

HOUSE BILL REPORT

ESSB 5020

As Passed House:
April 5, 2011

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: 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.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Murray, Regala, Kohl-Welles, Prentice and Chase).

Brief History:

Committee Activity:

Health Care & Wellness: 3/14/11, 3/21/11 [DP].

Floor Activity:

Passed House: 4/5/11, 76-20.

Brief Summary of Engrossed Substitute Bill

- 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, beginning January 1, 2012.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 10 members: Representatives Cody, Chair; Jinkins, Vice Chair; Hinkle, Assistant Ranking Minority Member; Bailey, Clibborn, Green, Harris, Kelley, Moeller and Van De Wege.

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

Staff: Chris Cordes (786-7103).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

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

- 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 in one of these social worker categories, 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 (DSHS) and the public schools, employ persons in social worker job titles. The Department of Personnel lists several classes of social workers in state jobs, with varying education and experience requirements and various job duties ranging from case assessment and development of service plans for clients to investigations and referrals for appropriate services. The Washington Professional Educator Standards Board certifies school social workers as educational staff associates in the school setting.

Under laws requiring reporting of abuse, social workers, along with other listed professionals in private or public employment, must report instances of suspected patient or client abuse or neglect. Other laws authorize social workers, as one of a list of mental health professionals, to assist in determining a person's mental capacity. Some of these laws define "social worker" by specifying educational or experience requirements.

Summary of Bill:

Beginning January 1, 2012, 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.

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.

Exemptions from the prohibition are provided for:

- a person employed under the job title of "social worker" on the bill's effective date as long as he or she continues to be employed by the same agency;
- a person employed by the State of Washington on the bill's effective date under the job title of "social worker" as long as he or she continues to be employed by the state and who continues to have the same layoff, reversion, transfer, and promotional opportunities as were available to the employee on the bill's effective date;
- a person employed by the federal government while performing his or her prescribed duties; and
- a certified educational staff associate providing services in the school setting.

For the purposes of the exemptions, an "agency" is a private employer or any agency of state government.

References to the term "social worker" throughout the Revised Code of Washington are modified to reference the educational requirements for a qualified social worker. Social workers providing in-home health or hospice services may either be a qualified social worker or meet the requirements of the applicable federal rules. References to "social worker" in sections referring to employees at the DSHS are changed to "department employee."

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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2012.

Staff Summary of Public Testimony:

(In support) When social workers are providing services, they need to have the proper background and training. The skills that are needed to address today's complex problems are the skills that social work schools provide. Forty-five other states have similar requirements in their laws. This is like nursing was 100 years ago, when anyone could call themselves a

nurse without proper training. There should be no cost to the Office of the Attorney General unless the Office chooses to prioritize enforcing the bill. The licensed social workers are in agreement with this bill after working out a few glitches.

(Neutral) The language that raised concerns for employees providing social work services at some state agencies has been worked out.

(Opposed) None.

Persons Testifying: (In support) Representative Orwall; Laura Groshong, Washington State Society for Clinical Social Work; and Bob Cooper, Michael Parker, Ann Allen, and Hoyt Suppes, National Association of Social Workers.

(Neutral) Alia Griffing, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.