

1 **SENATE FLOOR VERSION**

2 April 6, 2011

3 ENGROSSED HOUSE
4 BILL NO. 1715

By: Peterson of the House

and

Brinkley of the Senate

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9 An Act relating to professions and occupations;
10 amending 59 O.S. 2001, Sections 1250.1, as amended by
11 Section 1, Chapter 85, O.S.L. 2003, 1255, as amended
12 by Section 5, Chapter 85, O.S.L. 2003, 1261.1, as
13 amended by Section 8, Chapter 85, O.S.L. 2003,
14 Section 9, Chapter 85, O.S.L. 2003, 1263, as amended
15 by Section 14, Chapter 85, O.S.L. 2003 and Section
16 17, Chapter 85, O.S.L. 2003 (59 O.S. Supp. 2010,
17 Sections 1250.1, 1255, 1261.1, 1261.1a, 1263 and
18 1266.1), which relate to the Social Workers'
19 Licensing Act; modifying and adding definitions;
20 increasing length of Board member terms; modifying
21 number of terms Board members may serve; modifying
22 application requirements for certain licenses;
23 specifying ground for certain denials; adding
24 definition; modifying requirements for reinstatement
of license; modifying authority of State Board of
Licensed Social Workers to assess fees; modifying
grounds for revocation of licenses; providing for
codification; and providing an effective date.

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

1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 1250.1, as
2 amended by Section 1, Chapter 85, O.S.L. 2003 (59 O.S. Supp. 2010,
3 Section 1250.1), is amended to read as follows:

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

5 1. "Approved provider of continuing education" means an
6 individual, group, professional association, school, institution,
7 organization, or agency approved by the Board to conduct educational
8 programs;

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

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

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

21 ~~4.~~ 5. "Board approved clinical supervisor" means a licensed
22 clinical social worker who has met the qualifications determined by
23 the Board for supervision in a clinical setting;

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1 ~~5.~~ 6. "Board approved supervisor" means a licensed clinical
2 social worker (LCSW) who has met the qualifications determined by
3 the Board for licensure as a supervisor;

4 ~~6.~~ 7. "Case management" means a method to plan, provide,
5 evaluate, and monitor services from a variety of resources on behalf
6 of and in collaboration with a client;

7 ~~7.~~ 8. "Client" means the individual, couple, family, group,
8 organization, or community that seeks or receives social work
9 services;

10 ~~8.~~ 9. "Clinical social work practice" means the practice of
11 social work by a social worker including assessment and diagnosis of
12 behavioral disorders, treatment planning, planning intervention,
13 case management, information and referrals, including referrals to
14 an appropriate allopathic or osteopathic physician when the
15 diagnosis or treatment is in question or psychiatric or medical
16 treatment is indicated. Treatment methods include the provision of
17 individual, marital, couple, family and group counseling and
18 psychotherapy based on the education and training of the social
19 worker. Treatment shall not include biological or medical
20 treatments. The practice of clinical social work may include
21 private or independent practice;

22 10. "Clinical supervision" means an interactional professional
23 relationship between a supervisor and a social worker that provides
24 evaluation and direction over the supervisee's practice of clinical

1 social work and promotes continued development of the social
2 worker's knowledge, skills, and abilities to engage in the practice
3 of clinical social work in an ethical and competent manner;

4 ~~9.~~ 11. "Consultation" means a problem solving process in which
5 expertise is offered to an individual, couple, family, group,
6 organization or community;

7 ~~10.~~ 12. "Continuing education" means education and training
8 which are oriented to maintain, improve or enhance the practice of
9 social work;

10 ~~11.~~ 13. "Continuing education contact hour" means a sixty-
11 minute clock hour of instruction, not including breaks or meals;

12 ~~12.~~ 14. "Conviction" means conviction of a crime by a court of
13 competent jurisdiction including a finding or verdict of guilt,
14 whether or not the adjudication of guilt is withheld or not entered
15 on admission of guilt, a plea of nolo contendere, or a guilty plea;

16 ~~13.~~ 15. "Counseling" means a method used by social workers to
17 assist individuals, couples, families and groups in learning how to
18 solve problems and make decisions about personal, health, social,
19 educational, vocational, financial, and other interpersonal
20 concerns;

