

Sec. 70. REPEALS.

1. Sections 260C.24 and 303.18, Code Supplement 1995, are repealed.
2. Sections 422.47A, 422.47B, and 422.47C, Code 1995, are repealed.

Sec. 71. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. Section 69 of this Act, amending 1995 Iowa Acts, chapter 215, section 34, being deemed of immediate importance, takes effect upon enactment and applies retroactively to May 24, 1995.

Approved April 2, 1996

CHAPTER 1035
LICENSURE OF SOCIAL WORKERS
S.F. 73

AN ACT requiring licensure of certain social workers, providing an effective date, imposing fees, and making penalties applicable.

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

Section 1. Section 147.2, Code 1995, is amended to read as follows:
147.2 LICENSE REQUIRED.

A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, pharmacy, cosmetology, barbering, social work, dietetics, or mortuary science or shall not practice as a physician assistant as defined in the following chapters of this subtitle, unless the person has obtained from the department a license for that purpose.

Sec. 2. Section 147.14, subsection 1, Code 1995, is amended to read as follows:

1. For podiatry, 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. 3. Section 147.14, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 15. For social work examiners, a total of seven members, five who are licensed to practice social work, with at least one from each of three levels of licensure described in section 154C.3, subsection 1, two employed by a licensee under chapter 237, and two who are not licensed social workers and who shall represent the general public.

Sec. 4. Section 147.74, subsection 12, Code Supplement 1995, is amended by striking the subsection and inserting in lieu thereof the following:

12. A bachelor social worker licensed under chapter 154C may use the words "licensed bachelor social worker" or the letters "L.B.S.W." after the person's name. A master social worker licensed under chapter 154C may use the words "licensed master social worker" or the letters "L.M.S.W." after the person's name. An independent social worker licensed under chapter 154C may use the words "licensed independent social worker", or the letters "L.I.S.W." after the person's name.

Sec. 5. Section 154C.1, Code 1995, is amended to read as follows:

154C.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Board" means the board of social work examiners established in chapter 147.
2. ~~"Licensed social worker" or "licensee"~~ "Licensee" means a person licensed to practice social work.
3. ~~"Practice of licensed social work" means the professional activity of licensed social workers~~ licensees which is directed at enhancing, protecting, or restoring people's capacity for social functioning, whether impaired by environmental, emotional, or physical factors, with particular attention to the person-in-situation configuration. The social work profession represents a body of knowledge requiring progressively more sophisticated analytic and intervention skills, and includes the application of social work psychosocial theory 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 to individuals, couples, families, groups, and communities. The practice of social work does not include the making of a medical diagnosis, or the treatment of conditions or disorders of biological etiology except treatment of conditions or disorders which involve psychosocial aspects and conditions. The practice of social work for each of the categories of social work licensure includes the following:
 - a. Bachelor social workers provide psychosocial assessment and intervention through direct contact with clients or referral of clients to other qualified resources for assistance, including but not limited to performance of social histories, problem identification, establishment of goals and monitoring of progress, interviewing techniques, counseling, social work administration, supervision, evaluation, interdisciplinary consultation and collaboration, and research of service delivery including development and implementation of organizational policies and procedures in program management.
 - b. Master social workers are qualified to perform the practice of bachelor social workers and provide psychosocial assessment, diagnosis, and treatment, including but not limited to performance of psychosocial histories, problem identification and evaluation of symptoms and behavior, assessment of psychosocial and behavioral strengths and weaknesses, effects of the environment on behavior, psychosocial therapy with individuals, couples, families, and groups, establishment of treatment goals and monitoring progress, differential treatment planning, and interdisciplinary consultation and collaboration.
 - c. Independent social workers are qualified to perform the practice of master social workers as a private practice.
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~~ social work practice conducted only by an independent social worker who is either self-employed or a member of a partnership or of a group practice providing diagnosis and treatment of mental and emotional disorders or conditions.
5. "Supervision" means the direction of social work practice in face-to-face sessions.

