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BILL ANALYSIS

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Senate Bill 189 (as enrolled)
Sponsor: Senator Bev Hammerstrom
Senate Committee: Health Policy
House Committee: Health Policy

PUBLIC ACT 61 of 2004

Date Completed: 11-1-04

RATIONALE

Public Act 11 of 2000 transferred the authority of the Board of Social Work from the Occupational Code to the Public Health Code, which also regulates psychologists, counselors, and marriage and family therapists. The transfer, however, did not change the system under which social workers were regulated by the State. As previously required, social workers must be registered or certified in order to represent themselves as social workers, while the Public Health Code requires all other health-counseling professions to be licensed. In general, licensure restricts entry into a profession to those who have attained certain levels of education and experience and/or have passed a proficiency test; requires continuing education credits for license renewal; and subjects licensees to disciplinary action for unethical or unprofessional behavior. Registration and certification, on the other hand, usually establish educational or work experience standards for applicants, but do not require continuing education or ongoing ethics monitoring. It was suggested that Michigan join the other 49 states that require social workers to be licensed.

CONTENT

The bill amended Part 185 (Social Work) of the Public Health Code to require that, beginning July 1, 2005, social workers obtain a license, rather than a registration or certification, from the State. Specifically, the bill does the following:

- Prohibits people from engaging in the practice of social work unless they are licensed or otherwise authorized.**
- Creates two levels of licensure, a licensed master's social worker**

(L.M.S.W.) and a licensed bachelor's social worker (L.B.S.W.).

- Delineates a scope of practice for L.B.S.W. and L.M.S.W. licensees.**
- Requires that candidates for L.M.S.W. and L.B.S.W. licenses complete at least two years of full-time, postdegree experience practicing under the supervision of an L.M.S.W., and obtain a limited license during this time.**
- Exempts certain practitioners, including ordained clergy and social workers providing certain services to nonprofit organizations, from licensure requirements.**
- Requires the Michigan Board of Social Work to grant full licensure to certified or registered social workers after their current certificate or registration expires, upon application for renewal.**
- Changes the title of "social work technician" to "social service technician", and provides for limited registration as a social service technician.**
- Provides for three-year licensure and establishes a \$25 annual licensure fee.**
- Requires the Board to establish a requirement that, in any three-year renewal cycle, a licensee complete at least 45 clock hours in continuing education.**

The sections of the bill governing the makeup of the Michigan Board of Social Work and the use of titles took effect on April 12, 2004. The remainder of the bill will take effect on July 1, 2005.

Current Requirements

Registered Social Worker. Currently, a person may not represent himself or herself as a

social worker unless he or she is registered with the Michigan Board of Social Work. The Board may grant a registration only if the applicant meets all of the following:

- Has obtained a bachelor's degree from a Board-approved college or university.
- Has two or more years of social work experience acceptable to the Board or is enrolled in a graduate school of social work approved by the Board, or has a master's degree from an accredited school of social work approved by the Board or has the equivalent of 4,000 hours of service in social work with an agency recognized by the Board.
- Is employed as a social worker or is enrolled in a graduate school of social work, unless the individual has received a bachelor's or master's degree from an accredited, Board-approved school of social work.

The bill will eliminate these requirements as of July 1, 2005.

Certified Social Worker. The Board may grant a registration as a certified social worker to a person who has both earned a master's degree from a Board-approved, accredited school of social work and completed two or more years of social work experience acceptable to the Board.

The bill will eliminate these requirements as of July 1, 2005.

Social Work Technician. Currently, the Board grants registration as a social work technician to a person who has met both of the following requirements: 1) has had one year of social work experience acceptable to the Board, or has successfully completed two years of college, and 2) is employed in the practice of social work. The second requirement may be waived if the individual has the equivalent of 2,000 hours of service in social work with a Board-recognized agency, or has received an associate degree in social work at a Board-approved college that includes supervised instructional field experience.

The bill will retain these requirements, but require that the two years of college include some coursework relevant to human services areas. The bill renames social work technicians as "social service technicians", and specifies that a social service technician is specially trained to assist, and authorized only to practice under, an L.M.S.W. or an L.B.S.W.

A social service technician employed in the practice of social work will have to apply social work values, ethics, principles, and skills.

Additionally, the bill permits the Board to grant a limited social service technician registration to an individual who has successfully completed two years of college and is employed in the practice of social work, or has offered employment in the practice of social work, with an agency recognized by the Board; applies social work values, principles, and techniques under the supervision of a licensee; and is seeking to obtain the experience for registration as a social service technician. A limited registration will be renewable for a maximum of one year.