21 ~~14.~~ 16. "Diagnosis" means the use of assessment tools such as
22 the Diagnostic and Statistical Manual or the International
23 Classification of Diseases;

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1 17. "Employment supervision" means the professional
2 relationship between a worksite supervisor and social worker in an
3 employment setting which provides evaluation and direction as it
4 pertains to job-related duties. This type of supervision shall not
5 be accepted towards licensure supervision requirements;

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

9 ~~15.~~ 19. "Implementation and evaluation" means continuing to
10 evaluate and monitor the effectiveness of the treatment plan;

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

19 ~~16.~~ 21. "Intervention" means application of techniques utilized
20 to implement the treatment plan appropriate to an assessment;

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

1 ~~17.~~ 23. "Licensed masters social worker" (LMSW) means a person
2 duly licensed to practice social work under the Social Worker's
3 Licensing Act and who holds a master's degree in social work;

4 ~~18.~~ 24. "Licensed social work associate" (LSWA) means a person
5 duly licensed to practice social work ~~who holds a baccalaureate~~
6 ~~degree in social work~~ under the Social Worker's Licensing Act;

7 ~~19.~~ 25. "Licensed social worker with administration specialty"
8 (LSW-ADM) means a person duly licensed to practice administrative
9 social work under the Social Worker's Licensing Act;

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

12 27. "Licensee" means a person duly licensed under ~~this act~~ the
13 Social Worker's Licensing Act;

14 ~~20.~~ 28. "Licensure supervisor" means a licensed social worker
15 who has met the qualifications determined by the Board for a
16 licensure supervisor;

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

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

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

21 ~~21.~~ 32. "Private practice of clinical social work" means the
22 practice of ~~clinical~~ social work performed by ~~an individual~~ a
23 licensed clinical social worker (LCSW) who is wholly or in part
24 self-employed and who assumes responsibility for the nature and

1 quality of the services provided to the client in exchange for
2 direct payment or third-party reimbursement, rather than a salaried
3 employee of an organization or institution;

4 ~~22.~~ 33. "Psychotherapy" means the use of treatment methods
5 utilizing a specialized, formal interaction between a clinical
6 social worker and an individual, couple, family, or group in which a
7 therapeutic relationship is established, maintained and sustained to
8 understand unconscious processes, intrapersonal, interpersonal, and
9 psychosocial dynamics, and the diagnosis and treatment of mental,
10 emotional, and behavioral disorders, conditions and addictions; ~~and~~

11 ~~23.~~ 34. "Supervision" means the professional relationship
12 between a board-approved supervisor and a social worker that
13 provides evaluation and direction over the services provided by the
14 social worker and promotes continued development of the social
15 worker's knowledge, skills and abilities to provide social work
16 services in an ethical and competent manner; and

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

21 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1255, as
22 amended by Section 5, Chapter 85, O.S.L. 2003 (59 O.S. Supp. 2010,
23 Section 1255), is amended to read as follows:

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1 Section 1255. A. The State Board of Licensed Social Workers
2 shall ~~annually~~ biennially elect from its membership a chair and a
3 vice-chair and such other officers as it deems appropriate and
4 necessary to conduct its business. The chair shall preside at all
5 meetings of the Board. Each additional officer elected by the Board
6 shall perform those duties customarily associated with the position
7 and such other duties assigned by the Board. Officers elected by
8 the Board shall serve terms of ~~one (1) year~~ two (2) years and shall
9 serve no more than ~~three (3)~~ two (2) consecutive full terms in each
10 office to which the Board member is elected.

11 B. 1. The Board shall meet at least once every three (3)
12 months to transact its business and may meet at such additional
13 times as the Board may determine.

14 2. The Board shall meet in accordance with the Oklahoma Open
15 Meeting Act.

16 3. A majority of the members of the Board shall constitute a
17 quorum for the conduct of Board business. All actions of the Board
18 shall be by a majority of the quorum present.

