

FEB 28 1995
STATE GOVERNMENT

HOUSE FILE 224
BY GIPP, GRUBBS, CONNORS,
and JOCHUM

(COMPANION TO SF 73
BY GRONSTAL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring licensure of certain social workers, providing
2 an 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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HF 224

1 Section 1. Section 147.2, Code 1995, 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 subtitle, unless the person has
12 obtained from the department a license for that purpose.

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

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

22 Sec. 3. Section 147.14, Code 1995, is amended by adding
23 the following new subsection:

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

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

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

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

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

8 154C.1 DEFINITIONS.

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

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

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

15 3. "Practice of ~~licensed~~ social work" means the
16 professional activity of ~~licensed-social-workers~~ licensees
17 which is directed at enhancing, ~~protecting,~~ or restoring
18 people's capacity for social functioning, whether impaired by
19 environmental, emotional, or physical factors, with particular
20 attention to the person-in-situation configuration. The
21 social work profession represents a body of knowledge
22 requiring progressively more sophisticated analytic and
23 intervention skills, and includes the application of social
24 work psychosocial theory methods and-values-in-evaluating
25 personal-and-family-problems-and-relationships, assisting
26 persons-and-families-with-adjustment-problems-and-reaching
27 appropriate-decisions-about-their-lives, and counseling
28 emotionally-distressed-individuals-and-families to
29 individuals, couples, families, groups, and communities. The
30 practice of social work does not include the making of a
31 medical diagnosis, or the treatment of conditions or disorders
32 of biological etiology except treatment of conditions or
33 disorders which involve psychosocial aspects and conditions.
34 The practice of social work for each of the categories of
35 social work licensure includes the following:

1 a. Bachelor social workers provide psychosocial assessment
2 and intervention through direct contact with clients or
3 referral of clients to other qualified resources for
4 assistance, including but not limited to performance of social
5 histories, problem identification, establishment of goals and
6 monitoring of progress, interviewing techniques, counseling,
7 social work administration, supervision, evaluation,
8 interdisciplinary consultation and collaboration, and research
9 of service delivery including development and implementation
10 of organizational policies and procedures in program
11 management. Bachelor social workers may provide psychosocial
12 therapy to individuals, couples, families, and groups only
13 under direct supervision of a master social worker or
14 independent social worker.

15 b. Master social workers are qualified to perform the
16 practice of bachelor social workers and provide psychosocial
17 assessment, diagnosis, and treatment, including but not
18 limited to performance of psychosocial histories, problem
19 identification and evaluation of symptoms and behavior,
20 assessment of psychosocial and behavioral strengths and
21 weaknesses, effects of the environment on behavior,
22 psychosocial therapy with individuals, couples, families, and
23 groups, establishment of treatment goals and monitoring
24 progress, differential treatment planning, and
25 interdisciplinary consultation and collaboration. Adminis-
26 tration and management include but are not limited to per-
27 formance of supervision of clinical staff and other personnel,
28 consultation, practice evaluation and utilization of research,
29 development and implementation of policies governing service
30 delivery, and management of programs and community
31 organizations.

32 c. Independent social workers are qualified to perform the
33 practice of master social workers as a private practice.

34 4. "Private practice of licensed social work" means the
35 autonomous-professional-activity-of-a-licensed-social-worker

1 ~~which-is-not-under-the-auspices-of-a-public-or-private~~
2 ~~nonprofit-corporation~~ social work practice conducted only by
3 an independent social worker who is either self-employed or a
4 member of a partnership or of a group practice providing
5 diagnosis and treatment of mental and emotional disorders or
6 conditions.

7 5. "Supervision" means the direction of social work prac-
8 tice in face-to-face sessions.

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

11 154C.2 LICENSE REQUIRED -- USE OF TITLE.

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

19 2. Notwithstanding subsection 1, persons trained as
20 bachelor social workers, or employed as bachelor social
21 workers, are not required to be licensed.

22 3. Section 147.83 does not apply to persons who are not
23 licensed as bachelor social workers and who do not hold
24 themselves out as licensed bachelor social workers.

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

27 154C.3 REQUIREMENTS TO OBTAIN LICENSE OR RECIPROCAL
28 LICENSE -- LICENSE RENEWAL -- CONTINUING EDUCATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 d. SUPERVISION. Supervision shall be provided in any of
31 the following manners:

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

35 (2) By another qualified professional, if the board of

1 social work examiners determines that supervision by a social
2 worker as defined in subparagraph (1) is unobtainable or in
3 other situations considered appropriate by the board.

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

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

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

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

18 154C.4 RULEMAKING AUTHORITY.

19 In addition to duties and responsibilities provided in
20 chapters 147 and 272C, the board shall adopt rules relating
21 to:

22 1. Standards required for licensees engaging in the
23 private practice of licensed social work.

24 2. Standards for professional conduct of ~~persons-licensed~~
25 ~~under-this-chapter~~ licensees.

26 3. The administration of this chapter.

27 4. The status of active and inactive licensure and
28 guidelines for inactive licensure reentry.

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

31 6. Evaluation of its rules to refine standards of
32 licensure and improve methods of enforcement of the standards.

