

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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Senate Bill 517

Sponsor: Senator John J. H. Schwarz, M.D.

Committee: Health Policy

Date Completed: 11-14-90

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SUMMARY OF SENATE BILL 517 as introduced 7-13-89:

The bill would amend the Public Health Code to add a new part on licensing and regulating social workers that would:

- Prohibit, beginning one year after the bill took effect, a person from practicing social work at the bachelor's or master's level or working as a registered social work associate unless licensed, registered, or authorized under the bill.
- Create the Michigan Board of Social Work, and require it to establish public policy for regulating the social work profession and to adopt a code of social work ethics.
- Establish requirements for licensure as a licensed bachelor or master social worker and for registration as a social work associate.
- Provide for the licensure or registration of persons who already were registered as a social worker, certified social worker, or social work technician under the Occupational Code.
- Exempt from the bill certain persons including those studying to earn a social work degree, volunteers with a community or nonprofit charitable organization, professional counselors, educators, and clergy members.
- Require a licensee or registrant to give a professional disclosure statement to a client before engaging in social work services.
- Provide for confidentiality of communications between a client and a licensee or registrant.

- Repeal Article 16 of the Occupational Code on the registration of social workers, certified social workers, and social work technicians.

Board of Social Work

The Michigan Board of Social Work would be created within the Department of Licensing and Regulation, and would consist of six voting members who met the requirements in the Code on qualifications for members of licensing and registration boards.

Membership would be made up of one public member and five persons who were engaged primarily in the practice of social work, including three who were direct providers of service, one who was engaged in the administration of social work services, and one who was engaged primarily in social work teaching, training, or research. At least one of the members would have to be a licensed bachelor social worker, and all of the members engaged in social work would have to meet the requirements in the Code on qualifications of council, board, or task force members.

Licensure Requirements

Except as otherwise provided in the bill for certain social work professionals already licensed under the Occupational Code, the Board, by rule, would have to require that a person granted a license meet the following requirements.

A licensed bachelor social worker would have to have a bachelor's degree in social work from a Board-accredited college or university, and would

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have to have completed at least two years of full-time post-bachelor's degree experience, or the equivalent in part-time hours, in the "practice of social work at the bachelor's level" under the supervision of a licensed master social worker. For two years after the bill's effective date, the required experience could be performed under the supervision of a person who had a master's or doctoral degree in social work from a college or university school of social work. A licensed bachelor social worker would have to confine his or her practice to an agency, hospital, clinic, or other arrangement approved by the Board. "Practice of social work at the bachelor's level" would mean the following, but would not include the practice of medicine or osteopathic medicine and surgery including, but not limited to, the prescribing of drugs or the administration of electroconvulsive therapy:

- The knowledge of human development and behavior; social, economic, and cultural institutions; and counseling techniques and the interaction of that knowledge with social work values, principles, and techniques in providing people with human services.
- Social casework, including social assessments, planning, and intervention with individuals, families, couples, or groups.
- Helping communities, organizations, or groups improve their social or health services.

A licensed master social worker would have to have a master's or doctoral degree in social work from a Board-accredited college or university school of social work, and would have to have completed at least two years of full-time post-master's or postdoctoral degree experience, or the equivalent in part-time hours, in the "practice of social work at the master's level" under the supervision of a licensed master social worker. For two years after the bill's effective date, the required experience could be performed under the supervision of a person who had a master's or doctoral degree in social work from a college or university school of social work. "Practice of social work at the master's level" would mean the following, but would not include the practice of medicine or osteopathic medicine and surgery including the prescribing of drugs or the administration of electroconvulsive therapy:

- The knowledge of human development and behavior; social, economic, and cultural institutions; and counseling techniques and the interaction of that knowledge with social work values, principles, and techniques in providing people with professional human services.
- Psychotherapy applied within the scope of social work values, principles, and techniques; psychosocial diagnosis and treatment of emotional and behavioral functioning; and social assessments, planning, and intervention with individuals, families, couples, or groups.
- Helping communities, organizations, or groups improve their social health services.
- Providing social casework.

The Board would be required to grant a limited license to a person who had completed all the educational licensure requirements as a bachelor or master social worker.

A person who was issued a limited license and was engaged in a two-year post-degree experience in social work at the bachelor's or master's level would be required to practice under a licensed master social worker's supervision, and confine the practice to an agency, hospital, clinic, or other arrangement approved by the Board. A limited license would be valid for up to three years. If permitted by the Board, a limited license could be renewed once for up to two years.

#### Social Work Associate

The Board would be required to issue a certificate of registration as a social work associate to a person who had been granted an associate's degree in social work, including supervised instructional field work, from a Board-accredited college or university. A person issued a certificate would be required to confine his or her practice to social services activities performed in a hospital, agency, clinic, or other arrangement approved by the Board while under a licensed master social worker's supervision.

This provision would be repealed January 1, 1995.

Current Licensees

The Board would be required to grant a license as either a bachelor or a master social worker to a person who held a certificate of registration as a social worker or certified social worker, respectively, issued before the bill's effective date pursuant to Article 16 of the Occupational Code and who applied to the Board for licensure or registration within one year after the bill's effective date. In addition, the Board would be required to issue a certificate of registration as a social work associate to a person who held a registration certificate as a social work technician issued before the bill's effective date pursuant to the Occupational Code and who applied to the Board for registration within one year after the bill's effective date.

A person licensed or registered under this provision would have to meet the bill's requirements on license renewal when renewing a license or registration. The Board would have to ensure that the person continued to meet the applicable educational and practice standards.