Licensed Bachelor's Social Worker

Beginning July 1, 2005, a person is prohibited from engaging in the practice of social work at the bachelor's level without a license. "Practice of social work at the bachelor's level" means all of the following applied within the scope of social work values, ethics, principles, and skills:

- The application of social work theory, knowledge, methods, and ethics to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, or communities, with particular attention to the person-in-environment configuration.
- Social work case management and casework, including assessments, planning, referral, and intervention with individuals, families, couples, groups, communities, or institutions within the context of social work values, ethics, principles, and skills.
- Helping communities, organizations, individuals, or groups improve their social or health services by using social work practice skills.
- The administration of assessment checklists that do not require special training or interpretation.

An individual who performs one or more, but not all, of the above functions will not be considered engaged in the practice of social work at the bachelor's level.

The practice of social work at the bachelor's level does not include the practice of medicine or the practice of osteopathic medicine and surgery, including the prescribing of drugs, the administration of electroconvulsive therapy, the practice of psychotherapy, and

other advanced clinical skills within the scope of an L.M.S.W., or the administration or interpretation of psychological tests, except those that do not require special training or interpretation.

A licensed bachelor's social worker must have been awarded a bachelor's degree in social work from a college or university social work program approved by the Board. Beginning July 1, 2005, only a licensed bachelor's social worker may use the titles "licensed bachelor social worker", "social worker", or "L.B.S.W."

Licensed Master's Social Worker

A person may not engage in the practice of social work at the master's level without a license, beginning July 1, 2005. "Practice of social work at the master's level" means all of the following applied within the scope of social work values, ethics, principles, and advanced skills, excluding the practice of medicine or the practice of osteopathic medicine and surgery, the prescribing of drugs, and the administration of electroconvulsive therapy:

- The advanced application of the knowledge of human development and behavior and social, economic, and cultural institutions.
- The advanced application of macro social work processes and systems to improve the social or health services of communities, groups, or organizations through planned interventions.
- The application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions, and addictions. Treatment methods include the provision of advanced social work case management and casework and individual, couple, family, or group counseling and psychotherapy whether in private practice or other settings.

A licensed master's social worker will have to be awarded a master's or doctoral degree in the field of social work from a college or university social work program approved by the Board. Beginning July 1, 2005, only a licensed master's social worker may use the titles "licensed master's social worker", "social worker", or "L.M.S.W."

Minimum Training Requirements; Rules

The bill requires the Department of Community Health to promulgate rules

regarding the minimum training requirements for the practice of social work at the bachelor's level and for the practice of social work at the master's level. The rules regarding the practice of social work at the master's level must distinguish between the training, education, and experience requirements necessary for the application of macro social work processes and systems through interventions, and those necessary for the application of clinical knowledge and skills in the areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions, and addictions. The training, education, and experience requirements for clinical practice must include at least possession of a master's degree in social work; completion of course work in normal human development and diagnosis, assessment, and treatment of individuals, couples, families, and groups, using a variety of psychotherapeutic methods or techniques; and completion of at least two years of supervised postmaster's degree clinical experience.

Two-Year Postdegree Experience

Supervised Practice. In order to obtain a license, both L.B.S.W. and L.M.S.W. candidates will have to have completed at least two years of full-time postdegree experience, or the equivalent in part-time hours, in the practice of social work under the supervision of a licensed master's social worker. Until July 1, 2008, however, the two-year experience must be performed under the supervision of a person with a master's or doctoral degree in social work. For an L.M.S.W. candidate, the supervisor also must have at least two years' experience practicing social work.

In addition, a licensed master's social worker employed by a school district must meet the requirements for school social workers contained in the Revised School Code (as currently required).

Limited License. The Board may grant a limited license to engage in the required two-year postdegree experience to a person who has completed all of the educational requirements for licensure as a bachelor's social worker or a master's social worker. A limited license will be renewable for a maximum of six years.

During the two-year experience, the person must limit his or her practice to an agency, a

health facility, an institution, or another entity approved by the Board.

Exemptions

The bill specifies that Part 185 does not apply to any of the following, provided the person does not hold himself or herself out to the public as a licensed or registered social worker:

- A person not licensed or otherwise authorized to engage in the practice of social work at the bachelor's or master's level, or registered as a social service technician, who donates his or her services, other than psychotherapy services, to a charitable nonprofit organization.
- An ordained cleric or other religious practitioner, if elements of social work are incidental to his or her religious duties performed under the auspices or recognition of a church, denomination, religious association, or sect that has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.
- A certified, licensed, or otherwise statutorily recognized member of any other profession who practices his or her profession as authorized by law.
- An individual who participates in a self-help, peer counseling, or support services program provided by a charitable or labor organization exempt from taxation under the Internal Revenue Code. The bill states that this exemption does not otherwise provide an exemption from licensure or registration for an employee of the charitable or labor organization not otherwise authorized to engage in activities or use a title regulated under Part 185.
- An individual whose duties may include some or all of the activities practiced by a social worker at the bachelor's level, as long as he or she is trained and does not hold himself or herself out as a licensed or registered social worker, or does not use a title regulated by Part 185.

Part 185 also does not apply to a person engaged in a course of study leading to a degree in social work and participating in an internship supervised by an L.M.S.W.

People holding a bachelor's, master's or doctorate degree in social work from an accredited college or university are not prohibited from using a title including "social work", if they do not engage in the practice of social work at the bachelor's or master's level.

Currently Registered Social Workers

The Board must grant a full license as an L.B.S.W. to an individual holding a certificate of registration as a social worker before July 1, 2005, and a full license as an L.M.S.W. to a person holding a registration as a certified social worker before that date, if the person applies to the Board on or before the required date for renewal of his or her registration or certification.

Renewal; Continuing Education Requirements

The bill requires the Department of Community Health (DCH) to issue a license or registration for a period of three years. In order to renew a license, the licensee will have to meet continuing education requirements. The Department, in consultation with the Board, will have to establish by rule the total number of course or program clock hours required, with a minimum of 45 clock hours in any three-year license renewal cycle. A portion of those clock hours must be in social work ethics. A licensee will have to meet the continuing education requirements beginning the renewal cycle after the rules' effective date.

The bill also requires the DCH, in consultation with the Board, to promulgate rules requiring a licensee seeking renewal to furnish evidence that during the three years immediately preceding the renewal application, he or she attended continuing education courses or programs related to the practice of social work and designed to educate licensees further.

The Department will have to ensure that all approved continuing education courses include defined measurements of preknowledge and postknowledge or skill improvements, or both, as a result of the continuing education program.

Fees

Currently, registered and certified social workers and social work technicians, as well as those seeking registration or certification, must pay an annual registration or certification fee of \$20. The bill will require licensed social workers and registered social service technicians, as well as those seeking licensure or registration, to pay an annual license or registration fee of \$25.

Board

Currently, the Michigan Board of Social Work consists of nine, Governor-appointed members, including three public members, four certified social workers, and two members who are either certified or have actively practiced or taught social work for two years. The bill requires that, for Board members appointed after July 1, 2004, the six appointed social workers be licensed by July 1, 2008.

Other Provisions

The bill states that Part 185 does not require new or additional third-party reimbursement or mandated worker's compensation benefits for services by an individual licensed as a social worker or registered as a social service technician under Article 15 (Occupations) of the Code.

MCL 333.16263 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

By defining a scope of practice for social workers, prohibiting the practice of social work without a license, and prohibiting a licensee from performing an act, task, or function within the practice of social work for which he or she is not trained, the bill will help ensure that unqualified, unprofessional, or incompetent people do not practice social work. For example, under current law, if a social worker's certification is revoked (on ethical grounds or for any other reason), the only sanction available to the State is to prohibit that person from using the title of "social worker". The bill, however, will prohibit a person from practicing social work without a license, which means that someone who practices with a revoked license may be subject to disciplinary sanctions. Social workers serve some of society's most vulnerable people, including the poor, children, and substance abusers, and rigorous standards need to be in place to ensure that a social worker does them no harm. Also, continuing education requirements that include ethics should assist social workers in adhering to the profession's code of ethics, as well as keeping their skills and knowledge current.

Further, licensure makes Michigan's credentialing process and criteria for social workers more consistent with those of the other states. Michigan is the only state that does not license social workers. Lack of licensure means that those social workers who move into or out of the State have to contend with differing credentialing criteria in order to practice. This inconsistency can cause confusion over the application process and delays in, or denial of, the issuance of credentials. Licensing social workers also should make it easier for Michigan employers to hire out-of-State social workers.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill changes the regulation of social workers from a registered profession to a licensed profession. The cost of this change to the Department of Community Health will be negligible (\$15,000 to \$20,000 for information technology), as the responsibilities and workload will be similar. The bill, however, adds continuing education requirements, which do increase costs as audits are required of sample populations within a profession to ensure compliance. The \$5 fee increase should cover the increased costs, which are estimated at approximately \$90,000 for salaries for two additional staff, not including fringe benefits.

The bill contains a licensing exemption for current Family Independence Agency (FIA) field staff employees who are not degreed and have years of social work professional experience. The Board will have to determine whether the exemption applies to approximately 3,600 case management and 500 supervisory staff. If determined ineligible, these employees will have to be replaced with degreed and licensed social workers or otherwise-eligible personnel.

Fiscal Analyst: Steve Angelotti
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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.