19 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1261.1, as
20 amended by Section 8, Chapter 85, O.S.L. 2003 (59 O.S. Supp. 2010,
21 Section 1261.1), is amended to read as follows:

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

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- 1 1. Submit a written application in a form prescribed by the
2 State Board of Licensed Social Workers;
- 3 2. Have attained the age of majority;
- 4 3. Be of good moral character;
- 5 4. Have graduated and received a degree in social work from an
6 approved social work program;
- 7 5. Have completed any necessary post graduate experience and
8 supervision in the practice of social work; ~~and~~
- 9 6. Have passed the necessary examination and paid all fees
10 required by the Board; and
- 11 7. Submit to a national criminal history record check, as
12 defined by Section 150.9 of Title 74 of the Oklahoma Statutes. The
13 costs associated with the national criminal history record check
14 shall be paid by the applicant and submitted to the Board at the
15 time of application. With the required fee, the applicant shall
16 provide to the Board two classifiable sets of fingerprints to be
17 provided to the Oklahoma State Bureau of Investigation.
- 18 B. If the results of the national criminal history record check
19 required by subsection A of this section reveal that the applicant
20 has been convicted of, or pled guilty or nolo contendere to, any
21 felony, or to any misdemeanor involving moral turpitude, the
22 individual's application for licensure may be disapproved and no
23 further action shall be taken on the application.
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1 C. Upon certification by the Board, the Board shall authorize
2 the issuance of social work licenses to persons who qualify as
3 follows:

4 1. As a licensed social work associate (LSWA) who has a
5 baccalaureate degree in social work from an accredited institution
6 ~~with a program accredited by~~ or an approved social work program or
7 both and has two (2) years of full-time postgraduate experience in
8 the practice of social work under professional supervision of a
9 person licensed under these provisions, and passed the examination
10 provided for under these provisions or who has a doctoral or
11 master's degree in social work from an institution with a program
12 accredited by ~~the Council of Social Work Education~~ an approved
13 social work program and has passed the examination provided for
14 under these provisions;

15 2. As a licensed master's social worker (LMSW) who has a
16 master's degree in social work from an accredited institution ~~with a~~
17 ~~program accredited by~~ or an approved social work program or both and
18 has passed the examination provided for under ~~this act~~ the Social
19 Worker's Licensing Act;

20 3. As a licensed social worker (LSW) who has a master's degree
21 in social work from an accredited institution ~~with a program~~
22 ~~accredited by~~ or an approved social work program or both and has two
23 (2) years of full-time postgraduate experience in the practice of
24 social work under professional supervision of a person licensed

1 under those provisions, and who has passed the examination provided
2 for under the provisions of the Social Worker's Licensing Act; and

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

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

19 ~~C. D.~~ D. No person may engage in the private, ~~independent~~ practice
20 of clinical social work unless ~~he or she~~ that person:

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

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1 2. ~~Has had two (2) years of graduate supervised experience~~
2 ~~certified by the Board in the method to be offered in private~~
3 ~~practice and met the requirements set by the Board; and~~

4 ~~3.~~ Continues to meet continuing education requirements set by
5 the Board.

6 ~~Certification by the Board that such person be licensed to~~
7 ~~engage in private independent practice shall be noted by an~~
8 ~~appropriate special designation to be placed on the licensed social~~
9 ~~worker's license. The Board shall designate such specialties as it~~
10 ~~deems proper for special certification.~~

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

13 1. Is licensed under the Social Worker's Licensing Act as a
14 licensed clinical social worker (LCSW), licensed social worker with
15 administration specialty (LSW-ADM) or licensed social worker (LSW).
16 This specifically and intentionally excludes licensed social work
17 associates (LSWA) and licensed masters social workers (LMSW); and

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

20 F. Any qualified person who files by February 1, 2012, a sworn
21 statement with the Board stating that the person has met the
22 definition of a qualified person under this section shall, upon
23 approval of the statement by the Board, be entitled to engage in the
24 independent practice of social work without having to meet the two-

1 year postgraduate supervision requirement specified in paragraphs 3,
2 4 and 5 of subsection C of this section.

3 G. As used in this section, "qualified person" means a person
4 who:

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

7 2. Has held a social worker license from the Board continuously
8 during the ten-year period immediately prior to the effective date
9 of the amendment of this section.

10 SECTION 4. AMENDATORY Section 9, Chapter 85, O.S.L. 2003
11 (59 O.S. Supp. 2010, Section 1261.1a), is amended to read as
12 follows:

13 Section 1261.1a A. Licensees shall be required to renew their
14 license at such time and in such manner established by the State
15 Board of Licensed Social Workers by rule, including the form of
16 application and payment of the applicable renewal fee. Under no
17 circumstances shall the renewal period exceed two (2) years.

18 B. As a requirement for license renewal, each licensee shall
19 provide evidence satisfactory to the Board that such licensee has
20 annually completed at least sixteen (16) hours of a program of
21 continuing education as prescribed by the Board.

22 C. The Board shall also provide procedures by rule to ensure
23 that license renewal candidates maintain the qualifications to
24 practice social work, as set forth in this act.

1 D. If a social worker fails to make application to the Board
2 for renewal of a license within a period of ninety (90) days after
3 the expiration of the license, such person must reapply as an
4 initial applicant for licensure and pass the current licensure
5 examination; however, a person who has been licensed under the laws
6 of this state and the license has expired, but who has continually
7 practiced social work in another state under a license issued by the
8 authority of such state, may renew the license upon completion of
9 the continuing education requirements set forth by the Board and
10 payment of the designated fee.

11 E. Any licensee who allows their license to expire after
12 January 1, 2012, shall, in addition to any other requirements for
13 reinstatement, be required to submit to a national criminal history
14 record check as defined by Section 150.9 of Title 74 of the Oklahoma
15 Statutes, and pay the fee for the record check. However, the
16 individual shall be allowed to practice with the expired license
17 pending receipt by the Board of a complete and satisfactory national
18 criminal history record check. If the Board does not receive two
19 classifiable sets of fingerprints taken by a local, state or federal
20 law enforcement agency or a civilian entity approved by the Oklahoma
21 State Bureau of Investigation and the required fee within thirty
22 (30) days from the date the license was reinstated, the license
23 shall be suspended until receipt by the Board of the sets of
24 fingerprints and the fee for the record check.

1 SECTION 5. AMENDATORY 59 O.S. 2001, Section 1263, as
2 amended by Section 14, Chapter 85, O.S.L. 2003 (59 O.S. Supp. 2010,
3 Section 1263), is amended to read as follows:

4 Section 1263. A. ~~1. The fee for licensure shall be determined~~
5 ~~by rules promulgated by the State Board of Licensed Social Workers.~~
6 ~~The license shall expire after one (1) year, and the renewal fee for~~
7 ~~such license shall also be established by~~ may assess such fees as it
8 deems necessary to accomplish the purposes of the Social Worker's
9 Licensing Act. Fees shall be assessed according to the fee schedule
10 in the rules promulgated by the Board.

11 ~~2. The Board shall promulgate rules for reinstatement of lapsed~~
12 ~~licenses and specialty certifications, and required fees.~~

13 ~~3. The Board shall establish fees for examinations.~~

14 B. There is hereby created in the State Treasury a revolving
15 fund for the State Board of Licensed Social Workers, to be
16 designated the "Licensed Social Workers' Revolving Fund". The fund
17 shall consist of monies received by the Board under statutory
18 authority and such monies accruing to the credit of the fund may be
19 expended by the Board for the purpose of carrying out the provisions
20 of ~~this act~~ the Social Worker's Licensing Act. The fund shall be
21 administered in accordance with standard revolving fund procedures.
22 The Board shall pay into the General Revenue Fund of the state ten
23 percent (10%) of the gross fees so collected and received as
24 provided for in Section 211 of Title 62 of the Oklahoma Statutes.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1264.3 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 Any person who has received a license as a licensed social
5 worker with administration specialty shall have the right to use the
6 title licensed social worker with administration specialty, and the
7 abbreviation LSW-ADM. No other person shall assume such title, use
8 such abbreviation, or any word or letters, signs, figures or devices
9 to indicate that the person using the same is a licensed social
10 worker.

11 SECTION 7. AMENDATORY Section 17, Chapter 85, O.S.L.
12 2003 (59 O.S. Supp. 2010, Section 1266.1), is amended to read as
13 follows:

14 Section 1266.1 A. The State Board of Licensed Social Workers
15 may refuse to issue or renew the license of, or may suspend, revoke,
16 censure, reprimand, restrict or limit the license of, or fine, any
17 person pursuant to the Administrative Procedures Act or the
18 procedures set forth in ~~this act~~ the Social Worker's Licensing Act
19 upon one or more of the following grounds as determined by the
20 Board:

- 21 1. Unprofessional conduct as determined by the Board;
- 22 2. Practicing outside the scope of practice authorized by this
23 act;

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1 3. Conduct which violates any of the provisions of ~~this act~~ the
2 Social Worker's Licensing Act or rules adopted pursuant to ~~this act~~
3 the Social Worker's Licensing Act;

4 4. Incapacity or impairment that prevents a licensee from
5 engaging in the practice of social work with reasonable skill,
6 competence, and safety to the public;

7 5. Conviction of or a plea of guilty or nolo contendere to a
8 felony in a court of competent jurisdiction of any state or federal
9 court of the United States if the acts involved would have
10 constituted a felony under the laws of this state;

11 6. Any act involving moral turpitude or gross immorality;

12 7. Violations of the laws of this state, or rules pertaining
13 thereto, or of laws, rules and regulations of any other state, or of
14 the federal government pertaining to any aspect of the practice of
15 social work;

16 8. Misrepresentation of a material fact by an applicant or
17 licensee in securing or attempting to secure the issuance or renewal
18 of a license, or in statements regarding the applicant or licensee's
19 skills or the efficiency or value of any treatment provided or to be
20 provided, or using any false, fraudulent, or deceptive statement
21 connected with the practice or social work including, but not
22 limited to, false or misleading advertising;

23 9. Fraud by a licensee in connection with the practice of
24 social work including engaging in improper or fraudulent billing

1 practices or violating Medicare and Medicaid laws or state medical
2 assistance laws;

3 10. Engaging or aiding and abetting an individual to engage in
4 the practice of social work without a license, or falsely using the
5 title of social worker;

6 11. Failing to comply with any stipulation or agreement
7 involving probation or settlement of any disciplinary matter with
8 the Board or with any order entered by the Board;

9 12. Being found by the Board to be in violation of any of the
10 provisions of ~~this act~~ the Social Worker's Licensing Act or rules
11 adopted pursuant to ~~this act~~ the Social Worker's Licensing Act;

12 13. Conduct which violates the security of any licensure
13 examination materials;

14 14. Being the subject of the revocation, suspension, surrender
15 or other disciplinary sanction of a social worker or related license
16 or of other adverse action related to a social worker or related
17 license in another jurisdiction or country including the failure to
18 report such adverse action to the Board; or

19 15. Being adjudicated by a court of competent jurisdiction,
20 within or without this state, as incapacitated, mentally
21 incompetent, chemically dependent, mentally ill and dangerous to the
22 public, or a psychopathic personality.

23 B. 1. The Board may defer action with regard to an impaired
24 licensee who voluntarily signs an agreement, in a form satisfactory

1 to the Board, agreeing not to practice social work and to enter an
2 approved treatment and monitoring program in accordance with this
3 section; provided, however, that this section shall not apply to a
4 licensee who has been convicted of, pleads guilty to, or enters a
5 plea of nolo contendere to a felonious act prohibited by Oklahoma
6 law or a conviction relating to a controlled substance in a court of
7 law of the United States or any other jurisdiction or a conviction
8 related to sexual misconduct.

9 2. A licensee who is physically or mentally impaired due to
10 mental illness or addiction to drugs or alcohol may qualify as an
11 impaired social worker and have disciplinary action deferred and
12 ultimately waived subject to the following conditions:

- 13 a. the Board is satisfied that such action will not
14 endanger the public,
- 15 b. the licensee enters into an agreement with the Board
16 for a treatment and monitoring plan approved by the
17 Board,
- 18 c. the licensee progresses satisfactorily in such
19 treatment and monitoring program, and
- 20 d. the licensee complies with all terms of the agreement
21 and all other applicable terms of this section.

