An Act

ENROLLED SENATE
BILL NO. 1699

By: Sparks of the Senate

and

McDaniel (Jeannie) and
Pittman of the House

An Act relating to social workers; amending 59 O.S. 2011, Sections 1250.1, 1253, as amended by Section 1, Chapter 68, O.S.L. 2012, 1261.1 and 1261.5 (59 O.S. Supp. 2013, Section 1253), which relate to definitions, board members, licenses, provisional licenses, and use of title as social worker; modifying language; modifying definitions; changing Sunset term; deleting language; requiring certain requirements for postgraduate supervision; requiring provisional license remain until passage of exam; requiring certain additional hours of training for failure to pass exam; restricting exam application after certain failures; and providing an effective date.

SUBJECT: Social worker licensing requirements

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1250.1, is amended to read as follows:

Section 1250.1. As used in the Social Worker's Licensing Act:

1. "Approved provider of continuing education" means an individual, group, professional association, school, institution,

organization, or agency approved by the Board to conduct educational programs;

2. "Approved social work program" means a school of social work or a social work educational program that has been approved by the Board;

3. "Assessment" means the gathering of data about emotional, behavioral, mental, environmental, biopsychosocial, and interactional processes gathered in an effort to identify the client's past and current level of functioning. Assessment may also include the use of standardized psychometric testing instruments upon successful completion of appropriate, specialized courses or training;

4. "Board" means the State Board of Licensed Social Workers, which shall also be known as the State Board of Social Work;

5. "Board approved clinical supervisor" means a licensed clinical social worker who has met the qualifications determined by the Board for supervision in a clinical setting;

6. "Board approved supervisor" means a licensed clinical social worker (LCSW) who has met the qualifications determined by the Board for licensure as a supervisor;

7. "Case management" means a method to plan, provide, evaluate, and monitor services from a variety of resources on behalf of and in collaboration with a client;

8. "Client" means the individual, couple, family, group, organization, or community that seeks or receives social work services;

9. "Clinical social work practice" means the practice of social work by a social worker including assessment and diagnosis of behavioral disorders, treatment planning, planning intervention, case management, information and referrals, including referrals to an appropriate allopathic or osteopathic physician when the diagnosis or treatment is in question or psychiatric or medical treatment is indicated. Treatment methods include the provision of individual, marital, couple, family and group counseling and

psychotherapy based on the education and training of the social worker. Treatment shall not include biological or medical treatments. The practice of clinical social work may include private or independent practice;

10. "Clinical supervision" means an interactional professional relationship between a supervisor and a social worker that provides evaluation and direction over the supervisee's practice of clinical social work and promotes continued development of the social worker's knowledge, skills, and abilities to engage in the practice of clinical social work in an ethical and competent manner;

11. "Consultation" means a problem solving process in which expertise is offered to an individual, couple, family, group, organization or community;

12. "Continuing education" means education and training which are oriented to maintain, improve or enhance the practice of social work;

13. "Continuing education contact hour" means a sixty-minute clock hour of instruction, not including breaks or meals;

14. "Conviction" means conviction of a crime by a court of competent jurisdiction including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered on admission of guilt, a plea of nolo contendere, or a guilty plea;

15. "Counseling" means a method used by social workers to assist individuals, couples, families and groups in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns;

16. "Diagnosis" means the use of assessment tools such as the Diagnostic and Statistical Manual or the International Classification of Diseases;

17. "Employment supervision" means the professional relationship between a worksite supervisor and social worker in an employment setting which provides evaluation and direction as it

pertains to job-related duties. This type of supervision shall not be accepted towards licensure supervision requirements;

18. "Examination" means a standardized test or examination of social work knowledge, skills and abilities which have been approved by the Board;

19. "Implementation and evaluation" means continuing to evaluate and monitor the effectiveness of the treatment plan;

20. "Independent social work practice" means the practice of nonclinical social work by a licensed social worker (LSW), licensed clinical social worker (LCSW) or licensed social worker with administration specialty (LSW-ADM) outside of an organized setting, such as a social, medical, or governmental agency, after completion of all applicable supervision requirements, in which the social worker assumes responsibility and accountability for services provided;

21. "Intervention" means application of techniques utilized to implement the treatment plan appropriate to an assessment;

22. "Licensed clinical social worker" (LCSW) means a person duly licensed to practice clinical social work under the Social Worker's Licensing Act;

23. "Licensed masters social worker" (LMSW) means a person duly licensed to practice social work under the Social Worker's Licensing Act and who holds a master's degree in social work;

24. "Licensed social work associate" (LSWA) means a person duly licensed to practice social work under the Social Worker's Licensing Act;

25. "Licensed social worker with administration specialty" (LSW-ADM) means a person duly licensed to practice administrative social work under the Social Worker's Licensing Act;

26. "Licensed social worker" (LSW) means a person duly licensed to practice social work under the Social Worker's Licensing Act;