Sec. 6. Section 154C.2, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

154C.2 LICENSE REQUIRED - USE OF TITLE.

1. A person shall not engage in the practice of social work unless the person is licensed pursuant to this chapter. A person who is not licensed pursuant to this chapter shall not use words or titles which imply or represent that the person is a licensed bachelor social worker, licensed master social worker, or licensed independent social worker.
2. Notwithstanding subsection 1, persons trained as bachelor social workers, or employed as bachelor social workers, are not required to be licensed.
3. Section 147.83 does not apply to persons who are not licensed as bachelor social workers and who do not hold themselves out as licensed bachelor social workers.

Sec. 7. Section 154C.3, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

154C.3 REQUIREMENTS TO OBTAIN LICENSE OR RECIPROCAL LICENSE – LICENSE RENEWAL – CONTINUING EDUCATION.

1. **LICENSE REQUIREMENTS.** An applicant for a license as a bachelor social worker, master social worker, or independent social worker shall meet the following requirements in addition to paying all fees required by the board:

a. **BACHELOR SOCIAL WORKER.** An applicant for a license as a bachelor social worker shall present evidence satisfactory to the board that the applicant:

(1) Possesses a bachelor's degree in social work from an accredited college or university approved by the board.

(2) Has passed an examination given by the board.

(3) Will conduct all professional activities as a bachelor social worker in accordance with standards for professional conduct established by the board.

b. **MASTER SOCIAL WORKER.** An applicant for a license as a master social worker shall present evidence satisfactory to the board that the applicant:

(1) Possesses a master's or doctoral degree in social work from an accredited college or university approved by the board.

(2) Has passed an examination given by the board.

(3) Will conduct all professional activities as a master social worker in accordance with standards for professional conduct established by the board.

c. **INDEPENDENT SOCIAL WORKER.** An applicant for a license as an independent social worker shall present evidence satisfactory to the board that the applicant:

(1) Possesses a master's or doctoral degree from an accredited college or university approved by the board.

(2) Has passed an examination given by the board.

(3) Will conduct all professional activities as a social worker in accordance with standards for professional conduct established by the board.

(4) Has engaged in the practice of social work, under supervision, for at least two years as a full-time employee or for four thousand hours prior to taking the examination given by the board.

(5) Supervision shall be provided in any of the following manners:

(a) By a social worker licensed at least at the level of the social worker being supervised and qualified under this section to practice without supervision.

(b) By another qualified professional, if the board of social work examiners determines that supervision by a social worker as defined in subparagraph (1)* is unobtainable or in other situations considered appropriate by the board.

Additional standards for supervision shall be determined by the board of social work examiners.

2. **RECIPROCAL LICENSE.** The board shall issue an appropriate license to an applicant licensed to practice social work in another state which imposes licensure requirements similar or equal to those imposed under subsection 1.

3. **LICENSE RENEWAL AND CONTINUING EDUCATION.** Licenses shall be renewed biennially, and licensees shall pay a fee for renewal as determined by the board and shall present evidence satisfactory to the board that the licensee has satisfied continuing education requirements as determined by the board.

Sec. 8. Section 154C.4, Code 1995, is amended to read as follows:

154C.4 RULEMAKING AUTHORITY.

In addition to duties and responsibilities provided in chapters 147 and 272C, 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 this chapter~~ licensees.

*Subparagraph subdivision (a) probably intended

3. The administration of this chapter.
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.
6. Evaluation of its rules to refine standards of licensure and improve methods of enforcement of the standards.

Sec. 9. Section 154C.5, unnumbered paragraph 1, Code 1995, is amended to read as follows:

~~A licensed social worker licensee~~ 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:

Sec. 10. NEW SECTION. 154C.6 TRANSITION PROVISIONS – EXEMPTION FROM CERTAIN LICENSE REQUIREMENTS.

