEA, has also been in contact with the sponsors' office expressing this concern. It would be our position that Alaskans receiving the benefits by a State agency in the form of social work or counseling are of a lower income class than what would be found for the clients utilizing social workers in the general public sphere. Based on this, we would endorse that State employees practicing and being paid a salary as social workers should also be required to meet the licensing standards. It is not necessarily the agency's position that State employees should be required to pay a licensing fee, but just that they meet adopted standards. We feel that service provided by the State should be equal to if not better than that provided by the private sector, or that would be a goal that we would look to.

We will also encourage State employees to become licensed as social workers if a fee needs to be charged that can be written by an RSA funding from one State agency to another. That license could only be used for State business. Once the employee leaves the State, then the license must be surrendered unless the practitioner pays the fee. We would also take the approach that if employees are not licensed two complications arise; (1) do the clients have an avenue of redress, the answer to that is apparently yes, however, is the expertise in the Office of the Ombudsman or in the supervisor of the employee for fair relief for the clients? For the Ombudsman's office the answer would be no, for the supervisor it would be maybe.

We also have some concerns that there are a number of counselor type occupations or professions out there and we are deeply concerned as to whether they should not all be brought under a scenario of the Board of Psychology and Psychological Associates, we are aware that the participants or movers of this legislation are adverse to that. However, we have to be concerned with the other numerous individual and separate fields that might also seek licensing and again would be confronted with the proliferation of boards of like substance. The Board of Social Worker Examiners could very easily fit under the Board of Psychology and Psychological Associates, the board size could possibly be increased to seven and you would still have the expertise on the board available to judge licenses and applications at a reduced cost.

HDT/wfs:915W31985a

HB 317 File Contents

April 9, 1985 Tuesday

- 1) Bill Summary -- Legislative Reporting Service
- 2) Overview -- Committee Staff
- 3) Fiscal Note, Analysis, and Position Statement -- Dept. of H & SS
- 4) Fiscal Note, Analysis, and Position Statement -- Dept. of Commerce
- 5) Sectional Analysis -- by Cecilia Kleinkauf, Alaska Chapter, NASW
- 6) Sectional Analysis -- by Carol Derfner, Boards & Commissions Office, for SB 227 (same as HB 317)
- 7) Letter from Governor to Marsha Schneider, NASW, March 9, 84
- 8) Letter from Governor to Yvonne Chase, Pres. NASW, April 8, 84
- 9) "Social Workers Voicing Opposition to Licensing," Anchorage Daily News, March 23, 1985, p. 26
- 10) Correspondence from various Agencies Supporting Concept of Licensing of Social Workers on SB 303, a similar bill in the 13th Legislature in 1983-84, by Josephson.
- 11) POMs in Support of HB 317.
- 12) "Answers to Questions State Legislators ask about Social Work Licensing," by the National Assoc. of Social Workers
- 13) State Comparison of Laws regulating Social Work
- 14) Regulating Health Professionals: A Review of the Empirical Lit.
- 15) Written testimony on HB 317 from Marsha Schneider, Ak Chpt. of the National Association of Social Workers.
- 16) Additional Materials from Gary Lichtenstein, Bd. Member, NASW
 - a. Map of States in the US with Acts regulating Social Work
 - b. Letter from Aetna Employees Benefit Section 7/3/84
 - c. Letter to Trustees of Johnson & Higgins Insurance 1/18/85
 - d. "Cuomo Signs New York Vendorship Law, NASW News, Feb. 85

April 10, 1985 Meeting

- 17) Sectional Analysis and proposed amendments -- Dept. of Labor

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



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Senate Committee on Health, Education and Social Services

April 15, 1985

BILL ANALYSIS

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

Section 08.87.010 Board Make-up

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

Section 08.87.070 Duties of the Board

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

Section 08.87.100 Licensing

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

Section 08.87.110 Scope of Practice

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

Section 08.87.110(b) Practice of Psychotherapy

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

Section 08.87.110(c) Autonomous Practice

Limited to licensed independent social workers who have Board approval.

Section 08.87.120 License by Credentials

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

Section 08.87.130 License Renewal

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

Section 08.87.140 Fees

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

Section 08.87.200 Use of Title

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

Section 08.87.210 Confidentiality

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

Section 08.87.220-.240 Sanctions and Penalties

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

Section 7

Grandfather Clause

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

WHY LICENSE SOCIAL WORKERS?

1. Licensing will enable the public to identify those social workers who have met minimum standards required for licensing. Presently, anyone can use the title of "social worker", even if they have no training or experience whatsoever. With licensing, the public will have the assurance that anyone representing themselves as a social worker will have the required professional preparation, regardless of the setting in which they practice.
2. Licensing will ensure an enforceable code of professional conduct. Licensure would provide consumers with easy access to investigative and adjudicative procedures through a regulatory body, supported by effective penalties for offending practitioners. The National Association of Social Workers believes that one of the most important reasons for enacting State licensure is the accountability it provides to the public.
3. Since a majority of states do have licensing of social workers, an Alaskan license would assure that uniform standards of social work practice exist from state to state. This will better serve the consumer, and allow reciprocity to the licensed professional.
4. Licensing will ensure that social workers are screened and evaluated carefully in terms of specific standards before they are allowed to have an independent practice.
5. Insurance reimbursement is possible. If a social worker is licensed, insurance companies have a standard for recognition and payment of this important health benefit to their subscribers. This will assist the consumer who uses both public and private services of social workers. A large percentage of mental health services are provided by unlicensed social workers in this State. The cost of these services are not retrievable by the public agencies who employ them. Many "denied claims" are now being written off at State expense because of the lack of a State social work license.
6. Licensing of social workers will provide consumers lower cost mental health services. A recent Defense Department Champus insurance report indicated "that in the majority of states the comparative prevailing fee profiles for social workers' psychotherapy sessions are lower than those for psychiatrists. DOD reports that no quality of care problems have arisen". The Champus insurance program for dependents of military personnel (a substantial population of Alaska) estimates that it saved over \$253,000 between December 1980 and March 1982 through its experimental reimbursement of clinical social workers.
7. Licensing social workers will ensure ~~privileged~~ communications between the professional social worker and their client. Confidentiality is at this time not regulated.
8. Licensing will assist consumers in locating qualified social work services. It will provide referral sources a clear understanding of specialization, education, and experience of a particular social worker. It is important to understand that the great majority of clients receiving social work services have no choice about who is to be their social worker. Where they have a choice, such as when seeking private therapy or family counseling, the consumer has no guidelines to judge the competence of the worker.

9. The provision of competent social work services requires professional education. Experience shows that the only way to ensure that persons giving services are capable, is to establish minimum standards for practice. Such regulation is essential for the public, as well as for the profession.
10. Legislation to license social workers needs to recognize clinically trained social workers as equally qualified to the other mental health professionals identified by law as competent in the evaluation of the mentally disturbed for purposes of commitment. The only non-licensed profession now included in Alaska's mental health commitment law is social work. Without regulating the practice of social work, there is concern in the profession that Alaskans could be subject to the improper use of State-given sanction.

Additional Notes

- Approximately 300-350 social workers in the State of Alaska would be licensed under legislation proposed by the Alaska Chapter, National Association of Social Workers
- Licensing fees collected from at least the above referenced numbers of individuals would more than off-set the costs of the Social Work Licensing Board needing to be established as part of the licensing law.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



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Senate Committee on Health, Education and Social Services

TO: SENATE H.E.S.S. COMMITTEE MEMBERS
FROM: COMMITTEE STAFF
DATE: APRIL 18, 1985
RE: SB 227, SOCIAL WORK LICENSURE

On Friday, April 19, 1985 at 3:30 p.m. in the Butrovich Room, the committee will meet briefly to take action on CSSB 227 (HESS), An Act relating to the practice of social work and establishing the Board of Social Work Examiners.

