



**House  
Legislative  
Analysis  
Section**

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**LICENSE SOCIAL WORKERS**

House Bill 5004 (Substitute H-4)  
First Analysis (6-14-90)

JUL 12 1990

Sponsor: Rep. David M. Gubow  
Committee: Public Health

**THE APPARENT PROBLEM:**

Currently, there are few legal standards in Michigan by which a consumer can differentiate between qualified and unqualified persons purporting to be social workers. The Occupational Code provides definitions for this type of work. In order to be registered with the Department of Licensing and Regulation, a "social worker" must have a bachelor's degree, and must either be employed as a social worker or be enrolled in a graduate school of social work. In addition, he or she must have either a master's degree from an accredited school of social work, at least two years of social work experience, or the equivalent of 4,000 hours of service with a recognized agency. These requirements may be waived if the individual has received a bachelor's or master's degree from an accredited school of social work. A "certified social worker" must meet these requirements and, in addition, must have two years of social work experience and a master's degree from an accredited school of social work. An individual may be registered as a "social work technician," however, with only one year of social work experience. It is unlikely that the average consumer distinguishes between these categories. In addition, although a social worker who has not registered may not represent that he or she is a certified social worker, the system is basically a voluntary one.

Many social workers feel that their occupation rightfully belongs in the health care field, and that it is time to recognize the social work profession, like the professions of medicine, psychology, and counseling. They point out that Michigan is one of the few states left in the country that registers social workers, rather than licensing them.

**THE CONTENT OF THE BILL:**

The bill would repeal Article 16 of the Occupational Code, which regulates social workers, add a new part to the Public Health Code to provide for the licensing of social workers with bachelor's, master's, or doctoral degrees, and end the registration of social workers with associate's degrees, effective December 31, 1991.

The new part of the Public Health Code (Part 185, "Social Work") would prohibit 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. (Those persons formerly registered as social workers and licensed social workers would be licensed as bachelor social workers and master's social workers, respectively, provided that they applied for renewal on or before the required date. No social work technicians, however, would be registered after December 31, 1991.) Licensed bachelor social workers would be required to use the title "licensed Bachelor Social Worker," "Social Worker," or "L.B.S.W." Licensed master's social workers would be required to use the title "Licensed Master's Social Worker," "Social Worker," or "L.M.S.W." The bill also would create a board of social work and define its duties, impose certain confidentiality requirements on

the social worker-client relationship, 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 "practice of social work at the bachelor's level" and "practice of social work at the master's level."

Neither level of 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 that systematically intervenes to enhance the developmental, problem solving, and coping capacities of individuals, couples, families, or groups"):

- (1) the application of the knowledge of human development and behavior; social, economic, and cultural institutions; and counseling techniques;
- (2) "helping communities, organizations, or groups improve their social or health services by utilizing community organization techniques;" and
- (3) "the administration of 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," but only under certain conditions. In order to be certified to practice psychotherapy, a licensed master's social worker would have to sign an affidavit verifying that he or she possessed a master's degree, had practiced psychotherapy, and had diagnosed and treated mental, emotional, and behavioral disorders as part of his or her practice as a certified social worker. In the alternative, he or she would have to have completed coursework in normal human development and psychopathology, and in diagnosis, assessment, and treatment of individuals, couples, and families, and groups, and have at least two years of practice in

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psychotherapy supervised by a licensed master's social worker. The board could modify 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." No social work technicians would be registered after the effective date of the bill. Licensees would not be permitted to perform in any capacity they were not trained for.

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 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 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 School Code.

**Limited licenses.** Limited licenses, which could be renewed for up to five years, would be granted to people who had completed all the educational requirements for licensure and who were doing their two years of supervised social work. They would have to be supervised by a licensed master social worker and could practice only in an agency, health facility, or other board-approved arrangement.

**Board of Social Work.** A nine-member Board of Social Work would be created in the Department of Public Health to promulgate emergency rules to implement the bill's licensing requirements. The board would consist of three public members and six members who were social workers (two of these would have to be licensed bachelor social workers). 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, an individual 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 a student participating in an internship supervised by a licensed master's social worker. The following would also

be exempt so long as they did not hold themselves out to be licensed, registered social workers:

- Other statutorily authorized professionals.
- Those who donated their services, other than psychotherapy services, to nonprofit charitable organizations.
- Ordained clerics, if counseling was an element of their religious duties performed under the auspices of a church, denomination, religious association, or sect that had tax exempt status.
- Participants in self-help, peer counseling, or support services programs provided by charitable, nonprofit organizations.
- Individuals employed by the state in one of the following civil service classifications, or a successor to that classification: 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.

MCL 333.18501 et al.

## **FISCAL IMPLICATIONS:**

Fiscal information is not available.

## **ARGUMENTS:**

### **For:**

A consumer's freedom of choice is hampered when social workers are not licensed because virtually anyone can hold himself or herself out as a social worker regardless of education and experience. By licensing professional social workers, the bill would serve the public interest in several ways. It would establish legally recognized standards of training considered essential for the effective practice of the profession; it would define the nature and scope of social work practice at different levels; and it would identify the experiential prerequisites for practice at these levels that are nationally accredited by the Council of Social Work. Licensing is a way of legally ensuring to the public that those responsible for the delivery of vital social and human services have met established uniform professional standards. While licensure offers no guarantee of the quality, ethical integrity and competence of the licensed person, it does represent a generally accepted level of confidence in the profession.

### **Against:**

While advertised as a method of protecting the public, licensing also has harmful effects. It works primarily to restrict entry into a profession, raises prices, and restricts consumer choices often without any significant countervailing benefit. To the extent licensing results in third-party reimbursement by insurance companies, it also can contribute to higher health care costs. Licensing should be used prudently and only when there is a significant threat to the consumer's health and safety, when there is no other regulation available, and when consumers cannot make rational choices. Abuses exist now in the licensed professions and regulators often lack the resources or the will to act.

### **Against:**

While the bill would provide a grandparenting clause for social workers who hold bachelor's and master's degrees, it would virtually eliminate social work technicians from the

field of social work. These positions serve a vital function for those who may not be able to attend four-year colleges. They also provide a means for many to "get their feet wet." Currently, many people enter the field and leave, having found themselves unsuited to the work. Since they haven't invested four years of their lives toward a degree in social work, they still have an opportunity to pursue another career.

### ***SUGGESTED AMENDMENTS:***

The Michigan Association of School Social Workers and the Coalition to License Social Workers suggest amending the bill to clarify that the Board of Social Work could not modify the bill's "grandparent" provisions.

### ***POSITIONS:***

The National Association of Social Workers, Michigan Chapter, supports the bill. (6-12-90)

The Michigan Society for Clinical Social Work supports the bill. (6-12-90)

The Michigan Association of School Social Workers would support the bill with its suggested amendment. (6-12-90)

The Coalition to License Social Workers would support the bill with its suggested amendment. (6-12-90)

The Michigan Association of Professional Psychologists supports the bill. (6-12-90)

The Social Work Task Force supports the bill. (6-12-90)

The Department of Licensing and Regulation does not oppose the bill. (6-12-90)

The Department of Social Services has no position on the bill. (6-12-90)

New Detroit, Inc., has no position on the bill. (6-12-90)

The Department of Public Health does not support the bill. (6-12-90)

The Michigan Consumers Council opposes the bill. (6-12-90)

The National Association of Black Social Workers opposes the bill. (6-12-90)

The Michigan Association of Black Social Workers opposes the bill. (6-12-90)