License Renewal

In addition to the Code's requirements on licensure, the Board would have to require a licensee or registrant seeking renewal to furnish evidence that for three years immediately prior to applying for renewal, the licensee or registrant attended training courses or programs on social work that were designed to educate further licensees and registrants. The total number of required course or program hours would have to be established by rule by the Board, but could not be less than 60 clock hours.

Exceptions

The bill specifies that it would not prohibit:

- A person who was in a course of study leading to a social work degree from participating in an internship supervised by a licensed master social worker.
- A person who was not licensed or authorized to practice social work at the bachelor's or master's level or registered as a social work associate from working for, or donating his or her services to, a community or nonprofit charitable organization, as long as the person did

not hold himself or herself out as being a licensed, registered, or authorized social worker.

- A professional counselor, educator, or member of the clergy from practicing his or her profession or calling consistently with his or her training and the code of ethics for that profession or calling, as long as the individual did not hold himself or herself out as being a licensed, registered, or authorized social worker.
- A certified, licensed, or otherwise statutorily recognized member of any profession from practicing his or her profession as authorized by law, as long as the person did not hold himself or herself out as being a licensed, registered, or authorized social worker.

Use of Titles

The bill would include the terms "licensed master social worker", "licensed bachelor social worker", "registered social work associate", "L.M.S.W.", "L.B.S.W.", and "R.S.W.A" within the words, titles, or letters listed in the Code that can be used only by those persons authorized in the Code to use them.

Code of Ethics

The Board would be required to establish public policy for regulating the social work profession and to adopt a code of social work ethics. The code would have to include a requirement that a licensee not practice in an area for which he or she was not trained. The Board would have to provide copies of the code to persons licensed or registered under the bill.

List of Licensees

The Board would be required to publish and update annually a list of persons licensed or registered under the bill, and make copies available upon request.

Confidential Communications

The bill specifies that communications between a client and a licensee or registrant in the course of professional practice would be confidential and could be disclosed only upon the client's consent, or, if the client were a minor, the consent of the minor's parent or legal guardian,

or as otherwise provided by law.

### Disclosure Statement

A licensee or registrant would be required to furnish a professional disclosure statement to a prospective client before engaging in social work services. The statement would have to contain all of the following: the licensee's or registrant's name, business address, and telephone number; a description of the practice; a description of the licensee's or registrant's education and experience; a fee schedule; and, the Department's name, address, and telephone number.

The disclosure statement would have to accompany an applicant's application for licensure or registration. If the licensee or registrant changed the disclosure statement, he or she would have to file the change with the Department within 30 days after the change was made.

### Current Requirements

Article 16 of the Occupational Code, which the bill would repeal, prohibits a person from representing himself or herself as a certified social worker, social worker, or social work technician unless the person is registered under the Code. Generally, a social worker must 1) have a bachelor's degree; 2) have at least two years of social work experience or be enrolled in a graduate school of social work, have a master's degree in social work, or have 4,000 hours of social work service with a recognized agency; and 3) be employed in the practice of social work or enrolled in a graduate school of social work, unless the person has a bachelor's or master's degree from an accredited school of social work. A certified social worker must meet these requirements, as well as have at least two years' social work experience and have a master's degree in social work. A social work technician must have one year of social work experience or two years of college, and be employed in the practice of social work. In addition, the Code creates the Michigan Board of Examiners of Social Workers and provides for the confidentiality of communications made by a client to a certified social worker, social worker, social work technician, or agency, except under certain circumstances.

MCL 333.16263 et al.

Legislative Analyst: L. Arasim

### FISCAL IMPACT

The bill would result in additional one-time costs to the State of approximately \$42,500, as well as annual increased costs to the Department of Licensing and Regulation of approximately \$328,800, and would have an indeterminate fiscal impact on other areas of State government and on local government.

The Department of Licensing and Regulation would be required to purchase equipment and move the filing system for social workers from the Bureau of Commercial Services to the Bureau of Health Services. This move would result in one-time costs to the Department of approximately \$42,500.

In addition, the bill would create a six-member Michigan Board of Social Work. Assuming that the Board met once per month, the annual per diem and travel expenses of the Board would be \$7,200 (6 members x 12 meetings x \$100 expenses). The Michigan Board of Social Work would replace the nine-member Michigan Board of Examiners of Social Workers. Assuming that the current Board met once per week, the bill would eliminate an annual cost of \$10,800 for Board per diem and travel expenses.

Also, the Department of Licensing and Regulation estimated that it would need eight to 10 additional FTEs to administer the licenses and work with the Board. The cost to the State of eight FTEs would be \$332,459, as follows:

<u>Quantity</u>	<u>Position</u>	<u>Annual Costs</u>
5	Regulation Officer VII	\$141,921
3	Typist Clerk	67,590
	Total Salaries	209,511
	Plus: Benefits @ 31% of salaries	64,948
	CSS&M @ \$2,000/FTE	16,000
	Equipment	5,000
	Travel	15,000
	Rent	22,000
		<u>\$332,459</u>

Finally, the bill would result in an indeterminate cost to rural and small local community mental health boards within a three- to five-year period

after the effective date. The cost increase would be passed through to the State by the allocation contract negotiations with the Department of Mental Health.

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The provisions that would prohibit individuals other than those with social work degrees from performing certain services would affect at least 50% of the boards' service delivery staff. Entry level positions, such as case management service delivery, have a higher (approximately every two to four years) turnover rate. The boards often employ individuals with a diversity of degrees in those positions because social work degreed individuals are difficult to recruit. Three boards indicate that filling entry level positions with social work degrees would increase salary costs by 20% to 30% within a three- to five-year period after the effective date.

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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.