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

35 A ~~licensed-social-worker~~ licensee or a person working under

1 supervision of a licensee shall not disclose or be compelled
2 to disclose information acquired from persons consulting that
3 person in a professional capacity except:

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

6 Notwithstanding section 154C.3, the board shall issue a
7 license as a bachelor social worker, master social worker, or
8 independent social worker to an applicant applying for a
9 license prior to July 1, 1997, who meets the following
10 requirements in addition to paying all fees required by the
11 board:

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

15 a. That the applicant possesses a bachelor's degree in
16 social work from an accredited college or university approved
17 by the board.

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

21 2. MASTER SOCIAL WORKER. An applicant for a license as a
22 master social worker shall present evidence satisfactory to
23 the board of either of the following:

24 a. That the applicant possesses a master's degree in
25 social work from an accredited college or university approved
26 by the board.

27 b. That the applicant possesses a graduate degree from an
28 accredited college or university and has four thousand hours
29 of employment experience in the practice of social work.

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

33 a. That the applicant possesses a valid license to
34 practice social work pursuant to chapter 154C issued prior to
35 July 1, 1995.

1 b. That the applicant possesses a master's or doctoral
2 degree in social work from an accredited college or university
3 approved by the board and has two years or four thousand hours
4 of postgraduate degree employment experience in the practice
5 of social work.

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

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

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

21 Sec. 12. Section 229.1, subsection 11, paragraph c, Code
22 1995, is amended to read as follows:

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

26 Sec. 13. EFFECTIVE DATE. Sections 2 and 3 of this Act
27 take effect July 1, 1997.

28 EXPLANATION

29 This bill requires licensure of social workers and provides
30 for three levels of licensure depending upon education and
31 employment experience. Sections 1, 2, 3, 4, and 12 are
32 corresponding amendments to the Code and make applicable
33 general health practice profession provisions regarding
34 establishment of the board, imposition of fees and penalties,
35 license revocation and suspension, and title specification.

1 The licensing board consists of seven individuals: two
2 representing the general public, one licensed social worker
3 for each of the three levels of licensure, and two employed by
4 a licensee under chapter 237.

5 Sections 5 through 11 amend provisions of the Code which
6 currently regulate the practice of social work and create new
7 sections in the Code. These sections include requirements for
8 licensure, reciprocal licensure, license renewal and
9 continuing education, use of titles, the rulemaking authority
10 of the board, confidentiality of information, transition
11 provisions applicable to applicants for licensure prior to
12 July 1, 1997, exemptions from the requirements for social work
13 licensure, and title and practice protection.

14 Section 13 provides an effective date of July 1, 1997, for
15 the composition of the board.

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**HOUSE FILE 224
FISCAL NOTE**

A fiscal note for House File 224 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 224 requires licensure of social workers and provides three levels of licensure depending on education and employment experience. Corresponding amendments to the Code make applicable general health practice profession provisions regarding establishment of the board, imposition of fees and penalties, license revocation and suspension and title specification, and provides an effective date of July 1, 1997.

ASSUMPTIONS:

1. The current five member board will increase to seven members.
2. The number of board meetings required will increase from four to ten to develop administrative rules, process applications and handle complaints. The cost estimate includes \$3,000 for six additional meetings (six meetings including five members averaging \$100 travel cost per member.)
3. Board expenses are estimated to increase with the addition of two new members in FY 1997. The additional cost estimate includes \$1,000 per year for per diem based on the ten meetings per year plus travel expenses of \$2,000 (ten meetings for two board members at an average \$100 expense.)
4. The definition of social workers is specified to include bachelor social worker, master social worker, and independent social worker. It is estimated that the current 1,030 licensed social workers will increase to 5,000 licensed social workers under the proposed legislation. Two additional administrative FTE positions are estimated to be required to handle the increase.
5. The existing licensing fee is \$125 for a new license and \$120 for renewal. Revenue figures are based on the continuation of these fee rates and no change in the requirement to renew the social worker's license every two years. Revenue figures are based on the estimated additional 3,970 new licensees in the first year.
6. The number of simple misdemeanor charges as a result of prosecutions for misrepresentation of certification of a license are unknown at this time, thus it is not possible to estimate a resulting court cost impact.

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FISCAL IMPACT:

	Fiscal Year 1996			Fiscal Year 1997		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
<u>REVENUE</u>						
License Fees \$	13,910	\$ 496,250	\$ 482,340	\$ 96,580	\$ 15,000	\$ -81,580
<u>EXPENDITURES</u>						
Salaries	\$ 18,486	\$ 60,827	\$ 42,341	\$ 20,324	\$ 67,062	\$ 46,738
(FTE's)	(0.0)	(2.0)	(2.0)	(0.0)	(2.0)	(2.0)
Board Admin	4,500	6,000	1,500	4,725	6,300	1,575
Total	\$ 22,986	\$ 66,827	\$ 43,841	\$ 25,049	\$ 73,362	\$ 48,313
NET EFFECT	\$ -9,076	\$ 429,423	\$ 438,499	\$ 71,531	\$ -58,362	\$ -129,893

HF 224 will result in a \$438,499 surplus in FY 1996 and a deficit of \$129,893 in FY 1997. The deficit in FY 1997 results because renewals take place every two years.

SOURCES: Department of Public Health
Department of Justice

(LSB 1548hh.2, MME)

FILED MARCH 21, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

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Net effect results in a surplus for FY 1995 with all licensing initiated and renewed, then not renewed again for two years, creating a deficit in FY 1996, more than offset by the surplus in FY 1995.

SOURCES: Department of Public Health
Department of Justice

(LSB 1548hh, MME)

FILED MARCH 9, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR