

1 HB59
2 172609-1
3 By Representative Johnson (R)
4 RFD: Boards, Agencies and Commissions
5 First Read: 02-FEB-16

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8 SYNOPSIS: This bill would further define the practice
9 of social work and would redesignate the licensure
10 classification of "graduate social worker" to
11 "master social worker" and the licensure
12 classification of "certified social worker" to
13 "independent clinical social worker" as licensed by
14 the State Board of Social Work Examiners.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 To amend Sections 34-30-1, 34-30-3, 34-30-5,
21 34-30-20, 34-30-22, 34-30-24, 34-30-30, 34-30-31, and
22 34-30-33, Code of Alabama 1975; to further define the practice
23 of social work and the licensure of master social workers and
24 independent clinical social workers licensed by the State
25 Board of Social Work Examiners.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 34-30-1, 34-30-3, 34-30-5,
2 34-30-20, 34-30-22, 34-30-24, 34-30-30, 34-30-31, and
3 34-30-33, Code of Alabama 1975, are amended to read as
4 follows:

5 "§34-30-1.

6 "As used in this chapter, the following words and
7 terms shall have the following meanings:

8 "(1) BOARD. The State Board of Social Work Examiners
9 established under this chapter.

10 "(2) SOCIAL WORK. The professional activity of
11 helping individuals, groups, or communities enhance or restore
12 their capacity for social functioning, and of preventing or
13 controlling social problems altering societal conditions as a
14 means towards enabling people to attain their maximum
15 potential.

16 "(3) SOCIAL WORK PRACTICE. The professional
17 application of social work values, principles, and techniques
18 to one or more of the following ends: Helping people obtain
19 tangible services, assessment and diagnosis, counseling with
20 individuals, families, and groups, helping communities or
21 groups provide or improve social and health services, engaging
22 in research related to those ends and principles, and
23 administering organizations and agencies engaging in such
24 practice. The practice of social work requires knowledge of
25 human development and behavior, of social, economic, and
26 cultural institutions and of the interaction of all these
27 factors.

1 "(4) SOCIAL WORK SPECIALTY. A defined area of social
2 work practice recognized and approved by the Board of Social
3 Work Examiners.

4 "(5) SOCIAL WORK METHOD. An orderly, systematic mode
5 of practice and procedure recognized and approved by the Board
6 of Social Work Examiners. This includes but is not limited to
7 social casework, social group work, and community
8 organization.

9 "(6) FULL-TIME SOCIAL WORK. Thirty-five hours per
10 week.

11 "(7) PART-TIME SOCIAL WORK. At least 10 hours per
12 week or more, and will be considered equivalent to full-time
13 social work on a pro rata basis as determined by the board.

14 "§34-30-3.

15 "~~After May 24, 1978, no~~ No person may engage in the
16 ~~private~~ independent clinical practice of social work unless he
17 or she is:

18 "(1) Licensed under this chapter as a licensed
19 ~~certified~~ independent social worker; and

20 "(2) Has a doctorate or master's degree from a
21 school of social work approved, accredited, or in candidacy
22 granted by the Council on Social Work Education; and

23 "(3) Has had two years' full-time or three years'
24 part-time postgraduate experience under appropriate
25 supervision in the specified social work method or four years'
26 full-time or five years' part-time postgraduate experience

1 under appropriate supervision in the speciality in which the
2 applicant will practice.

3 "(4) Has passed an examination prepared by the board
4 for this purpose; except, that prior to the time that an
5 examination is prepared by the board for this purpose, no
6 person who otherwise meets the requirements of this section
7 will be prohibited from engaging in the private independent
8 practice of social work; and

9 "(5) Has been issued by mail a certified letter of
10 certification stating his or her qualification for private
11 independent practice by the board; and

12 "(6) Has paid an initial certification fee set by
13 the board.

14 "§34-30-5.

15 "The following procedure will apply to revocation
16 and suspension hearings and to judicial review of these
17 hearings:

18 "(1) Hearings are to be conducted by a five-person
19 panel of the Board of Social Work Examiners with recommended
20 decisions to be by majority vote of the panel.

21 "(2) Reasonable notice (20 days' minimum) of charges
22 to be served personally or by registered mail.

23 "(3) Stenographic record of proceedings.

24 "(4) ~~The "licensed bachelor social worker,"~~
25 ~~"licensed graduate social worker" or "licensed certified~~
26 ~~social worker"~~ A person licensed under this chapter whose
27 license is subject to suspension or revocation is entitled to:

1 "a. The presence of counsel at the hearing at his
2 expense;

3 "b. The right to cross-examination of witnesses;

4 "c. The right to call witnesses on his or her own
5 behalf; and

6 "d. The right to subpoena witnesses and documents.

7 "(5) Any person affected by the action of the board
8 in refusing his or her application or suspending or revoking
9 his or her license, or any other action of the board, may
10 appeal the action of the board by filing a petition within 30
11 days thereafter in the circuit court in the county where the
12 person resides or in the Circuit Court of Montgomery County,
13 Alabama, and the court is vested with jurisdiction and it
14 shall be the duty of the court to set the matter for hearing
15 upon 10 days' written notice to the board and the attorney
16 representing the board. The court in which the petition of
17 appeal is filed shall determine whether or not a cancellation
18 or suspension of a license shall be abated until the hearing
19 shall have been consummated with final judgment thereof or
20 whether any other action of the board should be suspended
21 pending hearing, and enter its order accordingly, which shall
22 be operative when served upon the board, and the court shall
23 provide the attorney representing the board with a copy of the
24 petition and order. The board shall be represented in such
25 appeals by the district attorney of the county or the Attorney
26 General, or any of their assistants. The board shall initially
27 determine all facts, but the court, upon appeal, shall set

1 aside the determination of the board if the board's
2 determination:

3 "a. Is not based upon substantial evidence upon the
4 entire record;

5 "b. Is arbitrary or capricious;

6 "c. Is in violation of statutory requirements; or

7 "d. Was made without affording the licensee or
8 applicant due process of law.

9 "(6) The board may, in its discretion, seek an
10 injunction against any person engaged in violation of this
11 chapter.

12 "§34-30-20.

13 "(a) Except as otherwise provided in subsection (b),
14 ~~After November 24, 1978,~~ no person may engage in the practice
15 of social work, holding himself or herself forth as a "social
16 worker," a "licensed bachelor social worker," a "licensed
17 ~~graduate master~~ graduate master social worker," or a "licensed ~~certified~~
18 independent clinical social worker," unless that person is so
19 licensed under this chapter or excluded according to its
20 provisions.

21 "(b) The board shall reissue the appropriate
22 redesignated license to any person licensed on the effective
23 date of the act adding this subsection as a graduate social
24 worker or a certified social worker. Notwithstanding the
25 foregoing, any license issued to a graduate social worker or a
26 certified social worker prior to that date shall continue to
27 be valid for the duration of the license or until the

1 appropriate redesignated license is issued by the board. Any
2 person licensed by the board as a graduate social worker or a
3 certified social worker on that date may continue to use the
4 prior designated licensure titles for a period of two years or
5 as otherwise provided by the board. It is the intent of the
6 act adding this subsection to only change the licensure titles
7 unless expressly otherwise provided herein and to provide for
8 an orderly transition in the use of the prior licensure titles
9 by any person licensed on that date.

10 "§34-30-22.

11 "The State Board of Social Work Examiners shall
12 issue a license as a "licensed bachelor social worker," a
13 "licensed ~~graduate~~ master social worker," or a "licensed
14 ~~certified~~ independent clinical social worker" to an applicant
15 who satisfies all of the following requirements:

16 "(1) Is at least 19 years of age.

17 "(2) Has paid an initial examination fee established
18 by the board.

19 "(3) Has passed an examination prepared by the state
20 board for that purpose.

21 "(4) Has ascribed to a professional code of ethics
22 developed and adopted by the board.

23 "(5) Meets all of the following additional
24 requirements for the level at which they are applying to be
25 licensed:

26 "a. Bachelor social worker:

1 "1. Has a baccalaureate degree from an accredited
2 college or university including completion of a social work
3 program. At the end of five years from June 8, 1984,
4 applicants who then apply shall have a baccalaureate degree
5 from an accredited college or university, including completion
6 of a social work program approved, accredited, or in candidacy
7 granted by the Council on Social Work Education.

8 "2. For a period of six years from May 23, 1977, an
9 applicant may be licensed who has a baccalaureate degree from
10 an accredited college or university and has successfully
11 completed two years of full-time continuous employment in a
12 social work position under supervision approved by the board;
13 or

14 "3. Until March 1, 1996, an applicant may be
15 licensed who has a bachelor's degree in social work or a
16 bachelor's degree in a human services field such as sociology,
17 rehabilitation counseling, psychology, and guidance
18 counseling.

19 "~~b. Graduate~~ Master social worker: Has a Master of
20 Social Work or a Doctor of Social Work from a college or
21 university approved, accredited, or in candidacy granted by
22 the Council on Social Work Education.

23 "~~c. Certified~~ Independent clinical social worker:

24 "1. Has a Master of Social Work or a Doctor of
25 Social Work from a college or university approved, accredited,
26 or in candidacy granted by the Council on Social Work
27 Education.

1 "2. Has had at least two years of post-master or
2 doctorate experience in the practice of social work under the
3 supervision of a licensed ~~certified~~ independent clinical
4 social worker or a licensed social worker.

5 "(6) Is a United States citizen or, if not a citizen
6 of the United States, a person who is legally present in the
7 United States with appropriate documentation from the federal
8 government.

9 "§34-30-24.

10 "Upon receipt of an application from a person who
11 holds a valid social workers' license from another state of
12 the United States which requires standards equivalent to
13 Alabama's for licensing and who possesses all the
14 qualifications prescribed in Section 34-30-22, except that he
15 or she has not paid the examination fee or passed the
16 examination prepared by the board, accompanied by the initial
17 license fee, the board shall issue a license as a "licensed
18 bachelor social worker," "licensed ~~graduate~~ master social
19 worker," or "licensed ~~certified~~ independent clinical social
20 worker" to the applicant therefor.

21 "§34-30-30.

22 "Nothing contained in this chapter shall prohibit
23 licensed ~~certified~~ independent clinical social workers from
24 practicing social work as partners or in groups, or from
25 pooling fees and money received either by the partnerships or
26 groups or by the individual members thereof for professional
27 services furnished by any individual licensed ~~certified~~

1 independent clinical social worker, member or employee of such
2 partnership or group, nor shall those constituting the
3 partnership or groups be prohibited from sharing, dividing, or
4 apportioning the fees and moneys received by them or by the
5 partnership or group in accordance with partnership or other
6 agreements, provided the certificate for doing business shall
7 have been filed pursuant to law.

8 "§34-30-31.

9 "Licensed ~~certified~~ independent clinical social
10 workers shall be permitted to form professional associations
11 to operate in the practice of social work according to Alabama
12 law.

13 "§34-30-33.

14 "(a) ~~After November 24, 1978, no~~ No person may
15 represent himself or herself as a social worker by using the
16 title "social worker," "licensed bachelor social worker,"
17 "licensed ~~graduate~~ master social worker," or "licensed
18 ~~certified~~ independent clinical social worker," or any other
19 title that includes such words, or by adding the letters "SW,"
20 "LBSW," "~~LCSW~~ LMSW," or "~~LCSW~~ LICSW," unless licensed under
21 this chapter or excluded according to its provisions.

22 "(b) ~~After November 24, 1978, no~~ No public or
23 private agency, organization, or health facility may use the
24 term "social worker," "licensed bachelor social worker,"
25 "licensed ~~graduate~~ master social worker," or "licensed
26 ~~certified~~ independent clinical social worker" to apply to a

1 person unless that person is so licensed under this chapter or
2 excluded according to its provisions.

3 "(c) After November 24, 1978, nothing contained in
4 this chapter shall prohibit a Merit System or Civil Service
5 employee who is employed in a social work position whose
6 qualifications are established or determined by a regulatory
7 board, pursuant to state or federal law, from representing
8 himself or herself as a social worker by using the title
9 "social worker."

10 "(d) (1) A person who knowingly, willfully, or
11 intentionally violates any provision of this section is guilty
12 of a misdemeanor and shall be fined not less than ~~\$100~~ one
13 hundred dollars (\$100) nor more than ~~\$500~~ five hundred dollars
14 (\$500). The board and its members shall assist prosecuting
15 officers in the enforcement of this chapter, and it shall be
16 the duty of this board and its members to furnish the proper
17 prosecuting officers with such evidence as it or they may
18 ascertain to assist them in the prosecution of any violation
19 of this article, and the board is authorized for such purposes
20 to make such reasonable expenditures from the funds of the
21 board which it may deem necessary to ascertain and furnish
22 such evidence.

23 "(2) When it appears to the board that any person is
24 in violation of any provisions of this section, the board may
25 in its own name bring an action in the circuit court for any
26 injunction, and the court may enjoin any person from violating
27 this section regardless of whether criminal proceedings have

1 been or may be instituted. Upon a proper showing, a permanent
2 or temporary injunction, or restraining order, shall be
3 granted."

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.