22 3. Failure to enter such agreement or to comply with the terms
23 and make satisfactory progress in the treatment and monitoring
24 program shall disqualify the licensee from the provisions of this

1 section and the Board may activate an immediate investigation and
2 disciplinary proceeding. Upon completion of the rehabilitation
3 program in accordance with the agreement signed by the Board, the
4 licensee may apply for permission to resume the practice of social
5 work upon such conditions as the Board determines necessary.

6 4. The Board may require a licensee to enter into an agreement,
7 pursuant to this subsection, which includes, but is not limited to,
8 the following provisions:

- 9 a. the licensee agrees that the license shall be
10 suspended or revoked indefinitely under this section,
- 11 b. the licensee agrees to enroll in a treatment and
12 monitoring program approved by the Board,
- 13 c. the licensee agrees that failure to satisfactorily
14 progress in such treatment and monitoring program
15 shall be reported to the Board by the treating
16 professional who shall be immune from any liability
17 for such reporting made in good faith, and
- 18 d. the licensee consents to the reports of the treating
19 physician or professional of the approved treatment
20 and monitoring program to the Board on the progress of
21 licensee at such intervals as the Board deems
22 necessary.

23 5. The ability of an impaired social worker to practice shall
24 only be restored and charges dismissed when the Board is satisfied

1 by the reports it has received from the approved treatment program
2 that the licensee can resume practice without danger to the public.

3 6. The impaired licensee shall consent, in accordance with
4 applicable law, to the release of any treatment information to the
5 Board from anyone within the approved treatment program.

6 7. The impaired licensee who has enrolled in an approved
7 treatment and monitoring program and entered into an agreement with
8 the Board in accordance with this subsection shall have his or her
9 license suspended or revoked but enforcement of this suspension or
10 revocation shall be stayed by the length of time the licensee
11 remains in the program and makes satisfactory progress, complies
12 with the terms of the agreement, and adheres to any limitations on
13 the practice imposed by the Board to protect the public. The
14 licensee may petition the Board for reinstatement pursuant to
15 subsection D of this section. Failure to enter into such agreement
16 or to comply with the terms and make satisfactory progress in the
17 treatment and monitoring program shall disqualify the licensee from
18 the provisions of this section and the Board shall activate an
19 immediate investigation and disciplinary proceedings.

20 C. Any social worker who has substantial evidence that a
21 licensee has an active addiction for which the licensee is not
22 receiving treatment under a program approved by the Board pursuant
23 to an agreement entered into under this section, is diverting a
24 controlled substance, or is mentally or physically incompetent to

1 carry out the duties of the license, shall make or cause to be made
2 a report to the Board. Any person who makes a report pursuant to
3 this section in good faith and without malice shall be immune from
4 any civil or criminal liability arising from such reports. Failure
5 to provide such a report within a reasonable time from receipt of
6 knowledge may be considered grounds for disciplinary action against
7 the licensee.

8 D. Any person whose license to practice social work in this
9 state has been suspended or restricted pursuant to ~~this act~~ the
10 Social Worker's Licensing Act, whether voluntarily or by action of
11 the Board, shall have the right to petition the Board for
12 reinstatement of such license. Such a petition shall be made in
13 writing and in the form prescribed by the Board. Upon investigation
14 and hearing, the Board may grant or deny such petition, or it may
15 modify its original finding to reflect any circumstances which have
16 changed sufficiently to warrant such modifications. The Board may
17 also require such person to pass an examination or examinations for
18 reentry into the practice of social work.

19 E. The Board may issue a cease and desist order to stop an
20 individual from engaging in an unauthorized practice or violating or
21 threatening to violate a statute, rule, or order which the Board has
22 issued or is empowered to enforce. The cease and desist order must
23 state the reason for its issuance and give notice of the
24 individual's right to request a hearing under the Administrative

1 Procedures Act. Nothing herein shall be construed as barring
2 criminal prosecutions for violations of ~~this act~~ the Social Worker's
3 Licensing Act.

4 F. All final decisions by the Board shall be subject to
5 judicial review pursuant to the Administrative Procedures Act.

6 G. Any individual whose license to practice social work is
7 revoked, suspended, or not renewed shall return such license to the
8 offices of the Board within ten (10) days after notice of such
9 action.

10 SECTION 8. This act shall become effective November 1, 2011.

11 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
12 4-4-11 - DO PASS.

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