A draft committee substitute, based on the previous committee hearing on the bill, has been prepared. Specific changes are as follows:

- page 1, line 14 Clarifies that the purpose of the act is to provide for licensure of social workers.
- page 2, line 9 Allows the Board to meet twice annually, with any additional hearings to be conducted over the teleconference network.
- page 2, line 15 Unexcused absences from meetings would be cause for removal from the Board, with specifics to be determined by the Board.
- page 3, line 21 Requires submittal of three professional references.
- page 8, line 14 Removes reference to severe dependency on alcohol or drugs as grounds for disciplinary sanctions.
- page 8, line 18 Removes reference to immoral conduct as grounds for disciplinary sanctions.

These are changes
made in final
HESS C.S.

- page 9, line 28 Clarifies that unlicensed persons who use the title social worker, and licensed workers who breach the confidentiality provisions of AS 08.87.210 are guilty of a class B misdemeanor.
- page 9, line 29 Clarifies that in order to restrain an unlicensed person from practicing, the Board must apply to the court for injunctive relief.
- page 10, line 8 Allows 60 days for initial Board appointments to be made.
- page 10, line 28 Clarifies that fields related to social work (which would qualify a person for "grandfathering") are social science fields as defined by the Board.
- page 11, line 15 Provides that persons practicing social work on the effective date of the act may continue to use the title until June 30, 1987, whether or not they are licensed.

POSITION PAPER

SENATE BILL NO. 227

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

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

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

I. MAJOR DEPARTMENTAL ISSUES

A. Effect on Current State Employees:

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

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

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

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*C.S. provides
for subsequent
licenses as
well*

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

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

*C.S. provides
for "associate
social
worker"*

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

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

C. Effect of Licensing Which Defines Allowable "Tasks"

*has been
done in C.S. →*

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

done in CS.

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

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

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

II. SECTIONAL ANALYSIS

A. Supervision

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

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

B. Confidentiality

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

done in C.S.

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

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

C. Powers of the Board

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

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

*discussed with
Legislative
Legal - OK as is ✓*

*discussed w/ Leg-
islative Legal -
OK as is ✓*

(b) 1... Board may apply to the Superior Court for an order en-
joining [MAY SEEK TO ENJOIN OR RESTRAIN] a person not licensed
under this chapter or whose license is suspended, revoked or
expired from violating this chapter.

D. "Grandfathering"

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

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

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

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

*CS deletes
[original]*

*Defined in
C.S.*

III. FINANCIAL IMPACT

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

IV. RECOMMENDATION

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

Senate Bill 227 "An Act relating to the practice of social work and establishing a board of social worker examiners."

The Department of Commerce and Economic Development would oppose this legislation. This administration's position has consistently been opposed to additional boards without substantial evidence of public outcry or public need. This legislation does not exhibit either of these demands.

Although the bill's purpose is to assure the consumer that persons providing service under the title "social worker" have completed professional social work education, adhere to a code of professional ethics, and are subject to review by the Board of Social Worker Examiners, the legislation can only enforce the licensure requirements by a board. The bill does not protect the consumer. This is a practice act to allow social workers third party reimbursement, which can be done if they are registered without the expense of a board.

The legislation adds an additional title of "Independent" social worker, and adds "L" for licensed in front of each designation. Nationally, they are known as MSW or BSW for Master Social Worker or Bachelor of Social Worker, respectively.

The staff has identified 119 State positions of social workers. These individuals oppose licensing. The legislation does not provide for an exemption of State workers. If this legislation is approved, we would support the position for licensing State employees. This is based on the lower income population being the main users of State services, they should also be provided with an avenue of redress.

We are concerned with the confidentiality section in the bill. This section should also provide a protection statement for a social worker who treats a client who was abused by another licensee. This would enhance a public protection attitude.

This legislation directs the Governc. to appoint five initial board members within 30 days. This is also unacceptable.

Harry D. Treager
Harry D. Treager, Director
Division of Occupational Licensing

April 1, 1985
Date

Loren H. Lounsbury
Loren H. Lounsbury, Commissioner

4/3/85
Date

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		33.1	34.8	36.5	38.3	40.2
200 TRAVEL		8.8	9.2	9.7	10.2	10.7
300 CONTRACTUAL		19.3	20.3	21.3	22.4	23.5
400 SUPPLIES		1.0	1.1	1.1	1.2	1.2
500 EQUIPMENT		3.7				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		65.9	65.4	68.6	72.1	75.6
CAPITAL						
REVENUE		78.8	2.3	67.3	2.3	71.3

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

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

Prepared By: Jennifer Strickler, Mgnt Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 4-4-85
 Approved by Commissioner: Loren H. Lounsbury Date: 4/8/85
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

Analysis, continued

SB_22Z__FISCAL_IMPACT

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

100__PERSONAL_SERVICES:

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

200__TRAVEL:

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

Anchorage meeting

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

Juneau meeting

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

SB 227 Fiscal Impact, continued

Fairbanks meeting

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

300 CONTRACTUAL SERVICES:

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

400 COMMODITIES:

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

500 EQUIPMENT: (one time costs only)

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

GRAND TOTAL: \$ 65,941.26

Projected Revenues

FY 86:

Based on the number of practitioners identified, it is anticipated that 315 practitioners will be seeking initial licensure by examination.

315 x \$250 (application & exam fee)

\$ 78.8

FY 87:

Based on the assumption that there will be at least 10 new applicants (5 by examination, and 5 by credentials)

This will make a total of 325 licensees.

2.3

FY 88:

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

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

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

65.0

2.3

67.3

FY 89:

Based on an estimate of 10 new licensees, 5 by examination and 5 by credentials =

This would make a total of 345 licensees.

2.3

FY 90:

Assuming this will also be a renewal year, and based on 345 licensees x \$200 renewal fee =

In addition, another 10 new licensees, to make
a total of 355 licensees =

69.0

2.3

71.3

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

**REQUEST FOR
NEW POSITION**

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

Page 1 of 1
 Revised Date _____

FY 86

POSITION PAPER

HOUSE BILL NO. 317

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

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

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

I. MAJOR DEPARTMENTAL ISSUES

A. Effect on Current State Employees:

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

As of January 3, 1986, an educational review of staff qualifications of Division of Family and Youth Services' employees shows that of 143 social worker positions, 2 have Ph.D's, 32 have M.S.W. degrees, 20 have related master's degrees, 15 have B.S.W. degrees, and 57 have related bachelor's degrees. Approximately 50% of social work supervisors have M.S.W. degrees from an accredited social work school. 52% of social work employees have a BSW or above, which represents the agency's strong management effort to continue to improve the credentials of social work staff.

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

Position Paper
House Bill 317
Page 2

However, the bill only allows this "grandfather" group to obtain an "original license" valid for two years (Section 7(a), pages 10-11). The department urges an amendment to allow already established state social workers to continue practice with the right to renew their licenses, subject to the disciplinary oversight of the new Social Work Board (as well as supervision by the department and "oversight" by the courts and the ombudsman).

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

After the enactment of the bill, the department would be required to hire licensed social workers. It may be difficult to fill all social work positions, whether public or private, with licensed social workers, especially in rural areas. This bill includes a provision for provisional social workers. This would allow paraprofessionals to register as a provisional social worker and under supervision of a licensable social worker and through an extensive tutoring program eventually gain the status of a licensed social worker. This would meet the needs of the department and their rural service providers for a paraprofessional career ladder.

II. SECTIONAL ANALYSIS

A. Supervision

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

B. "Grandfathering"

The details of the waiver or "grandfathering" for present social workers are contained in Section 8 of the bill. The department urges that Section 8(a), specifically page 13, lines 24 and 25, be amended to read

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

The department continues to be concerned about the grandfathering clause in that it does not take into consideration persons who have performed the duties of social work for two years or more and are now employed in the administration of an agency which employs social workers. The

department therefore recommends that the following be added to Section 7 8.87.100(a)(2) "may apply for a license as a social worker or has practiced social work for at least 24 months in the past, and for the 24 months prior to July 1, 1988, has been employed in the administration of an agency which employs persons practicing under the title 'social worker'."

III. FINANCIAL IMPACT

Section 8.87.150 indicates that the Board would adopt regulations and set licensing fees. These fees could be very significant and costly to the state employee who does not presently pay any fees.

IV. OBSERVATION

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

V. RECOMMENDATION

The department supports the licensure of social workers in both the public and private sector as an additional method to monitor quality and to protect the public, although the department believes accommodation should be made for persons currently employed as social workers. The department recommends that suggested changes in grandfathering be made.

RECOMMENDED:

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

DATE:

2/19/86

APPROVED:

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

DATE:

2/24/86

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

Revision Date : _____

REQUEST

Bill/Resolution No. : HB No. 317
 Title : An Act relating to the practice of social work
 Sponsor : _____
 Requestor : _____
 Date of Request : 2/7/86

FISCAL DETAIL

Agency Affected : Health and Social Services
 BRU : Social Services
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

CAPITAL	0					
---------	---	--	--	--	--	--

REVENUE	0					
---------	---	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : Attach a separate page if necessary

None

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

Phone : 465-3170
 Date : 2/7/86

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

Date : 2/25/86

Distribution (by Agency preparing fiscal note):

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

ALABAMA

Group/blanket hospital or medical expense and hospital/medical service contracts covering mental health services shall pay for services of psychiatrist or psychologist. Reimbursement to be made for outpatient and inpatient services if requested by attending physician. (Note: does not mandate or require inclusion of mental health services; not to be construed to expand scope or nature of benefits when such services included in contract). §27-1-18 (5/4/82)

ALASKA

NONE

ARIZONA

If contract provides coverage for alcoholism, drug abuse or psychiatric services, reimbursement shall be made whether covered service rendered in general hospital or psychiatric special hospital. Applies to contracts delivered on or after 1/1/80 and to existing group contracts thereafter on renewal, anniversary date or expiration of collective bargaining agreement. §§20-841; 20-934; 20-1057; 20-1376; 20-1406 (1/1/80)

ARKANSAS

Individual/group contracts providing payment of any health care services provided by hospitals or related facilities shall cover on equal basis services provided by licensed outpatient psychiatric center. Also applies to out-of-state group contracts. §66-3212(11) (120 days after 7/20/79)

Group/subscriber contracts providing hospital or medical benefits to state residents must offer coverage for mental illness unless refused in writing. Copayments may not exceed 20% for inpatient, partial hospitalization, or outpatient care. Benefit limit not less than \$7,500 per year. §§66-3716 & 3717 (3/3/83; 8/1/85)

CALIFORNIA

Group hospital, medical and surgical contracts must offer to policyholder such benefits as may be agreed upon. If agreed-upon terms of mental health coverage include coverage for services provided in a general or psychiatric acute care hospital, coverage shall extend to care provided by a psychiatric health facility, except that if the policy restricts the choice of providers, such restrictions shall apply. Also provides that coverage may include community residential treatment services. Applies to group disability insurers, nonprofit hospital service plans, and self-funded employee welfare benefit plans; and imposes similar obligations on health care service plans. §10125 (1/1/74; 1/1/85)

CALIFORNIA (continued)

Must communicate to prospective group policyholders as to the availability of outpatient coverage for the treatment of mental or nervous disorders. §10125 (1/1/84)

Out-of-state contracts recognizing psychologists in state of issue may not exclude such services rendered by California psychologists not licensed in state of issue. §§10176.5; 10177.5; 11512.2 (1/1/82)

Similar requirement for clinical social workers, mental health nurses, marriage, family and child counselors. §10176.7 (1/1/84; amd. 1/1/85)

COLORADO

Group hospital and medical expense contracts must include as to basic contracts 45 days inpatient and 90 days "partial" on a "2 for 1 day" basis; as to major medical contracts, same as basic with up to 50% coinsurance (also see Alcoholism). §10-8-116 (1/1/76)

Group and nonprofit hospital and health service corporations' policies providing hospitalization or medical benefits must provide benefits for conditions arising from mental illness at least equal to following: major medical - outpatient services furnished by a comprehensive health care service corporation, hospital, or community mental health center or other mental health clinics approved by Department of Institutions to furnish mental health services or furnished by or under supervision of licensed physician or psychologist. Services shall be under direct supervision of physician or psychologist and patient records shall show that attending physician or psychologist either saw the patient or had a written summary of consultations or a personal consultation with the therapist at least once every 90 days. Insurer may require provider to furnish written certification that such services were provided under supervision of licensed physician or psychologist. Reg. 83-2 (2/1/84)

CONNECTICUT

All group contracts must provide up to 60 days inpatient; major medical contracts shall provide benefits (outpatient) after applicable deductible, at 50% rate during any calendar year, up to \$1,000. §38-174d (5/28/75)

Insurer must cover partial hospitalization for mental illness on exchange basis with covered inpatient days; insurers to offer additional outpatient for mental illness treatment. §38-174d (10/1/82)

In case of benefits payable for service of licensed physician practicing as psychiatrist or licensed psychologist, benefits for outpatient services will be payable if rendered: (1) in nonprofit community mental health center as defined by Department of Mental Health or in nonprofit licensed adult psychiatric clinic operated by accredited hospital; (2) under supervision of psychiatrist or licensed psychologist; and (3) within scope of license issued to center or clinic by Department of Health Services. §38-174d(g) (10/1/83)

DELAWARENONE

DISTRICT OF COLUMBIA

NONE

FLORIDA

Group, HMO and hospital/medical service corporations shall make available benefits same as other illness except: inpatient may be limited to not less than 30 days per benefit year, any excess need not be same as other illness; if offering outpatient benefits, coinsurance need not be the same, maximum yearly benefit may be limited to \$1,000 for consultations and excess dollar amounts need not be same as applied to physical illness generally. If alternative inpatient-outpatient or partial hospitalization benefits are selected, such benefits shall not be less than the level of benefits specified in subsection (2) of the section; benefits for mental health professionals may be limited to licensed professionals. §627.668 (10/1/83)

GEORGIA

Contracts providing hospital care which do not cover mental illness must contain statement in bold face type to this effect on contract and any identification card. §§33-29-5 & 6 (7/1/70)

Major medical contracts issued, delivered or renewed after 1/1/82 must make available to insured, covered spouse and dependents treatment of mental disorders same as other physical illness. Insurers may limit coverage per policy year as follows: Individual: inpatient-30 days; outpatient-48 visits; Group: inpatient-60 days; outpatient-50 visits. §33-24-28.1(b) (10/1/81; 7/1/84)

HAWAII

NONE

IDAHO

NONE

ILLINOIS

Group contracts must offer benefits with annual maximum of at least lesser of \$10,000 or 25% of lifetime policy maximum and coinsurance of 50% or less. §370c (7/1/77)

INDIANANONE

IOWANONE

KANSAS

Unless refused in writing, group insurers must provide coverage for treatment of alcoholism, drug abuse or nervous or mental conditions for no less than 30 days per year in licensed hospital or facility and outpatient benefits limited to not less than 100% of first \$100 and 80% of next \$500 in any year. §40-2,105 (7/1/78)

KENTUCKYNONE

LOUISIANA

Group/blanket/franchise/self-insured must offer mental and nervous disorder coverage on same basis as other conditions. Such coverage to include services of licensed psychologist and certified social worker when in collaboration and consultation with physician assuming full patient responsibility. §22:669 (9/13/81)

MAINE

Group, blanket and nonprofit hospital or medical service corporations shall provide minimum annual benefits for mental illness or nervous conditions as follows: inpatient 30 days with coinsurance of 80% or level of benefits provided for any other illness; \$1,000 for any combination of outpatient and/or day treatment care with coinsurance of 50% of UCR charges; \$100 deductible; maximum lifetime benefit of \$25,000, except that policy total maximum benefit need not be exceeded. Persons covered under both basic and major medical policies may not "stack" benefits of both policies. Policy may limit or exclude benefits to extent coverage would duplicate and be secondary to Medicare but must cover difference between Medicare and minimum required benefits. 24-A§2843 (9/23/83); Rule C. 330 (6/1/84)

MARYLAND

Individual/group/nonprofit contracts must cover expenses for treatment of acute mental illness and emotional disorders which are subject to significant improvement through short-term therapy. Inpatient: 30 days per calendar year or benefit period; major medical: not less than 50% of benefits provided for other types of illness. *E: triterritorial. 48A§§354D; 470E(a); 477E(a) (7/1/73; 7/1/81*)

Group/nonprofit contracts must offer option of benefits for psychiatric care through partial hospitalization. Minimum of 30 partial hospitalization days during any consecutive 12-month period. 48A§§354J; 477M (1/1/77)

MASSACHUSETTS

Individual/group/blanket/employee welfare benefit plans must include 60 days inpatient in mental hospital; general hospital same benefits as for other illness; outpatient up to \$500 over 12-month period. C. 175 §47B (6/1/76)

MICHIGAN

NONE

MINNESOTA

Group contracts covering at least 100 state residents or groups comprised of more than 90% state residents which provide mental illness benefits must provide 80% of first \$750 outpatient expense by hospital, community mental health center or approved mental health clinic, or consulting psychologist or psychiatrist. §62A.152 (8/1/75; 8/1/81)

Group/HMOs/health service plans shall include benefits, on same basis as other benefits, for treatment of emotionally handicapped children in residential treatment facility licensed by Commissioner of Public Welfare. §62A.151 (7/1/75)

Group policies providing benefits for mental or nervous disorders in a hospital must provide direct reimbursement for those services when performed by licensed consulting psychologist to extent services are within scope of such license. Carriers in administering claims may require order of physician requesting such services. §62A.152 (7/1/83)

MISSISSIPPI

NONE

MISSOURI

Insurers/health service corporations/HMOs shall offer coverage of psychiatric services for recognized mental illness as follows: (1) if providing inpatient benefits, same as other illness; may be limited to 30 days in benefit period; (2) if providing outpatient benefits, treatment in psychiatric residential treatment center on inpatient or outpatient basis when prescribed by physician specializing in treatment of mental illness. Not less than 50% reasonable charges to maximum of \$1500 in benefit period. Shall offer 50% reasonable charge for 20 psychotherapy services rendered by physician specializing in treatment of mental illness or psychologist unless rejected by policyholder. Frequency of sessions may be limited but benefit shall be available for at least 1 session in any 7 consecutive days. §376.381 (8/13/80)

MONTANA

Insurers and health service corporations hospital and medical expense contracts must make available benefits for care and treatment of mental illness, alcoholism and drug addiction on same basis as other benefits, except inpatient benefits may be limited to 30 days per year; outpatient to \$1,000 per benefit period; and maximum lifetime benefits to \$10,000 or 25% of lifetime contract limit whichever is less. Does not apply to blanket, shortterm travel, accident only, limited or specified disease, individual conversion, or Medicare Supplement contracts. §§33-22-701 through 704 (1/1/82)

On effective date, amends above to require group/health service corporations' hospital and medical expense contracts to provide minimum aggregate benefit levels. Treatment plans approved by "chemical dependence counselors" (i.e., can't require physician approval). §33-22-701 (12/31/84)

NEBRASKA

NONE

NEVADA

NONE

NEW HAMPSHIRE

Minimum group benefits: (1) basic hospital expense contracts, same benefits as for any other illness; (2) basic medical expense contracts, same benefits as for physicians for other illnesses--outpatient same as any other illness, except may be limited to 15 hours treatment over 12 months; (3) major medical contracts, deductible and coinsurance at least same as for any other illness with 12-month maximum of not less than \$3,000 per covered individual. §415:18-a (amd. 6/4/76)

Group/blanket policies must provide coverage for treatment at psychiatric residential program approved by Division of Mental Health and Developmental Services. §415:18-a.III.b (8/22/83)

NEW JERSEYNONE

NEW MEXICO

NONE

NEW YORK

Must make available on request: (1) inpatient, not less than 30 days per calendar year; (2) outpatient may be limited to \$700 per calendar year. New §§3221(k)(5); 4303 [C. 894; §162.16] (1/1/78)

NORTH CAROLINA

NONE

NORTH DAKOTA

Must provide 70 days inpatient, 140 days outpatient for group/blanket/franchise over 50 lives and who cover 70% or more of group. §26-39-01 (7/1/75); Bul. 30

OHIO

Group medical expense contracts, other than accident only or specified disease, that provide benefits for mental or emotional disorders shall provide benefits on outpatient basis equal to \$550 in any calendar year or 12-month period. §3923.28 (1/1/79; 1/1/83)

OKLAHOMA

NONE

OREGON

Mandated benefits in group policies for alcoholism, chemical dependency and mental illness. Benefits must be provided whether performed in health or residential facilities, or on outpatient basis, or by physicians, psychologists, nurse practitioners, or clinical social workers. May be subject to provisions of policy applicable to other benefits, including coinsurance and deductibles, except that coinsurance and deductibles for treatment in health or residential facilities may not be greater than for hospitalization, and for outpatient treatment, may not be greater than for other outpatient treatment.

OREGON (continued)

Total benefit dollar amounts may be limited depending on whether services are for alcoholism, chemical dependency, mental illness, or combination thereof, or whether provided in health or residential facilities, or outpatient basis, or combination thereof. Insurers allowed option of implementing certain "cost containment" features. §§743.557 & .558 (1/1/84; sunsets 7/1/87)

Individual/group contracts may not exclude benefits for services rendered in state approved community mental health programs. §743.116 (7/21/81)

PENNSYLVANIA

NONE

RHODE ISLAND

NONE

SOUTH CAROLINA

NONE

SOUTH DAKOTA

NONE

TENNESSEE

Unless specifically excluded, individual, franchise, blanket or group contracts must provide benefits for psychiatric disorders, mental or nervous conditions, alcoholism, drug dependence or medical complications of mental illness or mental retardation. Benefits not defined but must be provided for services rendered in health facility licensed in state as hospital accredited by Joint Commission on Accreditation of Hospitals, or facility owned or operated by state which is especially intended for diagnosis, care and treatment of psychiatric, mental or nervous disorders, or licensed and accredited residential treatment facility. §§56-7-1003 (7/1/74); 56-7-1004 (7/1/81)

Group hospital, medical or major medical contracts shall make available outpatient benefits in community mental health centers which shall include minimum of 30 outpatient visits per year and deductibles and coinsurance not less favorable than illness generally. Benefits shall be part of contract unless policyholder rejects in writing. If contract provides inpatient benefits, shall include community mental health centers with inpatient care facilities. §§56-7-1003 & 1004 (7/1/80)

TENNESSEE (continued)

When optional benefits offered under §56-7-1003 are provided for mental, emotional or nervous disorders, alcoholism, drug dependence or medical complication of mental illness or mental retardation, and treatment is received at community mental health center, such benefits provided when services are rendered by a physician shall also be provided when rendered by a member of the clinical staff of the community mental health center provided the center has in effect a plan for quality assurance approved by the Department of Mental Health, and such treatment is supervised by licensed physician or clinical psychologist. §56-7-1003(b) (6/5/84)

TEXAS

Group, HMOs, service plan contractors providing inpatient coverage for mental or emotional illness or disorders shall provide coverage for treatment under direction of M.D. or D.O. in psychiatric day treatment facility that provides organizational structure and individualized treatment plans separate from inpatient programs, subject to same durational limits, deductibles and coinsurance factors. Each full day of treatment equal to half-day inpatient treatment. Policyholder has right to reject coverage for treatment of mental or emotional illness or disorder or may select alternative level of benefits if offered or negotiated. Alternative level of benefits must provide benefits for treatment in such facilities equal to at least one-half that provided for hospital treatment. (Note: policies delivered to group policyholders before effective date governed by law in effect at that time and "continued in effect for that purpose.") Art. 3.70-2(F) (1/1/83)

