



A SUMMARY OF HOUSE BILL 4491 AS INTRODUCED 3-6-91

The bill would change regulation of social workers from a registration system (with certification) to a licensure system, would move statutory provisions regarding social workers from the Occupational Code to the Public Health Code, and would effectively eliminate the existing classification of social work technicians. Currently, social workers can be registered or certified under Article 16 of the Occupational Code. The bill would repeal this section of the code and add a new section to the Public Health Code that would license social workers with bachelor's, master's, or doctoral degrees. The bill also would effectively eliminate social work technicians by allowing currently registered social work technicians to renew their registrations, while prohibiting the issuing of any new registrations.

The new part of the Public Health Code (Part 185, "Social Work") would prohibit the practice of social work at the bachelor's or master's level or as a registered social work technician unless licensed, registered, or otherwise authorized by the bill. (Registered and certified social workers could be licensed as bachelor social workers and master's social workers, respectively, if they applied for licensure on or before the renewal date for their registration or certificate of registration. However, no social work technicians would be registered after December 31, 1991.) The titles "social worker," licensed bachelor social worker," (or "L.B.S.W."), and "licensed master's social worker" (or "L.M.S.W.") could only be used by licensed bachelor's or master's level social workers. The bill also would create a board of social work and define its duties, impose certain confidentiality requirements on the social worker-client relationship, and provide for limited licenses and for certain exceptions to the bill's requirements.

Scope of practice. The bill would not define a single scope of practice for social workers. Instead, it would define "practice of social work at the bachelor's level" and "practice of social work at the master's level," with the major difference being that master's level social workers could practice counseling and psychotherapy and could diagnose emotional and behavioral dysfunctions.

Neither level of social work practice would include the practice of medicine or osteopathic medicine and surgery (including prescribing drugs, administering electroconvulsive therapy, or, with certain exceptions, the administration or interpretation of psychological tests).

Both levels of practice would include the following, applied within the scope of social work values, principles, and techniques (defined as "a psychosocial approach that

systematically intervenes to enhance the developmental, problem solving, and coping capacities of individuals, couples, families, or groups"):

- (1) applying knowledge of human development and behavior and of social, economic, and cultural institutions;
- (2) "helping communities, organizations, or groups improve their social or health services by utilizing community organization techniques;" and
- (3) administering "symptom or behavior check lists that do not require special training and that do not require interpretation."

"Practice of social work at the bachelor's level" also would include "social casework, including, but not limited to, social assessments, planning, and intervention with individuals, families, couples, or groups."

"Practice of social work at the master's level" would include:

- (1) "advanced social casework, social assessments, planning, counseling, diagnosis of emotional and behavioral dysfunctions, and intervention with individuals, families, couples, or groups."
- (2) "psychotherapy with individuals, families, couples, or groups and the diagnosis and treatment of mental, emotional, and behavioral disorders," if the licensed master's social worker had signed an affidavit verifying that he or she possessed a master's degree, had practiced psychotherapy and had diagnosed and treated mental, emotional, and behavioral disorders as part of his or her practice as a certified social worker.

The board could allow licensees other than licensed master's level social workers to engage in psychotherapy under the bill if they (a) had completed coursework in normal human development and psychopathology and in diagnosis, assessment, and treatment of individuals, couples, families, and groups, and (b) had at least two years of practice in psychotherapy supervised by a licensed master's social worker. The board could modify these requirements by rule, or allow a licensee to submit an affidavit as evidence that he or she met the requirements.

Categories of social workers. Social workers who currently are "registered social work technicians" could apply for a renewal of their registration, registered social workers could apply to become "licensed bachelor social workers," and certified social workers could apply to become "licensed master social workers." No social work technicians would be registered after the effective date of the bill. Licensees would not be permitted to perform in any capacity they were not trained for.

A "licensed bachelor social worker" would have to have completed a bachelor's degree in social work and have practiced social work for at least two years under the supervision of a licensed master social worker (for three years after the effective date of the bill, the supervision would have to be done by a social worker with a master's or doctoral degree in social work). Licensed bachelor social workers could work only for public or nonprofit agencies or health facilities.

A "licensed master's social worker" would have to have a master's or doctoral degree in social work, two years of practice in social work supervised by a licensed master social

worker (though for three years after the effective date of the bill, supervision would have to be done by someone with a master's or doctoral degree in social work who had been in practice for not less than two years). A licensed master's social worker employed by a school district would, in addition, have to meet the requirements for employment as a school social worker contained in the School Code.

Limited licenses. The board could grant limited licenses, renewable for not more than five years, to people who had completed all the educational requirements for licensure and who were doing their two years of supervised social work. People with limited licenses would have to be supervised by a licensed master social worker and could practice only in an agency, health facility, or other board-approved arrangement.

Board of Social Work. A nine-member Board of Social Work would be created in the Department of Public Health. The board would consist of three public members and six members who were social workers (at least two of whom would have to be licensed bachelor social workers). The board would have to promulgate emergency rules to implement the bill's licensing requirements, as well as rules regarding continuing education program requirements for social workers. Members of the Board of Examiners of Social Workers would serve as the initial members of the board until their terms expired.

Confidentiality. Communications between social workers and their clients in the course of professional practice would be confidential and disclosed only with the client's permission, unless the communication fell under the "duty to warn third parties" requirements of the Mental Health Code. The board would promulgate rules governing the contents, availability, and distribution of professional disclosure statements.

Exceptions. Under the bill, someone with a degree in social work from an accredited college or university could still use the title "social worker" if he or she did not engage in the practice of social work at the bachelor's or master's level. The bill would specifically exempt from its provisions students participating in an internship supervised by a licensed master's social worker, as well as the following (as long as they did not hold themselves out to be licensed, registered social workers):

- * other statutorily authorized professionals;
- * people who donated their services, other than psychotherapy services, to nonprofit charitable organizations;
- * ordained ministers, if counseling was an element of their religious duties performed under the auspices of a federally tax exempt church, denomination, religious association, or sect;
- * participants in self-help, peer counseling, or support services programs provided by charitable, nonprofit organizations; and
- * state civil service employees in the following civil service classifications (or their successors): social services specialist, welfare services specialist, social services supervisor, general services program supervisor, assistance payments worker, assistance payments supervisor; and Job Start worker.

Repeal. The bill would repeal Article 16 of the Occupational Code (Public Act 229 of 1980, MCL 339.1601 to 339.1610), which regulates social workers.

MCL 333.18501 et al.