

HOUSE BILL REPORT

SHB 1357

As Reported by House Committee On: Health Care & Wellness

Title: An act relating to protecting consumers by assuring persons using the title of social worker have graduated with a degree in social work from an educational program accredited by the council on social work education.

Brief Description: Regarding the designation of "social worker."

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Pettigrew, Dickerson, Orwall, Walsh, Moeller, Kenney and Wood).

Brief History:

Committee Activity:

Health Care & Wellness: 1/30/09, 2/6/09 [DPS]; 1/22/10 [DP2S].

Brief Summary of Second Substitute Bill

- Beginning July 1, 2011, prohibits a person from representing himself or herself as a social worker unless he or she is qualified as a social worker by licensure or by graduation from an accredited social work program.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 12 members: Representatives Cody, Chair; Driscoll, Vice Chair; Bailey, Campbell, Clibborn, Green, Herrera, Hinkle, Kelley, Moeller, Morrell and Pedersen.

Minority Report: Do not pass. Signed by 1 member: Representative Ericksen, Ranking Minority Member.

Staff: Chris Cordes (786-7103).

Background:

The Department of Health (DOH) licenses two major categories of social workers:

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- licensed advanced social workers, whose work includes the application of social work theory and methods, certain psychotherapy, case management, advocacy, and counseling; and
- licensed independent clinical social workers, whose work includes both advanced social work and the diagnosis and treatment of emotional and mental disorders for individuals, couples, families, groups, or organizations.

In addition, the DOH licenses these associates who work under supervision: licensed social worker associate-advanced and licensed social worker associate-independent clinical.

To be licensed as an advanced social worker or independent clinical social worker, or as an associate, an applicant must meet the educational, supervised experience, and examination requirements specified for the category of licensure. Educational requirements include graduation from a bachelor's, master's, or doctorate social work educational program accredited by the Council on Social Work Education and approved by the DOH. (The Council on Social Work Education is a nonprofit association recognized by the Council for Higher Education Accreditation as the sole accrediting agency for social work education in the United States.)

A person is prohibited from representing himself or herself as a licensed advanced social worker or a licensed independent clinical social worker, or as a licensed associate, unless he or she is licensed by the DOH. Violators are subject to the Uniform Disciplinary Act for unlicensed practice and for complaints alleging unprofessional conduct or violations of the standards of practice.

Many public agencies, including the Department of Social and Health Services and the public schools, employ persons in social worker job titles. These positions are described in various ways using either functional or education-based definitions. Similarly, Washington law may require social workers, like other listed professionals in private or public employment, to report instances of patient or client abuse or neglect, or the law may authorize social workers, as one of a list of mental health professionals, to assist in determining a person's mental capacity.

Summary of Second Substitute Bill:

Beginning July 1, 2011, a person is prohibited from representing himself or herself as a social worker unless he or she is qualified as a social worker. A social worker is qualified by either:

- being licensed as an advanced social worker or an independent clinical social worker, or as a licensed social worker associate-advanced or a licensed social worker associate-independent clinical; or
- having graduated with at least a bachelor's degree from a social work program accredited by the Council on Social Work Education and approved by the Secretary of the DOH.

The prohibition does not apply to:

- a person employed under the job title of "social worker" on the bill's effective date as long as he or she continues employment in the same position and under the same job description and title held on that date;
- a person employed by the federal government while performing their prescribed duties; and
- a certified educational staff associate providing services in the school setting.

Public agencies and private entities doing business in Washington may not use any form of the "social worker" title to designate volunteer or employment positions, or within contracts or other documents, unless the person working in the position is qualified as a social worker.

A violation of the prohibition is a Consumer Protection Act violation.

References to the term "social worker" throughout the Revised Code of Washington are modified to reference the educational requirements for a qualified social worker. A definition of "social worker," for purposes of mandatory reporting of abuse of vulnerable adults, is added to align with the definition of "social worker" used for mandatory reporting of abuse of patients.

Second Substitute Bill Compared to Substitute Bill:

The second substitute bill: (1) adds legislative findings that misrepresentation about qualifications to practice social work constitutes a public health and safety issue; (2) moves the prohibition against representing oneself as a social worker, without being a qualified social worker by licensure or education, to a new chapter in the licensing laws; (3) adds exemptions from the prohibition for persons working in federal jobs and for certified educational staff associates providing services in schools; (4) specifies that a violation of the prohibition is a Consumer Protection Act violation; (5) adds references throughout the Revised Code of Washington that use the term "social worker" to reference the educational requirements for a qualified social worker; (6) adds a new definition of "social worker" for purposes of mandatory reporting of abuse of vulnerable adults to align with the definition used for mandatory reporting of abuse of patients; and (7) changes the effective date to July 1, 2011.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Second Substitute Bill: The bill takes effect on July 1, 2011.

Staff Summary of Public Testimony:

See House Bill Report in 2009.

Persons Testifying: See House Bill Report in 2009.

Persons Signed In To Testify But Not Testifying: See House Bill Report in 2009.