27. "Licensee" means a person duly licensed under the Social Worker's Licensing Act;

28. "Licensure supervisor" means a licensed social worker who has met the qualifications determined by the Board for a licensure supervisor;

29. "Nonclinical social work" means the practice of social work by a social worker to include but not be limited to case management, consultation, education, advocacy and community organization, but excluding counseling in independent practice, psychotherapy, treatment and diagnosis;

30. "Nonclinical supervision" means the supervision of social work practice by a social worker to include but not be limited to case management, consultation, education, advocacy and community organization;

31. "Practice of social work" means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as clinical social work, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social economic and cultural institutions and forces; and of the interaction of all of these factors. Social work practice includes the teaching of relevant subject matter and of conducting research into problems of human behavior and conflict. Except as otherwise provided in the Social Worker's Licensing Act, reference to the "practice of social work" shall be the practice of a person licensed under ~~this act~~ the Social Worker's Licensing Act;

32. "Private practice of clinical social work" means the practice of social work performed by a licensed clinical social worker (LCSW) who is wholly or in part self-employed and who assumes responsibility for the nature and quality of the services provided to the client in exchange for direct payment or third-party

reimbursement, rather than a salaried employee of an organization or institution;

33. "Psychotherapy" means the use of treatment methods utilizing a specialized, formal interaction between a clinical social worker and an individual, couple, family, or group in which a therapeutic relationship is established, maintained and sustained to understand unconscious processes, intrapersonal, interpersonal, and psychosocial dynamics, and the diagnosis and treatment of mental, emotional, and behavioral disorders, conditions and addictions;

34. "Supervision" means the professional relationship between ~~a board~~ an approved supervisor and a social worker that provides evaluation and direction over the services provided by the social worker and promotes continued development of the social worker's knowledge, skills and abilities to provide social work services in an ethical and competent manner; and

35. "Treatment planning" or "treatment plan" means the organized approach of an assessment to guide the course of behavioral health treatment based upon identified needs, problems and issues.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 1253, as amended by Section 1, Chapter 68, O.S.L. 2012 (59 O.S. Supp. 2013, Section 1253), is amended to read as follows:

Section 1253. A. There is hereby re-created, to continue until July 1, ~~2014~~ 2018, in accordance with the provisions of the Oklahoma Sunset Law, the State Board of Licensed Social Workers, consisting of seven (7) members.

B. Three of the members of the Board shall be licensed social workers or licensed clinical social workers licensed pursuant to the provisions of the Social Worker's Licensing Act. Two other members shall be licensed as either social work associates or master's social workers. One member shall be the president of the Oklahoma Chapter of the National Association of Social Workers. The remaining member of the Board shall be selected from and shall represent the general public.

C. Responsibility for enforcement of the provisions of ~~this act~~ the Social Worker's Licensing Act is hereby vested in the State Board of Social Work. The Board shall have all of the duties, powers and authority specifically granted by, or necessary for, the enforcement of ~~this act~~ the Social Worker's Licensing Act as well as other duties, powers and authority it may be granted by applicable law.

D. 1. Each member of the Board appointed as a social worker shall:

a. be a resident of this state,

b. be licensed in good standing to engage in the practice of social work in this state,

c. at the time of appointment, have been actively engaged in the practice of social work for at least one (1) year out of the last five (5) years, and

d. have at least three (3) years of experience in the practice of social work.

2. Each member of the Board appointed to represent the general public shall be a resident of this state who has attained the age of majority and shall not be, nor shall ever have been, a social work licensee, or the spouse of a social work licensee, or a person who has ever had any material financial interest in the provision of social work services or has engaged in any activity directly related to the practice of social work.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 1261.1, is amended to read as follows:

Section 1261.1. A. To obtain a license under the Social Worker's Licensing Act, an applicant shall:

1. Submit a written application in a form prescribed by the State Board of Licensed Social Workers;

2. Have attained the age of majority;

3. Be of good moral character;

4. Have graduated and received a degree in social work from an approved social work program;

5. Have completed any necessary post graduate experience and supervision in the practice of social work;

6. Have passed the necessary examination and paid all fees required by the Board; and

7. Submit to a national criminal history record check, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes. The costs associated with the national criminal history record check shall be paid by the applicant and submitted to the Board at the time of application. With the required fee, the applicant shall provide to the Board two classifiable sets of fingerprints to be provided to the Oklahoma State Bureau of Investigation.

B. If the results of the national criminal history record check required by subsection A of this section reveal that the applicant has been convicted of, or pled guilty or nolo contendere to, any felony, or to any misdemeanor involving moral turpitude, the individual's application for licensure may be disapproved and no further action shall be taken on the application.

