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BILL ANALYSIS

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Senate Bill 189 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Bev Hammerstrom
Committee: Health Policy

Date Completed: 7-2-03

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 are 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 educational and experience levels 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. Reportedly, when a new law in Arizona takes effect in 2004, Michigan will be the only state that does not require social workers to be licensed. Some people believe that this should change.

CONTENT

The bill would amend Part 185 (Social Work) of the Public Health Code to require that, beginning one year after the bill's effective date, social workers obtain a license, rather than a registration or certification, from the State. Specifically, the bill would:

-- Prohibit people from engaging in the practice of social work unless they were licensed or otherwise authorized.

- Create 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.).**
- Delineate a scope of practice for L.B.S.W. and L.M.S.W. licensees.**
- Require 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 that they obtain a limited license during this time.**
- Exempt certain practitioners, including ordained clerics and social workers providing certain services to nonprofit organizations, from licensure requirements.**
- Require the Michigan Board of Social Work to grant full licensure to certified or registered social workers after their current certificate or registration expired, upon application for renewal.**
- Require that L.B.S.W. and L.M.S.W. candidates seeking to practice psychotherapy complete at least two years of postmaster's degree experience in the practice of psychotherapy under the supervision of an L.M.S.W., and meet other requirements.**
- Change the title of "social work technician" to "social service technician", and provide for limited registration as a social service technician.**
- Provide for three-year licensure.**
- Require the Board to establish a requirement that, in any three-year renewal cycle, a licensee complete at least 60 clock hours in continuing education.**

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 would eliminate these requirements.

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 would eliminate these requirements.

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 would retain these requirements, but rename social work technicians as "social service technicians". The bill specifies that a social service technician would be 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 would have to apply social work values, principles, and techniques.

Additionally, the bill would permit the Board to grant a limited social service technician registration to an individual who had successfully completed two years of college and was employed in the practice of social work, or had been made an offer of employment in the practice of social work, with an agency recognized by the Board; applied social work values, principles, and techniques under the supervision of a licensee; and was seeking to obtain the experience for registration as a social service technician. A limited registration would be renewable for a maximum of one year.

Licensed Bachelor's Social Worker

Beginning one year after the bill's effective date, a person could not engage in the practice of social work at the bachelor's level without a license. "Practice of social work at the bachelor's level" would mean all of the following applied within the scope of social work values, principles, and techniques, not including the practice of medicine, the prescribing of drugs, the administration of electroconvulsive therapy, the practice of psychotherapy, or the administration or interpretation of psychological tests:

- The application of the knowledge of human development and behavior and social, economic, and cultural institutions.
- Social work case management and casework, including assessments, planning, referral, and intervention with individuals, families, couples, groups, communities, or institutions.
- Helping communities, organizations, individuals, or groups improve their social or health services by using social work values, practices, and techniques.
- The administration of assessment checklists that do not require special training or interpretation.

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

("Social work values, practices, and techniques" would mean a biopsychosocial approach of systematic intervention to

enhance the developmental, problem solving, functioning, and coping capacities of individuals, couples, families, groups, communities, and institutions.)

A licensed bachelor social worker would have to have been awarded a bachelor's degree in social work from a college or university social work program approved by the Board. A licensed bachelor social worker could use only the titles "licensed bachelor social worker", "social worker", or "L.B.S.W."

Licensed Master's Social Worker

A person could not engage in the practice of social work at the master's level without a license, beginning one year after the bill's effective date. "Practice of social work at the master's level" would mean all of the following applied within the scope of social work values, principles, and techniques, excluding the practice of medicine, 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.
- Advanced social work case management and casework, advanced social emotional assessments, planning, referral, counseling, diagnosis of emotional and behavioral dysfunctions, and intervention with individuals, families, couples, groups, communities, and institutions.
- Helping communities, organizations, or groups improve their social or health services by the advanced use of social work values, practices, and techniques.
- Psychotherapy with individuals, families, couples, or groups and the diagnosis and treatment of mental, emotional, and behavioral disorders (but only after meeting the requirements described under Psychotherapy, below.)

A licensed master's social worker would have to been 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. A licensed social worker could use only the titles "licensed master's social worker", "social worker", or "L.M.S.W."

Two-Year Postdegree Experience

Supervised Practice. In order to obtain a license, both L.B.S.W. and L.M.S.W.

candidates would 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. For the first three years after the bill's effective date, however, the two-year experience would have to 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 would have to have at least two years' experience practicing social work.

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

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

During the two-year experience, the person would have to 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 would not apply to any of the following, provided that they did not hold themselves out to the public as licensed or registered social workers:

- 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 donated his or her services, other than psychotherapy services, to a charitable nonprofit organization.
- An ordained cleric, if counseling were an element of his or her religious duties performed under the auspices or recognition of a church, denomination, religious association, or sect that had 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 practiced his or her profession as authorized by law.

- An individual who participated in a self-help, peer counseling, or support services program provided by either 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.
- A member of any other profession whose practice could include the activities practiced by a social worker at the bachelor's level, as long as he or she were trained in that profession and did not use the titles of social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, or social service technician.