Notwithstanding section 154C.3, the board shall issue a license as a bachelor social worker, master social worker, or independent social worker to an applicant applying for a license prior to July 1, 1998, who meets the following requirements in addition to paying all fees required by the board:

1. BACHELOR SOCIAL WORKER. An applicant for a license as a bachelor social worker shall present evidence satisfactory to the board of either of the following:
 - a. That the applicant possesses a bachelor's degree in social work from an accredited college or university approved by the board.
 - b. That the applicant possesses an undergraduate degree from an accredited college or university and has four thousand hours of employment experience in the practice of social work.
2. MASTER SOCIAL WORKER. An applicant for a license as a master social worker shall present evidence satisfactory to the board of any of the following:
 - a. That the applicant possesses a master's degree in social work from an accredited college or university approved by the board.
 - b. That the applicant possesses a graduate degree from an accredited college or university and has four thousand hours of employment experience in the practice of social work.
 - c. That the applicant is employed performing master level social work duties as defined in section 154C.1, subsection 3, paragraph "b", as of July 1, 1996, and has four thousand hours of employment experience in the practice of social work as of July 1, 1998.
3. INDEPENDENT SOCIAL WORKER. An applicant for a license as an independent social worker shall present evidence satisfactory to the board of either of the following:
 - a. That the applicant possesses a valid license to practice social work pursuant to chapter 154C issued prior to July 1, 1996.
 - b. That the applicant possesses a master's or doctoral degree in social work from an accredited college or university approved by the board and has two years or four thousand hours of postgraduate degree employment experience in the practice of social work.

Sec. 11. NEW SECTION. 154C.7 GENERAL EXEMPTIONS.

This chapter and chapter 147 do not prevent qualified members of other professions including, but not limited to, nurses, psychologists, marital and family therapists, mental health counselors, physicians, physician assistants, attorneys-at-law, or members of the clergy, from providing or advertising that they provide services of a social work nature consistent with the accepted standards of their respective professions, provided that these persons do not use a title or description indicating or implying that they are licensed to practice social work under this chapter or that they are practicing social work as defined in this chapter.

This chapter does not apply to students of social work whose activities are conducted within a course of professional education in social work.

Sec. 12. Section 229.1, subsection 11, paragraph c, Code Supplement 1995, is amended to read as follows:

c. A social worker ~~who holds a master's degree in social work awarded by an accredited college or university licensed under chapter 154C.~~

Sec. 13. EFFECTIVE DATE. Sections 2 and 3 of this Act take effect July 1, 1998.

Approved April 2, 1996

CHAPTER 1036

LICENSURE OF RESPIRATORY CARE PRACTITIONERS

S.F. 2013

AN ACT requiring the licensure of respiratory care therapists and creating a board for respiratory care practitioners.

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

Section 1. Section 135.1, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

For the purposes of ~~chapters 152B and chapter~~ 155 and title IV, subtitle 2, excluding chapters 142B, 145B, and 146, unless otherwise defined:

Sec. 2. Section 135.11, subsections 11 and 13, Code 1995, are amended to read as follows:

11. Enforce the law relative to chapter 146 and "Health-related Professions," title IV, subtitle 3, excluding chapters ~~152B~~, 152D, and 155.

13. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of chapters 125, ~~152B~~, 152D, and 155 and title IV, subtitle 2, excluding chapters 142B, 145B, and 146 and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 3. Section 147.1, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

For the purpose of this and the following chapters of this subtitle, excluding chapters ~~152B~~, 152C, and 152D:

Sec. 4. Section 147.1, subsections 3 and 6, Code Supplement 1995, are amended to read as follows:

3. "Licensed" or "certified" when applied to a physician and surgeon, podiatric physician, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, or social worker means a person licensed under this subtitle, excluding chapters 152B,* 152C, and 152D.

6. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, respiratory care, cosmetology arts and sciences, barbering, mortuary

*See chapter 1219, §20 herein