UTAH

NONE

VERMONT

Group contracts must provide option of "45 day equivalents of active care" per contract or calendar year; outpatient at 100% for first 5 visits, 80% thereafter, up to \$500 per policy or calendar year. 8§4089 (10/1/76)

VIRGINIA

Individual/group contracts must provide same benefits as for other illness, up to 30 days treatment per year. Group contracts must offer outpatient same as other benefits, but may limit to \$1,000 per benefit period at 50% coinsurance. §38.1-348.7 (11/1/77)

WASHINGTON

Group/HMOs/Blues must offer optional supplemental coverage for mental health treatment rendered by licensed physician, psychologist, or community mental health agency at usual and customary rates. Coverage may be subject to contract provisions with respect to reasonable deductibles and copayments. Coverage may be waived for all covered persons if contract holder so states in advance in writing. §48.21.240 (7/1/83); Bul. 83-3 (7/22/83); Bul. 83-5 (11/1/83); Bul. 84-4 (7/2/84)

WEST VIRGINIA

Individual/group contracts shall provide, unless rejected by policyholder, at least 45 days inpatient in mental hospital, outpatient benefits at 50% coinsurance up to \$500 up to 50 visits per year and services in comprehensive health service organization; community mental health center; by psychiatrist or psychologist. Inpatient in regular hospital--same as other illness. §§33-15-4a; 33-16-3a (7/4/77)

WISCONSIN

Group contracts must include at least 30 days inpatient coverage and up to first \$500 of outpatient service per calendar year. Treatment in community-based residential facilities included. §§632.89 & 632.89(2)(b)2 (9/1/74; 7/13/83)

WYOMING

NONE

PUERTO RICONONE

INDIANA - NEW ENTRY

Insurers shall reimburse community mental health centers and licensed psychiatric hospitals for inpatient services for treatment of mental illness or substance abuse if a hospital would have received reimbursement for same treatment. §27-8-5-15.5 (9/1/85)

LOUISIANA - REVISION

Group/blanket/franchise/self-insured must offer mental and nervous disorder coverage on same basis as other conditions. Such coverage to include services of licensed psychologist and certified social worker when in collaboration and consultation with physician assuming full patient responsibility. Such offer shall be made in connection with each renewal of the policy unless insured has previously elected not to have the coverage. §22:669 (9/13/81; 9/6/85)

NEBRASKA - NEW ENTRY

Insurers, HMOs, hospital service corporations and other health insurance providers may not deny payment for treatment for mental or nervous disorders on basis that hospital or state institution providing treatment is publicly funded and fees are charged depending on patient's ability to pay. §83-368 (9/6/85)

NORTH DAKOTA - REPLACEMENT

Group insurers, nonprofit health service corporations and HMOs must provide benefits same as for other illnesses for diagnosis, evaluation and treatment of alcoholism, drug addiction or other illnesses in licensed hospital, facility licensed under §23-17.1-01, or regional human service center. Benefit levels include coverage for 70 inpatient days per year, 140 days of partial hospitalization services. Similar levels of benefits for treatment for mental disorder when treated in licensed hospital or facility licensed under §23-17.1-01, which offers treatment for mental disorders or other illnesses. §§26.1-26-08 & 09 (7/1/85)

WASHINGTON - NEW ENTRY

Bul. 84-4 which interpreted the above statutes has been withdrawn. The Department now allows those insurers, contractors and organizations, when acting in good faith, to offer the above coverage only with respect to treatment by a physician or psychologist if the contract holder has first waived the mandated three-part offering. Bul. 85-3 (5/16/85); AGO (5/9/85)

WISCONSIN - REPLACEMENT

Group insurers must provide, per policy year, following benefits: inpatient--lesser of 30 days or \$7,000; outpatient--minimum of \$1,000, coverage to include services provided by licensed psychologist in psychologist's office. Allows copayment of up to 10%. Total coverage for both inpatient and outpatient treatment need not exceed \$7,000. 1985 Wisconsin Act 29 (7/20/85)

UNFAIR CLAIMS SETTLEMENT PRACTICES MODEL REGULATION

Table of Contents

Section 1.	Authority
Section 2.	Scope
Section 3.	Definitions
Section 4.	File and Record Documentation
Section 5.	Misrepresentation of Policy Provisions
Section 6.	Failure to Acknowledge Pertinent Communications
Section 7.	Standards for Prompt Investigation of Claims
Section 8.	Standards for Prompt, Fair and Equitable Settlements Applicable to All Insurers
Section 9.	Standards for Prompt, Fair and Equitable Settlements Applicable to Automobile Insurance

Section 1. Authority.

Section 4(9) of the Unfair Trade Practices Act prohibits insurers doing business in the state from engaging in unfair claims settlement practices and provides that if any insurer performs any of the acts or practices proscribed by that section with such frequency as to indicate a general business practice, then those acts shall constitute an unfair or deceptive act or practice in the business of insurance.

Section 2. Scope.

This regulation defines certain minimum standards which, if violated with such frequency as to indicate a general business practice, will be deemed to constitute unfair claims settlement practices. This regulation applies to all persons and to all insurance policies and insurance contracts except policies of Workers' Compensation insurance. This regulation is not exclusive, and other acts, not herein specified, may also be deemed to be a violation of Section 4(9) of the Act.

Section 3. Definitions.

The definitions of "person" and of "insurance policy or insurance contract" contained in section 2 of the Unfair Trade Practice Act shall apply to this regulation and, in addition, where used in this regulation:

- (a) "Agent" means any individual, corporation, association, partnership or other legal entity authorized to represent an insurer with respect to a claim;
- (b) "Claimant" means either a first party claimant, a third party claimant, or both and includes such claimant's designated legal representative and includes a member of the claimant's immediate family designated by the claimant;
- (c) "First party claimant" means an individual, corporation, association, partnership or other legal entity asserting a right to payment under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by such policy or contract;
- (d) "Insurer" means a person licensed to issue or who issues any insurance policy or insurance contract in this State.
- (e) "Investigation" means all activities of an insurer directly or indirectly related to the determination of liabilities under coverages afforded by an insurance policy or insurance contract.
- (f) "Notification of claim" means any notification, whether in writing or other means acceptable under the terms of an insurance policy or insurance contract, to an insurer or its agent, by a claimant, which reasonably apprises the insurer of the facts pertinent to a claim;
- (g) "Third party claimant" means any individual, corporation, association, partnership or other legal entity asserting a claim against any individual, corporation, association, partnership or other legal entity insured under an insurance policy or insurance contract of an insurer; and

Unfair Claims Settlement

- (h) "Worker's Compensation" includes, but is not limited to, Longshoremen's and Harbor Worker's Compensation.

Section 4. File and Record Documentation.

The insurer's claim files shall be subject to examination by the (Commissioner) or by his duly appointed designees. Such files shall contain all notes and work papers pertaining to the claim in such detail that pertinent events and the dates of such events can be reconstructed.

Section 5. Misrepresentation of Policy Provisions.

- (a) No insurer shall fail to fully disclose to first party claimants all pertinent benefits, coverages or other provisions of an insurance policy or insurance contract under which a claim is presented.
- (b) No agent shall conceal from first party claimants benefits, coverages or other provisions of any insurance policy or insurance contract when such benefits, coverages or other provisions are pertinent to a claim.
- (c) No insurer shall deny a claim for failure to exhibit the property without proof of demand and unfounded refusal by a claimant to do so.
- (d) No insurer shall, except where there is a time limit specified in the policy, make statements, written or otherwise, requiring a claimant to give written notice of loss or proof of loss within a specified time limit and which seek to relieve the company of its obligations if such a time limit is not complied with unless the failure to comply with such time limit prejudices the insurer's rights.
- (e) No insurer shall request a first party claimant to sign a release that extends beyond the subject matter that gave rise to the claim payment.
- (f) No insurer shall issue checks or drafts in partial settlement of a loss or claim under a specific coverage which contain language which release the insurer or its insured from its total liability.

Section 6. Failure to Acknowledge Pertinent Communications.

