

A SUMMARY OF HOUSE BILL 4274 AS INTRODUCED 2-11-97

The bill would change regulation of social workers from a registration system (with certification) to a licensure system and would move statutory provisions regarding social workers from the Occupational Code to Article 15 of the Public Health Code. 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, and register social worker technicians who had either two years of college or a certain amount of social work experience.

The new part of the Public Health Code (Part 185, "Social Work") would prohibit, beginning one year after the effective date of the bill, 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. Registered social work technicians also could apply for renewal of their registrations.) The titles "social worker," "registered social work technician" (or "R.S.W.T."), "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 properly licensed or registered 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, set license fees, 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 "social work technician," "practice of social work at the bachelor's level" and "practice of social work at the master's level." The main difference between bachelor's and master's level social workers would be that the latter would be able to do counseling and psychotherapy and to diagnose emotional and behavioral dysfunctions.

A social work technician would refer to someone who was registered under the bill and who was specially trained to help, and who could work only under the supervision of, licensed bachelor or master's level social workers.

Neither the bachelor's nor master's 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 of systematic intervention 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 met certain requirements.

In order to practice psychotherapy, a licensed master's level social worker would have to sign and file with the Department of Consumer and Industry Services an affidavit saying that he or she met the following requirements: had a master's degree; had practiced psychotherapy as part of his or her practice as a certified social worker; had completed certain coursework (including normal human development and psychopathology and in diagnosis, assessment, and treatment of individuals, couples, families, and groups); and had completed at least two years of supervised post-master's degree experience in practicing psychotherapy.

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 post-degree practice in psychotherapy supervised by a licensed master's social worker. The board could modify (but not decrease) 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." Licensees would not be permitted to perform in any capacity they were not trained for.

In order to newly register as a "social worker technician," a person would have to both (a) have either one year of board-approved social work experience or two years of college and (b) be employed as a social worker. However, if the person had the equivalent of 2,000 hours of service in social work with a recognized agency or had an associate degree in social work from an approved college that included supervised instructional field experience, these two requirements would be waived.

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 post-degree 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 post-degree 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 Revised School Code (MCL 380.1 et al.).

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 a health facility or other board-approved arrangement.

License renewals. Criteria for license renewals would be promulgated by the board. Applicants seeking renewal would have to furnish proof that they attended continuing education courses appropriate to their level of social work practice of at least 60 clock hours in the three years preceding the renewal application.

License fees. The license fee for a social worker would be \$55 at the bachelor's level and \$75 at the master's level, and the registration fee for a social work technician would be \$15. In addition, there would be an application processing fee of \$25.

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. Terms of office would expire on December 31. 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.

Effective date. The bill would take effect on December 31, 1997.

MCL 333.16131 et al.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.