C. Upon certification by the Board, the Board shall authorize the issuance of social work licenses to persons who qualify as follows:

1. As a licensed social work associate (LSWA) who has a baccalaureate degree in social work from an accredited institution or an approved social work program or both and has ~~two (2) years of full-time postgraduate experience in the practice of social work under professional supervision of a person licensed under these provisions, and~~ passed the examination provided for under these provisions or who has a doctoral or master's degree in social work from an institution with a program accredited by an approved social work program and has passed the examination provided for under these provisions;

2. As a licensed master's social worker (LMSW) who has a master's degree in social work from an accredited institution or an

approved social work program or both and has passed the examination provided for under the Social Worker's Licensing Act;

3. As a licensed social worker (LSW) who has a master's degree in social work from an accredited institution or an approved social work program or both and has two (2) years of full-time postgraduate experience in the practice of social work under professional supervision of a person licensed under those provisions, and who has passed the examination provided for under the provisions of the Social Worker's Licensing Act;

4. As a licensed clinical social worker (LCSW) who has a master's degree in social work from an accredited institution or an approved social work program or both and has two (2) years of full-time postgraduate experience in the practice of clinical social work under professional supervision of a person licensed by the Social Worker's Licensing Act, and who has passed the examination provided for under the Social Worker's Licensing Act; and

5. As a licensed social worker with administration specialty (LSW-ADM) who has a master's degree in social work from an accredited institution or an approved social work program or both and has two (2) years of full-time postgraduate experience in the practice of administrative social work under professional supervision of a person licensed by the Social Worker's Licensing Act, and who has passed the examination provided for under the Social Worker's Licensing Act.

D. No person may engage in the private practice of clinical social work unless that person:

1. Is licensed under the Social Worker's Licensing Act as a licensed clinical social worker (LCSW); and

2. Continues to meet continuing education requirements set by the Board.

E. No person may engage in an independent social work practice unless that person:

1. Is licensed under the Social Worker's Licensing Act as a licensed clinical social worker (LCSW), licensed social worker with

administration specialty (LSW-ADM) or licensed social worker (LSW). This specifically and intentionally excludes licensed social work associates (LSWA) and licensed masters social workers (LMSW); and

2. Continues to meet continuing education requirements set by the Board.

F. Any qualified person who files by February 1, 2012, a sworn statement with the Board stating that the person has met the definition of a qualified person under this section shall, upon approval of the statement by the Board, be entitled to engage in the independent practice of social work without having to meet the two-year postgraduate supervision requirement specified in paragraphs 3, 4 and 5 of subsection C of this section.

G. Any person seeking to pursue postgraduate supervision for the licensed social worker (LSW), licensed social worker with administration specialty (LSW-ADM), or licensed clinical social worker (LCSW) must hold licensure status of licensed social work associate (LSWA) or licensed masters social worker (LMSW) prior to board approval of postgraduate supervision for licensure as specified in paragraphs 3, 4 and 5 of subsection C of this section.

H. As used in this section, "qualified person" means a person who:

1. Currently holds an active social worker license from the Board; and

2. Has held a social worker license from the Board continuously during the ten-year period immediately prior to ~~the effective date of the amendment of this section~~ November 1, 2011.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 1261.5, is amended to read as follows:

Section 1261.5. Upon certification by the State Board of Licensed Social Workers, the Board shall authorize the issuance of provisional licenses to persons who have met all qualifications for licensure under provisions of the Social Worker's Licensing Act except passage of the required examination. Such persons shall, upon payment of the necessary fee and submission of documentation as

required by the Board, be issued a provisional license subject to the following provisions:

1. If a person subsequently fails the examination, upon receipt and recording of the person's examination score by the Board, such person may retake the examination every ninety (90) days until the person passes, or until one (1) year from the date of issuance of the provisional license;

2. Upon receipt and recording of a person's passing score by the Board, the provisional license will be replaced by a permanent license; and

3. Upon a person's failure to pass the examination within one (1) year from the date the provisional license was issued, that license will be automatically revoked. A new application may be submitted by the individual who fails to pass the exam within one (1) year of their approval date, however, for the licensed clinical social worker (LCSW), licensed social worker with administration specialty (LSWAD), and licensed social worker (LSW), the applicant must be under board approved supervision prior to the submission of a new application requesting license.

~~4. Revocation of the provisional license shall not preclude a person from continuing to take and pass the required examination and be eligible for a permanent license~~

a. Those seeking to re-apply for licensure past their provisional year must remain under supervision until such time the Board office confirms a passing score for the appropriate licensure exam.

b. If an applicant is unable to pass the appropriate licensure exam during the provisional year or two subsequent approval years, the applicant may not apply for licensure again until they have completed an additional 4000 hours of supervised practice with a Board approved supervisor. If completed by the applicant, the Board may approve up to two additional years of examination testing.

c. For all licensure levels, any applicant who fails to pass the exam after a total of five approval years permanently loses their application eligibility status.

SECTION 5. This act shall become effective November 1, 2014.

Passed the Senate the 11th day of March, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2014.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th day of April, 2014, at 3:46 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st day of April, 2014, at 2:44 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st day of April, 2014, at 5:40 o'clock P. M.

By: Chris Benge