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MOVE SOCIAL WORKERS TO HEALTH CODE

House Bill 4274 as enrolled (Vetoed)
Sponsor: Rep. David Gubow

House Committee: Health Policy
**Senate Committee: Economic Development,
International Trade and Regulatory
Affairs**

Second Analysis (1-14-99)

THE APPARENT PROBLEM:

When Public Act 126 of 1995 moved the provisions regulating marriage and family therapists from the Occupational Code to the Public Health Code, the profession of social work remained the only mental health profession regulated under the Occupational Code, rather than the Public Health Code. (For more information, see the House Legislative Analysis Section's analysis on House Bill 4317 dated 7-18-95.) Currently, social workers are registered and regulated under provisions in the Occupational Code. Many social workers feel that their profession rightfully belongs in the health care field beside the other counseling professions. Legislation has been proposed to move the provisions regulating social workers from the Occupational Code to the Public Health Code.

THE CONTENT OF THE BILL:

The bill would repeal Article 16 of the Occupational Code (MCL 339.1601 to 339.1610) and Section 2245 of the State License Fee Act (MCL 338.2245) and place the provisions in the newly created Part 185 of the Public Health Code, entitled "Social Work". Provisions regarding the expiration of terms of members of the Board of Social Work and restricted use of titles would be placed in existing sections of the code. The provisions regulating social workers would remain essentially the same as now, though the language would be updated. The bill would specify that the Michigan Board of Social Work would be created in the Department of Consumer and Industry Services and would consist of nine members whose qualifications would be specified in the bill. Members of the Board of Examiners of Social Workers, created under the Occupational Code, would serve as initial board members until their terms expired or successors were appointed. The bill would also give authority for

the granting of registrations to the board rather than the department, as is currently done. However, the bill would permit, rather than require, the board to grant registration to qualifying individuals. Social workers currently registered under the Occupational Code would be automatically registered under the Public Health Code until their registrations expired, at which time the registrations would be renewed under Part 161 of Article 15 of the code. Further, the bill would state that administrative rules promulgated under Article 16 of the Occupational Code that were in effect on the bill's effective date would continue to be in effect and enforceable, and could be amended or rescinded by the director of the Department of Consumer and Industry Services.

Further, the bill is tie-barred to House Bill 5736, which would amend the Nonprofit Health Care Corporation Reform Act (MCL 550.1502 and 550.1502a), which regulates Blue Cross and Blue Shield of Michigan, to specify that a health care corporation would not be required to reimburse for services performed by a member of a health care profession that was not licensed or registered on or before January 1, 1998, but became a licensed or registered health care profession after January 1, 1998.

Lastly, the bill would specify that only those persons authorized under the code could use certain titles pertaining to social workers, respiratory therapists, therapeutic recreators, athletic trainers, and registered nutritionists and dietitians.

The bill would take effect December 31, 1998.

MCL 333.16131 et al.

House Bill 4274 (1-14-99)

BACKGROUND INFORMATION:

Several attempts to move the provisions regulating social workers from the Occupational Code to the Public Health Code, and to provide for a system of licensure instead of the current registration framework, have been introduced in the past, but none have made it through both chambers. Most recently, House Bill 4491 of the 1991-1992 legislative session was passed by the House. (For more information, see the House Legislative Analysis Section's analysis on House Bill 4491 dated 7-22-91.)

workers from the Occupational Code to the Public Health Code, he could not support the bill with the addition of the language which pertained to nutritionists and dietitians, athletic trainers, and other currently unlicensed health professionals.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have no fiscal impact on state or local government. (12-8-9)

ARGUMENTS:

For:

The bill would place the regulation of social workers in its rightful place alongside other health care professions in the state. Currently, social workers are the only mental health professionals to be regulated not under the Public Health Code, but under the Occupational Code. According to testimony submitted by the Michigan Chapter of the National Association of Social Workers (NASW), this change would make it easier for the public and members of the other health professions (who often work in collaboration with social workers) to file complaints, seek inquiries, and work with staff within the Department of Consumer and Industry Services. The NASW also points out that the change would make it less likely for social workers to be left out of important health care decisions due to their being in a different statute. Often statutory language contains references to the Public Health Code. Only later is it often realized that the discipline of social work, by virtue of being regulated by a different law, has been inadvertently excluded.

Against:

In his veto message to the legislature, the governor wrote that though he supported the original purpose of the bill to move the current registration of social

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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.