

*Utah Govt*

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SENATE FILE *2104*  
BY GRONSTAL

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act requiring licensure of social workers, providing an  
2 effective date, imposing fees, and making penalties  
3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.2, Code 1991, is amended to read as  
2 follows:

3 147.2 LICENSE REQUIRED.

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

13 Sec. 2. Section 147.14, subsection 1, Code Supplement  
14 1991, is amended to read as follows:

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

22 Sec. 3. Section 147.14, Code Supplement 1991, is amended  
23 by adding the following new subsection:

24 NEW SUBSECTION. 14. For social work examiners, three  
25 members licensed to practice social work, one from each of  
26 three levels of licensure described in section 154C.3,  
27 subsection 1, and two members who are not licensed social  
28 workers and who shall represent the general public.

29 Sec. 4. Section 147.74, subsection 12, Code Supplement  
30 1991, is amended by striking the subsection and inserting in  
31 lieu thereof the following:

32 12. A bachelor social worker licensed under chapter 154C  
33 may use the words "licensed bachelor social worker" or the  
34 letters "L.B.S.W." after the person's name. A master social  
35 worker licensed under chapter 154C may use the words "licensed

1 master social worker" or the letters "L.M.S.W." after the  
2 person's name. An independent social worker licensed under  
3 chapter 154C may use the words "licensed independent social  
4 worker", or the letters "L.I.S.W." after the person's name.

5 Sec. 5. Section 154C.1, Code 1991, is amended to read as  
6 follows:

7 154C.1 DEFINITIONS.

8 As used in this chapter unless the context otherwise  
9 requires:

10 1. "Board" means the board of social work examiners  
11 established in chapter 147.

12 2. ~~"Licensed-social-worker"-or-"licensee"~~ "Licensee" means  
13 a person licensed to practice social work.

14 3. "Practice of ~~licensed~~ social work" means the  
15 professional activity of ~~licensed-social-workers~~ licensees  
16 which is directed at enhancing, protecting, or restoring  
17 people's capacity for social functioning, whether impaired by  
18 environmental, emotional, or physical factors, with particular  
19 attention to the person-in-situation configuration. The  
20 social work profession represents a body of knowledge  
21 requiring progressively more sophisticated analytic and  
22 intervention skills, and includes the application of ~~social~~  
23 work psychosocial theory and methods and-values-in-evaluating  
24 personal-and-family-problems-and-relationships,-assisting  
25 persons-and-families-with-adjustment-problems-and-reaching  
26 appropriate-decisions-about-their-lives,-and-counseling  
27 emotionally-distressed-individuals-and-families to  
28 individuals, couples, families, groups, and communities. The  
29 practice of social work for each of the categories of social  
30 work licensure includes the following:

31 a. Bachelor social workers provide assessment and  
32 intervention through direct contact with clients or referral  
33 of clients to other qualified resources for assistance,  
34 including but not limited to performance of social histories,  
35 problem identification, assessment and interviewing

1 techniques, social work administration, supervision,  
2 evaluation, and research of service delivery including  
3 development and implementation of organizational policies and  
4 procedures in program management. A bachelor social worker  
5 shall not conduct social work as a private practice.

6 b. Master social workers are qualified to perform the  
7 practice of bachelor social workers and provide assessment,  
8 diagnosis, and treatment, including but not limited to  
9 performance of psychosocial histories, problem identification  
10 and evaluation of symptoms and behavior, assessment of  
11 psychosocial and behavioral strengths and weaknesses, effects  
12 of the environment on behavior, psychotherapy with  
13 individuals, couples, families, groups, and communities,  
14 establishment of treatment goals and monitoring progress,  
15 differential treatment planning, and interdisciplinary  
16 consultation and collaboration. Administration and management  
17 include but are not limited to performance of supervision of  
18 clinical staff and other personnel, consultation, practice  
19 evaluation and utilization of research, development and  
20 implementation of policies governing service delivery, and  
21 management of programs and community organizations. Master  
22 social workers shall not conduct social work as a private  
23 practice.

24 c. Independent social workers are qualified to perform the  
25 practice of master social workers. Only independent social  
26 workers may conduct social work as a private practice.

27 4. "Private practice of licensed social work" means the  
28 autonomous professional activity of a licensed social worker  
29 licensee which is not under the auspices of a public or  
30 private nonprofit corporation.

31 5. "Supervision" means the direction of social work prac-  
32 tice in face-to-face sessions. Further standards for super-  
33 vision shall be determined by the board of social work  
34 examiners. Supervision shall be provided in one of the  
35 following manners:

1 a. By a social worker licensed at least at the level of  
2 the social worker being supervised and qualified under section  
3 154C.3 to practice without supervision.

4 b. When the board of social work examiners determines that  
5 supervision by a social worker as defined in paragraph "a" is  
6 unobtainable, and in other situations considered appropriate  
7 by the board, by another qualified professional.

8 Sec. 6. Section 154C.2, Code 1991, is amended by striking  
9 the section and inserting in lieu thereof the following:

10 154C.2 LICENSE REQUIRED, USE OF TITLE.

11 A person shall not engage in the practice of social work  
12 unless the person is licensed pursuant to this chapter. A  
13 person who is not licensed pursuant to this chapter shall not  
14 use the words "social worker" or "social work", or any other  
15 words or titles which imply or represent that the person is a  
16 bachelor social worker, master social worker, or an  
17 independent social worker, or practices social work.

