

CHAPTER 1075
LICENSING OF SOCIAL WORKERS
H.F. 2136

AN ACT relating to the licensing and regulation of social workers, the deposit of license fees for the purpose of administration, and providing penalties for violations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. DEFINITIONS.** As used in sections 1 through 12 of the Act unless the context otherwise requires:

1. "Board" means the board of social work examiners.
2. "Licensed social worker" or "licensee" means a person licensed to practice social work.
3. "Practice of licensed social work" means the professional activity of licensed social workers which is directed at enhancing, protecting, or restoring people's capacity for social functioning and includes the application of social work methods and values in evaluating personal and family problems and relationships, assisting persons and families with adjustment problems and reaching appropriate decisions about their lives, and counseling emotionally distressed individuals and families.
4. "Private practice of licensed social work" means the autonomous professional activity of a licensed social worker which is not under the auspices of a public or private non-profit corporation.

Sec. 2. **NEW SECTION. APPLICABILITY.** After January 1, 1985 a person shall not hold oneself forth as a licensed social worker unless the person has obtained a license pursuant to sections 1 through 12 of this Act.

Sections 1 through 12 of this Act do not prevent individuals not licensed as social workers from working within their respective professions or occupations if they do not hold themselves out to the public as being licensed social workers. Section 147.83 does not apply to persons who are not licensed as social workers and do not hold themselves out as licensed social workers.

Sec. 3. **NEW SECTION. REQUIREMENTS FOR LICENSE AS A LICENSED SOCIAL WORKER.** Each applicant for a license as a licensed social worker shall meet the following requirements:

1. Possess a master's or doctoral degree in social work from an accredited college or university approved by the board.
2. Pass an examination approved by the board for this purpose.
3. Have two years experience in the activities of the practice of social work.

Sec. 4. **NEW SECTION. RULE-MAKING AUTHORITY.** In addition to duties and responsibilities provided in chapters 147 and 258A, the board shall adopt rules relating to:

1. Standards required for licensees engaging in the private practice of licensed social work.
2. Standards for professional conduct of persons licensed under sections 1 through 12 of this Act.
3. The administration of sections 1 through 13 of this Act.
4. The status of active and inactive licensure and guidelines for inactive licensure reentry.

5. Educational activities which fulfill continuing education requirements for renewal of licenses.

Sec. 5. NEW SECTION. CONFIDENTIALITY OF INFORMATION. A licensed social worker or a person working under supervision of a licensee shall not disclose or be compelled to disclose information acquired from persons consulting that person in a professional capacity except:

1. If the information reveals the contemplation or commission of a crime.
2. If the person waives the privilege by bringing charges against the licensee.
3. With the written consent of the client, or in the case of death or disability with the consent of the client's personal representative, another person authorized to sue, or the beneficiary of an insurance policy on the client's life, health, or physical condition.
4. To testify in a court hearing concerning matters pertaining to the welfare of children.
5. To seek collaboration or consultation with professional colleagues or administrative superiors on behalf of the client.

Sec. 6. Section 147.1, subsections 2 and 3, Code 1983, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, ~~or~~ funeral director or social worker means a person licensed under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, ~~or~~ mortuary science or social work.

Sec. 7. Section 147.3, Code 1983, is amended to read as follows:

147.3 QUALIFICATIONS. An applicant for a license to practice a profession under this title is not ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. Any board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of medicine, podiatry, osteopathy, osteopathy and surgery, chiropractic, nursing, psychology, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, ~~or~~ mortuary science or social work for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. 8. Section 147.13, Code 1983, is amended to read as follows:

147.13 DESIGNATION OF BOARDS. The examining boards provided in section 147.12 shall be designated as follows: For medicine and surgery, and osteopathy, and osteopathic medicine and surgery, medical examiners; for psychology, psychology examiners; for podiatry, podiatry examiners; for chiropractic, chiropractic examiners; for physical therapists and occupational therapists, physical and occupational therapy examiners; for nursing, board of nursing; for dentistry and dental hygiene, dental examiners; for optometry, optometry examiners; for speech pathology and audiology, speech pathology and audiology examiners; for cosmetology, cosmetology examiners; for barbering, barber examiners; for pharmacy, pharmacy examiners; for mortuary science, mortuary science examiners; for social workers, social work examiners.

Sec. 9. Section 147.14, subsection 1, Code 1983, is amended to read as follows:

1. For podiatry, cosmetology, barbering, ~~and~~ mortuary science, and social work, three members each, licensed to practice the profession for which the board conducts examinations, and two members who are not licensed to practice the profession for which the board conducts examinations and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 10. Section 147.25, unnumbered paragraph 4, Code 1983, is amended to read as follows:

In addition to any other fee provided by law, a fee may be set by the respective examining boards for each license and renewal of a license to practice medicine, surgery, podiatry, osteopathy, osteopathic medicine and surgery, chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, physical therapy, occupational therapy, social work, and veterinary medicine, which fee shall be based on the annual cost of collecting information for use by the department of health in the administration of the system of health manpower statistics established by this section. The fee shall be collected, transmitted to the treasurer of state and deposited in the general fund of the state in the manner in which license and renewal fees of the respective professions are collected, transmitted, and deposited in the general fund.

Sec. 11. Section 147.74, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A social worker licensed under sections 1 through 13 of this Act may use the words "licensed social worker" after the person's name or to signify the same by the use of the letters "L.S.W." after the person's name.

Sec. 12. Section 147.80, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. License to practice social work issued on the basis of an examination by the board of social work examiners, or license to practice social work issued under a reciprocity agreement, or renewal of a license to practice social work.

Sec. 13. IMPLEMENTATION.

1. For the initial terms of members of the board of social work examiners, the governor shall appoint one member to serve a term of one year, two members to serve a term of two years and two members to serve a term of three years. The time from the appointment of the members until May 1, 1985 shall not be included in the computation of the initial term. For two years after the effective date of this Act, the professional members of the board shall only be required to possess a master's or doctoral degree in social work from an accredited college or university. The members of the board may be appointed upon the enactment of this Act and may meet, organize, and adopt rules to become effective January 1, 1985. The board may receive compensation and expenses at the rates authorized by chapter 147 for meetings held prior to January 1, 1985, as well as after that date.

2. Sections 1 through 12 of this Act become effective January 1, 1985.

Approved April 13, 1984