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Senate Bill 657 (as enrolled)

PUBLIC ACT 11 of 2000

Sponsor: Senator Dale L. Shugars

Senate Committee: Economic Development, International Trade and Regulatory Affairs

House Committee: Regulatory Reform

Date Completed: 1-9-01

RATIONALE

Social workers often play an integral role in approaches used to help individuals, families, and groups cope with and resolve personal, family, and community problems. Social workers work in a variety of settings, including hospitals, schools, mental health clinics, and public agencies. Through direct counseling, social workers help clients identify their concerns, consider solutions, and find resources for assistance. Since social workers often refer clients to health care specialists in various areas, they frequently work with other health care professionals, such as psychologists, counselors, and marriage and family therapists who are regulated under the Public Health Code. Social workers, however, were regulated under the Occupational Code. Some people believed that these professionals, as members of a health care field similar to psychologists, counselors, and marriage and family therapists, should be regulated under the Public Health Code instead of the Occupational Code.

CONTENT

The bill amended the Public Health Code to provide for the registration and regulation of social workers, and specify application and license fees (which are the same as previous fees). The bill also repealed Article 16 of the Occupational Code, which provided for the registration and regulation of social workers, and provisions in the State License Fee Act that provided for an application fee and an annual registration fee (MCL 338.2245).

The bill created the Michigan Board of Social Work in the Department of Consumer and Industry Services and requires the Board to register social workers. The Board must consist of four certified social workers, two social workers, and three public members. Previous members of the Board of Examiners of Social Workers were to serve as the initial members of the new Board until their

successors were appointed or until their respective terms expired, whichever occurred first. The bill specifies that the terms of office of members of social work boards and task forces expire on December 31, four years after appointment, except for persons appointed to fill vacancies.

Under the bill, the mandatory academic training for social workers must be obtained from an accredited training program, college, or university approved by the Board.

A person registered under previous provisions of the Occupational Code on the bill's effective date remained or remains registered until expiration of the registration; then he or she was or is allowed to renew the registration under the provisions of the Public Health Code.

The bill retains provisions of the Occupational Code that limited the disclosure of a communication between a certified social worker, social worker, or social work technician and a client. The bill specifies, however, that this communication is a confidential communication, rather than privileged communication.

Rules promulgated by the previous board and in effect on the bill's effective date continue in effect to the extent that they do not conflict with the Code, and must be enforced. The Director of the Department may amend or rescind the rules.

MCL 333.16131 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill moved the regulation of social workers from

the Occupational Code to the Public Health Code, which regulates health care professionals such as psychologists, counselors, and marriage and family therapists. All of these fields are subject to confidentiality provisions, require education and experience in order for individuals to enter the fields as independent practitioners, and share some individual practitioners--for instance, an individual may be both a psychologist and a marriage and family therapist. Placing the regulation of the social work profession under the code that regulates other health care professions will assist the public and members of the other health care professions to file complaints, analyze discrepancies, and make inquiries regarding the performance of social workers. Apparently, there were no provisions in the Occupational Code that addressed these concerns.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: M. Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.