18 Sec. 7. Section 154C.3, Code 1991, is amended by striking  
19 the section and inserting in lieu thereof the following:

20 154C.3 REQUIREMENTS TO OBTAIN LICENSE OR RECIPROCAL  
21 LICENSE -- LICENSE RENEWAL -- CONTINUING EDUCATION.

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

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

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

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

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

35 (4) Will engage in the practice of social work, only under

1 supervision, for at least two years as a full-time employee or  
2 for at least four thousand hours following acquisition of the  
3 license.

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

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

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

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

14 (4) Will engage in the practice of social work, only under  
15 supervision, for at least one year as a full-time employee or  
16 for at least two thousand hours following acquisition of the  
17 license.

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

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

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

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

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

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

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

6 Sec. 8. Section 154C.4, Code 1991, is amended to read as  
7 follows:

8 154C.4 RULEMAKING AUTHORITY.

9 In addition to duties and responsibilities provided in  
10 chapters 147 and 258A, the board shall adopt rules relating  
11 to:

12 1. Standards required for licensees engaging in the  
13 private practice of licensed social work.

14 2. Standards for professional conduct of persons licensed  
15 under this chapter licensees.

16 3. The administration of this chapter.

17 4. The status of active and inactive licensure and  
18 guidelines for inactive licensure reentry.

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

21 6. Evaluation of its rules to refine standards of  
22 licensure and improve methods of enforcement of the standards.

23 Sec. 9. Section 154C.5, unnumbered paragraph 1, Code 1991,  
24 is amended to read as follows:

25 A ~~licensed-social-worker~~ licensee or a person working under  
26 supervision of a licensee shall not disclose or be compelled  
27 to disclose information acquired from persons consulting that  
28 person in a professional capacity except:

29 Sec. 10. NEW SECTION. 154C.6 TRANSITION PROVISIONS --  
30 EXEMPTION FROM CERTAIN LICENSE REQUIREMENTS.

31 Notwithstanding section 154C.3, the board shall issue a  
32 license as a bachelor social worker, master social worker, or  
33 independent social worker to an applicant applying for a  
34 license prior to July 1, 1994, who meets the following  
35 requirements in addition to paying all fees required by the

1 board:

2 1. BACHELOR SOCIAL WORKER. An applicant for a license as  
3 a bachelor social worker shall present evidence satisfactory  
4 to the board of either of the following:

5 a. That the applicant possesses a bachelor's degree in  
6 social work from an accredited college or university approved  
7 by the board.

8 b. That the applicant possesses an undergraduate degree  
9 from an accredited college or university and has four thousand  
10 hours of employment experience in the practice of social work.

11 An applicant who does not satisfy the requirements of para-  
12 graph "a" or "b" may obtain a temporary license for a period  
13 of ten years, during which time the applicant shall obtain a  
14 bachelor's degree in social work from an accredited college or  
15 university approved by the board.

16 2. MASTER SOCIAL WORKER. An applicant for a license as a  
17 master social worker shall present evidence satisfactory to  
18 the board that the applicant possesses a master's or doctoral  
19 degree in social work from an accredited college or university  
20 approved by the board.

21 3. INDEPENDENT SOCIAL WORKER. An applicant for a license  
22 as an independent social worker shall present evidence  
23 satisfactory to the board of either of the following:

24 a. That the applicant possesses a valid license to  
25 practice social work pursuant to chapter 154C issued prior to  
26 July 1, 1994.

27 b. That the applicant possesses a master's or doctoral  
28 degree in social work from an accredited college or university  
29 approved by the board and has two years or four thousand hours  
30 of postgraduate degree employment experience in the practice  
31 of social work.

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

33 This chapter and chapter 147 do not prevent qualified  
34 members of other professions including, but not limited to,  
35 nurses, psychologists, marital and family therapists, mental

1 health counselors, physicians, attorneys-at-law, or members of  
2 the clergy, from providing or advertising that they provide  
3 services of a social work nature consistent with the accepted  
4 standards of their respective professions, provided that these  
5 persons do not use a title or description indicating or  
6 implying that they are licensed to practice social work under  
7 this chapter or that they are practicing social work as  
8 defined in this chapter.

9 This chapter does not apply to students of social work  
10 whose activities are conducted within a course of professional  
11 education in social work and are supervised by a licensee.

12 Sec. 12. Section 229.1, subsection 11, paragraph c, Code  
13 1991, is amended to read as follows:

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

17 Sec. 13. EFFECTIVE DATE. Sections 2 and 3 of this Act  
18 take effect July 1, 1994.

19 EXPLANATION

20 This bill requires licensure of social workers and provides  
21 for three levels of licensure depending upon education and  
22 employment experience.

23 Sections 1, 2, 3, 4, and 12 are corresponding amendments to  
24 the Code and make applicable general health practice pro-  
25 fession provisions regarding establishment of the board,  
26 imposition of fees and penalties, license revocation and  
27 suspension, and title specification.

28 Sections 5 through 11 amend provisions of the Code which  
29 currently regulate the practice of social work and create new  
30 sections in the Code. These sections include requirements for  
31 licensure, reciprocal licensure, license renewal and  
32 continuing education, use of titles, the rulemaking authority  
33 of the board, confidentiality of information, transition  
34 provisions applicable to applicants for licensure prior to  
35 July 1, 1994, exemptions from the requirements for social work

1 licensure, and title and practice protection.

2 Section 13 provides an effective date of July 1, 1994, for  
3 the composition of the board.

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