Part 185 also would 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 master's or doctorate degree in social work from an accredited college or university would not be prohibited from using a title including "social work", if they did not engage in the practice of social work at the bachelor's or master's level.

Currently Registered Social Workers

The Board would have to grant a full license as a L.B.S.W. to an individual holding a certificate of registration as a social worker before the bill's effective date, and a full license as a L.M.S.W. to a person holding a registration as a certified social worker before that date, if they applied to the Board on or before the required date for renewal of their registration or certification.

Psychotherapy

A licensed master's social worker, who had been a certified social worker, seeking to practice psychotherapy would be prohibited from engaging in psychotherapy with individuals, families, couples, or groups, and the diagnosis and treatment of mental, emotional, and behavioral disorders, until he or she filed with the Department of Consumer and Industry Services (DCIS) an affidavit stating that he or she met all of the following requirements:

- Possessed a master's degree in social work.
- As part of his or her practice as a certified or licensed social worker, had engaged in psychotherapy with individuals, families, couples, or groups, and the diagnosis and treatment of mental, emotional, and behavioral disorders.
- Had completed course work in normal human development and psychopathology and had completed courses in diagnosis, assessment, and treatment of individuals, couples, families, and groups.
- Had completed at least two years of supervised postmaster's degree experience in the practice of psychotherapy.

Upon receiving the affidavit and determining that the licensee had completed the required course work and the two years of supervised psychotherapy experience, the Department would have to certify the licensee as qualified to engage in psychotherapy.

If a person met the educational and experience requirements to be an L.M.S.W., and had not been a certified social worker, the Board would have to certify the person as qualified to practice psychotherapy if the licensee had completed course work in normal human development and psychopathology; had completed courses in diagnosis, assessment, and treatment of individuals, couples, families, and groups; and had completed at least two years of postmaster's degree experience in the practice of psychotherapy under the supervision of a licensed master's social worker. The Board could modify, but not diminish, these requirements by rule. The Board also could allow a licensee to submit an affidavit as evidence that he or she had met these requirements.

Renewal; Continuing Education Requirements

The DCIS would have to issue a license or registration for a period of three years.

The Board would have to promulgate rules requiring a licensee seeking renewal to furnish evidence that during the three years immediately preceding the renewal application, the licensee had attended training courses or programs related to the practice of social work and designed to further educate licensees. The Board would have to establish by rule the total number of course or program hours required, but require a minimum of 60 clock hours in any three-year license renewal

cycle. The number of clock hours in any one calendar year could not be more than one-third of the total clock hours per calendar year required over the three-year period. A portion of those 60 clock hours would have to be in social work ethics.

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 would require that, for Board members appointed after the bill's effective date, the six appointed social workers be licensed within three years after the bill's effective date.

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 would help ensure that unqualified, unprofessional, or incompetent people did not practice social work. For example, under the present Code, 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, instead, would prohibit a person from practicing social work without a license (which would, presumably, include a person with a revoked license). 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 could assist social workers in adhering to the profession's code of ethics, as well as keeping their skills and knowledge current.

Further, licensure would make Michigan's

credentialing process and criteria for social workers more consistent with those of other states. Michigan is one of four states that does not require continuing education credits for certification or licensure renewal, and soon will be the only state that does not license social workers. Lack of licensure means that those social workers who move into or out of this 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.

Opposing Argument

The bill could prove costly to the Department of Consumer and Industry Services to implement, because additional staff would be needed to review the affidavits from licensed master's social workers before they could practice psychotherapy, and to review and process continuing education requirements. While adding new requirements, the bill would not establish license fees for social workers. Currently, the fee is \$40 for a two-year social worker registration or certification. Other counseling professions licensed under the Public Health Code are charged considerably more to cover the cost of issuing licenses and regulating licensees. For example, marriage and family therapists must pay a license fee ranging from \$85 to \$110 every two years, and a full, two-year license for a psychologist costs between \$150 and \$190.

Response: The State currently collects fees for certification and registration; the system, therefore, is already in place. The fees collected should cover the additional costs of licensure. Furthermore, current social workers would receive a license upon renewal of their registration or certification; thus, the bill would "grandparent" them in and save the State the additional cost of reviewing their credentials.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill would change the regulation of social workers from a registered profession to a licensed profession. The cost of this change to the Department of Consumer and Industry Services would be negligible (\$15,000 to \$20,000 for information technology), as the responsibilities and workload would be similar.

This bill, however, would add continuing education requirements, which do increase costs as audits are required of sample populations within a profession to ensure compliance. There is no additional revenue proposed to cover these costs, which are estimated at approximately \$90,000. These costs would include salaries for two additional staff, not including fringe benefits.

The bill does not contain 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 result of requiring FIA employees to be licensed would be higher case-to-worker ratios due to required management responsibility, revising position descriptions, and resulting employee turnover. Approximately 3,600 case management and 500 supervisory staff would have to be evaluated. If determined ineligible by the Board, these employees would have to be replaced with degreed and licensed social workers.

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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.