- (a) Every insurer, upon receiving notification of a claim shall, within ten working days, acknowledge the receipt of such notice unless payment is made within such period of time. If an acknowledgement is made by means other than writing, an appropriate notation of such acknowledgement shall be made in the claim file of the insurer and dated. Notification given to an agent of an insurer shall be notification to the insurer.
- (b) Every insurer, upon receipt of any inquiry from the insurance department respecting a claim shall, within fifteen working days of receipt of such inquiry, furnish the department with an adequate response to the inquiry.
- (c) An appropriate reply shall be made within ten working days on all other pertinent communications from a claimant which reasonably suggest that a response is expected.
- (d) Every insurer, upon receiving notification of claim, shall promptly provide necessary claim forms, instructions, and reasonable assistance so that first party claimants can comply with the policy conditions and the insurer's reasonable requirements. Compliance with this paragraph within ten working days of notification of a claim shall constitute compliance with subsection (a) of this section.

Section 7. Standards for Prompt Investigation of Claims.

Every insurer shall complete investigation of a claim within thirty days after notification of claim, unless such investigation cannot reasonably be completed within such time.

Section 8. Standards for Prompt, Fair and Equitable Settlements Applicable to All Insurers

- (a) Within 15 working days after receipt by the insurer of properly executed proofs of loss, the first party claimant shall be advised of the acceptance or denial of the claim by the insurer. No insurer shall deny a claim on the grounds of a specific policy provision, condition, or exclusion unless reference to such provision, condition, or exclusion is included in the denial. The denial must be given to the claimant in writing and the claim file of the insurer shall contain a copy of the denial.

Where there is a reasonable basis supported by specific information available for review by the insurance regulatory authority that the first party claimant has fraudulently caused or contributed to the loss by arson, the insurer is relieved from the requirements of this subsection. Provided, however, that the claimant shall be advised of the acceptance or denial of the claim within a reasonable time for full investigation after receipt by the insurer of a properly executed proof of loss.

[Second paragraph of subsection 8(a) added by 1980 NAIC Proceedings II.]

- (b) If a claim is denied for reasons other than those described in paragraph (a) and is made by any other means than writing, an appropriate notation shall be made in the claim file of the insurer.
- (c) If the insurer needs more time to determine whether a first party claim should be accepted or denied, it shall so notify the first party claimant within fifteen working days after receipt of the proofs of loss, giving the reasons more time is needed. If the investigation remains incomplete, the insurer shall, forty-five days from the date of the initial notification and every forty-five days thereafter, send to such claimant a letter setting forth the reasons additional time is needed for investigation.

Where there is a reasonable basis supported by specific information available for review by the insurance regulatory authority for suspecting that the first party claimant has fraudulently caused or contributed to the loss by arson, the insurer is relieved from the requirements of this subsection. Provided, however, that the claimant shall be advised of the acceptance or denial of the claim by the insurer within a reasonable time for full investigation after receipt by the insurer of a properly executed proof of loss.

[Second paragraph of subsection 8(c) added by 1980 NAIC Proceedings II.]

- (d) Insurers shall not fail to settle first party claims on the basis that responsibility for payment should be assumed by others except as may otherwise be provided by policy provisions.
- (e) Insurers shall not continue negotiations for settlement of a claim directly with a claimant who is neither an attorney nor represented by an attorney until the claimant's rights may be affected by a statute of limitations or a policy or contract time limit, without giving the claimant written notice that the time limit may be expiring and may affect the claimant's rights. Such notice shall be given to first party claimants thirty days and to third party claimants sixty days before the date on which such time limit may expire.
- (f) No insurer shall make statements which indicate that the rights of a third party claimant may be impaired if a form or release is not completed within a given period of time unless the statement is given for the purpose of notifying the third party claimant of the provision of a statute of limitations.

Section 9. Standards for Prompt, Fair and Equitable Settlements Applicable to Automobile Insurance.

- (a) When the insurance policy provides for the adjustment and settlement of first party automobile total losses on the basis of actual cash value or replacement with another of like kind and quality, one of the following methods must apply:

Unfair Claims Settlement

- (1) The insurer may elect to offer a replacement automobile which is a specific comparable automobile available to the insured, with all applicable taxes, license fees and other fees incident to transfer of evidence of ownership of the automobile paid, at no cost other than any deductible provided in the policy. The offer and any rejection thereof must be documented in the claim file.
 - (2) The insurer may elect a cash settlement based upon the actual cost, less any deductible provided in the policy, to purchase a comparable automobile including all applicable taxes, license fees and other fees incident to transfer of evidence of ownership of a comparable automobile. Such cost may be determined by
 - (A) The cost of a comparable automobile in the local market area when a comparable automobile is available in the local market area.
 - (B) One of two or more quotations obtained by the insurer from two or more qualified dealers located within the local market area when a comparable automobile is not available in the local market area.
 - (3) When a first party automobile total loss is settled on a basis which deviates from the methods described in subsections (a)(1) and (a)(2) of this section, the deviation must be supported by documentation giving particulars of the automobile condition. Any deductions from such cost, including deduction for salvage, must be measurable, discernible, itemized and specified as to dollar amount and shall be appropriate in amount. The basis for such settlement shall be fully explained to the first party claimant.
- (b) Where liability and damages are reasonably clear, insurers shall not recommend that third party claimants make claim under their own policies solely to avoid paying claims under such insurer's insurance policy or insurance contract.
 - (c) Insurers shall not require a claimant to travel unreasonably either to inspect a replacement automobile, to obtain a repair estimate or to have the automobile repaired at a specific repair shop.
 - (d) Insurers shall, upon the claimant's request, include the first party claimant's deductible, if any, in subrogation demands. Subrogation recoveries shall be shared on a proportionate basis with the first party claimant, unless the deductible amount has been otherwise recovered. No deduction for expenses can be made from the deductible recovery unless an outside attorney is retained to collect such recovery. The deduction may then be for only a pro rata share of the allocated loss adjustment expense.
 - (e) If an insurer prepares an estimate of the cost of automobile repairs, such estimate shall be in an amount for which it may be reasonably expected the damage can be satisfactorily repaired. The insurer shall give a copy of the estimate to the claimant and may furnish to the claimant the names of one or more conveniently located repair shops.
 - (f) When the amount claimed is reduced because of betterment or depreciation all information for such reduction shall be contained in the claim file. Such deductions shall be itemized and specified as to dollar amount and shall be appropriate for the amount of deductions.
 - (g) When the insurer elects to repair and designates a specific repair shop for automobile repairs, the insurer shall cause the damaged automobile to be restored to its condition prior to the loss at no additional cost to the claimant other than as stated in the policy and within a reasonable period of time.

[Previous subsection 9(h) deleted by 1981 NAIC Proceedings I.]

Legislative History (all references are to the Proceedings of the NAIC).

1976 Proc. II 367-370
1980 Proc. II

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February 24, 1986

Representative Mike Navarre, Chairman
House Labor and Commerce Committee
Room 104, Capitol
Juneau, Alaska

Re: House Bill 313 and House Bill 522
Our File No. 826.1

Dear Representative Navarre:

Supplementing my testimony last week on the above-referenced bills, I am enclosing for your review and consideration copies of information received from my client, the Health Insurance Association of America (HIAA), which I had indicated would be provided to the Labor and Commerce Committee. By copy of this letter, I am also providing copies to each committee member.

With reference to HB 313, by my count, it appears that 32 states presently provide for some form of health care coverage for mental illness, but mostly on an optional basis. This listing appears to be up to date as of January 1986. As indicated by my testimony, HIAA believes that the legislation should go no further than to require that such coverage must be offered, rather than mandate such coverage.

Finally, with reference to HB 522, I have also included a copy of the National Association of Insurance Commissioners' (NAIC) model regulations for the Unfair Trade Practices Act relating to unfair claims settlement practices. HIAA, of course, opposes HB 522 as written, but would support legislation based on the model.

Thank you again for your courtesies extended in this matter.

Very truly yours,

GUESS & RUDD

Gordon E. Evans
Gordon E. Evans

GEE/kw

Enclosures

MEMORANDUM

State of Alaska

TO: Marveen Palmer, Aide
Rep. Marco Pignalberi's Office
Room 605, Court Building
Juneau, Alaska

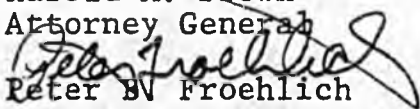
DATE: February 18, 1986

FILE NO: 377-068-86

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Final CSHB 424(L&C)
on behavioral
science profes-
sionals

By: 
Peter B. Froehlich
Assistant Attorney General
Legislation/Regulations Section

As you requested last Friday, February 14, we have re-typed in final form the Department of Law Draft #5 (dated 2/11/86) of the proposed CS for HB 424 on the Board of Behavioral Science.

In addition to the correction of a few typos, this final CS is different from Draft #5, which was considered by the House Labor and Commerce Committee at its February 13 hearing, in the following respects:

- 1) page 10, lines 3 -- 15, new AS 08.15.210 on qualifications for social workers' exams is corrected to add the different requirements for the different levels of licensure;
- 2) page 19, lines 4 and 5, new AS 08.15.999 on definitions is amended to add a new definition of "behavioral science professional";
- 3) page 21, lines 25 -- 27, the Temporary Act in sec. 13 of the bill, on grandfathering, is amended to add a subsec. (c) clarifying that anyone issued a two-year transitional license is automatically eligible to take the exam for a permanent license of the same category.

These changes were all discussed and, I believe, requested or voted on by the full House Labor and Commerce Committee at its February 13 hearing before adoption of Draft #5 as a CS.

As we discussed, you will provide this retyped draft (#6) to the committee today as its staff has requested.

Thanks for your help. I look forward to continuing to work with you on this bill as it is considered by other committees.

PBF:md

Attachment

Marveen Palmer, Aide
Rep. Pignalberi's Office

February 18, 1986
Page 2

cc: Barbara Dale, Special Assistant to
the Governor on Boards & Commissions

Hon. Loren Lounsbury, Commissioner
Dept. of Commerce & Economic Development

Hon. John Pugh, Commissioner
Dept. of Health & Social Services

Mike Price, Director
DFYS -- DHSS

Nancy Dunn, Director
DOL -- DCED

Roxanne Manly
1800 Northwood Dr. D-28
Juneau, AK 99801

Feb 16, 86

Mike Harris Chairman Navarre
I am writing on behalf of Insurance
Bill 313. Due to my being a
family member of the Alliance for the
mentally ill. I have lived under
considerable fear due to a lack of being
uninsured. My family has a history of
schizophrenia & I have two ^{sm.} children.
In this state one can't be insured by
medicaid if I make more than ^{\$}350.00
I have been fortunate ^{not needing it 306 av} but I still live
under that stress.

I am aware of the costs of medical care
from my family members hospital bill.
It's unaffordable for the State, Federal
& Veterans Private insurance companies
to carry these expenses. There must be
some human way of providing care
for mentally ill people. Families
disintegrate under this stress.

I know the bill doesn't concern itself
with people not working and who are
adults chronically mentally ill
But those people can consume ones
life - total existance if cared for at
home.

I am asking for them to carefully think through this insurance concern and help the family members who haven't insurance and even those with insurance to expand it in a way that's helpful to society as well as individuals.

Sincerely
Doranne Manly

February 6, 1986

Rep. Mike Navarre
State Capital
P.O. Box V
Juneau, Ak. 99811

Dear Representative Navarre:

The Alaska Psychiatric Association, the Alaska Mental Health Association, and the Alaska Alliance for the Mentally Ill recommend the passage of H.B. 313.

Mental illness should be covered by health insurance in a manner proportional to the coverage offered for other forms of illness. The state recognized a similar principle when it required insurance companies to cover treatment for alcoholism and drug abuse in 1976. Without direct action by the state to require this type of coverage the discrimination against the mentally ill in insurance coverage will continue. Over 20 other states have passed this type of legislation and it's been upheld by the Supreme Court.

Several studies have shown that mental illness can be covered like any other illness and can be quite cost effective. The state will benefit in several ways.

#1. Patients will be enabled to obtain specialized appropriate services for their psychiatric health needs. At the present time if a state insured employee is depressed his basic insurance will reimburse him 80% if he seeks treatment from a family physician but only 50% if he seeks help from a psychiatrist or psychologist.

#2. Patients will be enabled to make use of private mental health services instead of relying on state funded mental health clinics and the Alaska Psychiatric Institute.

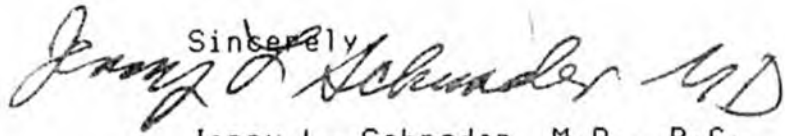
#3. State funded mental health programs such as the local community mental health clinics and the Alaska Psychiatric Institute will receive additional revenues from insurance payments.

I would like to recommend certain changes in H.B. 313.

The services of a psychiatrist licensed by the state as a physician should be reimbursed. A psychiatrist is defined as any physician who has completed residency in psychiatry

approved by the American Psychiatric Association. This language would be consistent with other medical specialties. Services by a licensed psychologist should be included. The services of a licensed psychological associate can only be provided under the supervision of a psychologist and probably should not be covered.

Sincerely

A handwritten signature in cursive script that reads "Jerry L. Schrader MD". The signature is written in dark ink and is positioned above the typed name.

Jerry L. Schrader, M.D., P.C.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

POUCH H-05
JUNEAU, ALASKA 99811
PHONE: (907) 465-3170

DIVISION OF FAMILY AND YOUTH SERVICES

April 22, 1985

The Honorable Mike Navarre
Chairman, Labor and Commerce Committee
Capitol Building, Room 102
Juneau, AK 99801

HB 317
until Friday

Re: HB 317 Social Worker Licensing

Dear Representative Navarre:

The Division is supportive of the concept of social worker licensing, as was indicated in the Department's position papers. In response to Representative Niilo Koponen's interest in allowing the licensing of para-professionals and the committee's concern about grandfathering, the division is attaching a draft of a proposed substitute which will address these and other concerns.

I will look forward to sharing the Division's ideas with the committee.

Sincerely,

Michael L. Price

Michael L. Price
Director

MLP:CF:AR

cc: Representative Mike Davis, Vice Chairman
Representative Niilo Koponen
Representative Red Boucher
Representative Drue Pearce
Representative Virginia Collins
Representative Alyce Hanley

WORK
DRAFT
DFYS
4/22/85

IN THE HOUSE

CS FOR HOUSE BILL NO. 317
IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - FIRST SESSION
A BILL

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

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

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

* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:
(25) Board of Social Worker Examiners (AS 08.87.010).

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

June 30, 1989.

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

CHAPTER 87. SOCIAL WORKERS

ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS

Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is created a Board of Social Worker Examiners consisting of five members including three licensed master social workers, one of whom is licensed as an independent social worker or employed by a licensed social worker. To the extent possible members shall be appointed from different

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

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

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

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

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

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

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

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

(2) submit an annual report of its proceedings to the governor, including recommended changes to this chapter and a statement of money received and disbursed;

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

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

(5) adopt regulations requiring proof of continued competency before a license is renewed;

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

Sec. 08.87.100. ADMINISTRATIVE PROCEDURES. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under this chapter.

ARTICLE 2. LICENSING OF SOCIAL WORKERS

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

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

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

(3) provides three references acceptable to the board;

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

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

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

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

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

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

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

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

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

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

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

(1) holds a degree in social work from a school with a social work program accredited by the Council on Social Work Education;

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

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

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

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

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

(7) pays all required fees.

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

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

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

Sec. 08.87.150. PROVISIONAL SOCIAL WORKERS. (a) Every person who desires subsequently to qualify as a general applicant for social work licensure without having been graduated from a college program shall register as a provisional social worker as provided by this section. This person must be a bonafide resident of the state.

(b) The applicant shall obtain regular or full-time employment as a provisional social worker in the office of a Master Social Worker or agency employing Master Social Workers. The person by whom the applicant is employed, or, if the applicant is employed by an agency, the person under whose direction the applicant is to study, must have been licensed to practice as a Master Social Worker for at least two years at the time application for registration is filed and be otherwise eligible to act as tutor. Before the commencement of study of social work under this section, the applicant shall file with the university an application to register as a provisional social worker. The application shall be made on a form to be provided by the university and shall require answers to interrogatories the university may determine from time to time to be relevant to a consideration of the application. Proof of a fact stated in the application may be requested by the university. If the applicant fails or refuses to furnish the information or proof or answer any interrogatory required by the application, or independently by the university, in a manner unsatisfactory to the university, the application may be denied.

(c) Accompanying the application there must be submitted a statement under oath of the person by whom the applicant is employed as a provisional social worker, or, if the applicant is employed by an

*? Budget
Kleinberg*

agency, of the person under whose direction the applicant is to study, certifying to the fact of the employment and that that person will act as tutor for the applicant and will faithfully instruct the applicant in the branches of social work adopted by the university. No person is eligible to act as tutor while disciplinary proceedings (concerning the service of a formal complaint) are pending against the person or if the person has ever been censured, reprimanded, suspended or had his license revoked. If a registered provisional social worker finds it necessary to change tutors during the period of study, a new application for registration as a provisional social worker is required and such credit given for study under the prior tutor as the university may determine.

(d) A provisional social worker whose registration has been approved by the university must pursue a course of study for three calendar years of at least 44 weeks each year, with a minimum each week of 35 hours of study (it being understood that the time actually spent in the performance of the duties of provisional social worker is to be considered as time spent in the study of social work). The tutor must give personal direction regularly and frequently to the provisional social worker, must examine the provisional social worker at least once a month on the work done in the previous month, and must certify monthly as to compliance with the requirements of this subsection and (e) and (g) of this section.

(e) The examinations shall be written and not oral, and shall be answered by the provisional social worker without research or assistance during the examination. The monthly certificate of compliance submitted by the tutor shall be accompanied by the originals of all written examinations and answers given during the period reported. If the certificates, together with the required attachments, are not filed timely with the university, no credit may be given for any period of the default.

(f) If a registered provisional social worker does not furnish evidence of completion of social work studies within a period of six years after registration, the university may cancel the registration.

(g) The course of study to be pursued by a registered provisional social worker shall cover subject, text books, case books, and other material the university may from time to time require.

(h) A registered provisional social worker who has attended either an approved or a nonapproved social work school may, at the discretion of the university, receive credit for work done and obtain advanced standing. In no event will credit be given for fractional parts of semesters or terms or for correspondence school work.

(i) As used in this section

(1) Social work school means a social work school accredited, approved or meeting the standards of the Council on Social Work Education, the National Association of Social Workers; or a school in Alaska offering a course of study which the university approves as the equivalent to a year's study in a social work school under this section:

(2) "university" means the University of Alaska. (§ 12 ch 181 SLA 1976; am §§ 1 - 8 ch 119 SLA 1978)

ARTICLE 3. PROHIBITIONS AND PENALTIES.

Sec. 63.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless licensed under this chapter, a person may not use the title "social worker" or a title, designation, or device indicating or tending to indicate that the person is a social worker or practices social work. A person may not use the letters "LBSW" as a part of a title unless the person is licensed as a bachelor social worker under this chapter. A person may not use the letters "LMSW" as part of a title unless the person is licensed as a master social worker under this chapter. A person may not use the letters "LISW" as part of a title unless the person is licensed as an independent social worker under this chapter. Except as provided in (b) of this section, a person may not use the title "social worker intern" or "social worker student".

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

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

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

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

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

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

AS 47.10
(4) communication discloses that a crime has been committed or reveals an intent to commit a crime;

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

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

(7) licensee is subpoenaed to testify in court;

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

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

Sec. 08.87.220 GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

After a hearing, the board may impose a disciplinary sanction on a person licensed under this chapter when the board finds that the licensee

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

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

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

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

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

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

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

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

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

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

Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) If it finds that a licensee has committed an act set out in AS 08.87.220, the board may

impose the following sanctions singly or in combination:

- (1) permanently revoke a license to practice;
- (2) suspend a license for a determinate period of time;
- (3) censure a licensee;
- (4) issue a letter of reprimand to the licensee;
- (5) place a licensee on probationary status and require the

licensee to

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

(B) limit practice to those areas prescribed;

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

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

(7) refuse to renew a license.

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

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

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

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

Sec. 08.87.240. PENALTY. (a) A person who violates this chapter is guilty of a class B misdemeanor.

(b) The board may seek to enjoin or restrain a person not licensed under this chapter or whose license is suspended, revoked or expired from violating this chapter.

ARTICLE 4. GENERAL PROVISIONS.

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

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

* Sec. 6. Within 30 days after the effective date of this Act the governor shall appoint initial members to the Board of Social Worker Examiners. Notwithstanding AS 08.87.010 as enacted in Sec. 4 of this Act, initial members must consist of three person's who have a master's degree in social work from a school with a social work program accredited by the Council on Social Work Education, at least one of whom is engaged in the private practice of social work, one person with a bachelor's degree in social work from a school with a social work program accredited by the Council on Social Work Education, and one public member. Notwithstanding AS 08.87.020 as enacted in Sec. 4 of this Act, one initial member shall serve a one-year term, one initial member shall serve a two-year term, one initial member shall serve a three-year term, one initial member shall serve a four-year term, and one initial member shall serve a five-year term, as determined by the governor.

* Sec. 7. (a) Notwithstanding AS 08.87.100(a) as enacted in Sec. 4 of this Act, for twenty four (24) months from the effective date of this Act an applicant for licensure shall be exempted from all academic and examination prerequisites if the board is satisfied that the applicant has twenty-four (24) months of social work experience acceptable to the board and is currently engaged in the practice of social work.

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

(c) License renewal is required. A license issued under this chapter lapses after 24 months unless it is renewed.

* Sec. 8. This Act takes effect July 1, 1985. Social workers practicing on the effective date of the Act may continue practicing unlicensed until July 1, 1987.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
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Senate Committee on Health, Education and Social Services

M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, April 17, 1985

DATE: April 16, 1985

On Wednesday, April 17, at 5:00 pm in the Beltz Room, the Senate Committee on Health, Education and Social Services will hear SB 227, An Act relating to the practice of social work and establishing the board of social work examiners.

SB 227 would establish a five member board to set standards for licensure of social workers. The bill is intended to increase professional standards for social workers in both the public and private sector, and provide a mechanism to monitor quality and protect the public.

Similar legislation has been considered in past years. Concerns have centered around the bill's applicability to currently practicing social workers, particularly state employees; the costs of Board operation; and attracting licensed professionals to rural areas of the state. Proposed CS SB 227 (HESS):

- 1) "grandfathers" in existing social workers, without examination if a degree is held, and with examination if the social worker holds no degree,
- 2) establishes fees at a level intended to cover the costs of Board operation, and
- 3) provides for unlicensed social workers to practice as "associates" when providing services to the state or a political subdivision of the state.

The Alaska Chapter of the National Association of Social Workers (NASW) estimates that there are 315 social workers eligible for licensing in the state; approximately 147 of these are state employees. Current statute does not address the practice of social work, and use of the title is available to all persons regardless of training or experience. Under current Department of Health and Social Services hiring procedures, a degree in social work is not required for employment as a state social worker. As of September 1983, 31 other states regulate the practice of social work.

A sectional analysis of the bill is attached.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
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Senate Committee on Health, Education and Social Services

April 15, 1985

BILL ANALYSIS

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

Section 08.87.010 Board Make-up

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

Section 08.87.070 Duties of the Board

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

Section 08.87.100 Licensing

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