

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1715

By: Peterson

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6
7 AS INTRODUCED

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

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

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

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

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

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

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

17 ~~4.~~ 5. "Board approved clinical supervisor" means a licensed
18 clinical social worker who has met the qualifications determined by
19 the Board for supervision in a clinical setting;

20 ~~5.~~ 6. "Board approved supervisor" means a licensed clinical
21 social worker (LCSW) who has met the qualifications determined by
22 the Board for licensure as a supervisor;

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1 ~~6.~~ 7. "Case management" means a method to plan, provide,
2 evaluate, and monitor services from a variety of resources on behalf
3 of and in collaboration with a client;

4 ~~7.~~ 8. "Client" means the individual, couple, family, group,
5 organization, or community that seeks or receives social work
6 services;

7 ~~8.~~ 9. "Clinical social work practice" means the practice of
8 social work by a social worker including assessment and diagnosis of
9 behavioral disorders, treatment planning, planning intervention,
10 case management, information and referrals, including referrals to
11 an appropriate allopathic or osteopathic physician when the
12 diagnosis or treatment is in question or psychiatric or medical
13 treatment is indicated. Treatment methods include the provision of
14 individual, marital, couple, family and group counseling and
15 psychotherapy based on the education and training of the social
16 worker. Treatment shall not include biological or medical
17 treatments. The practice of clinical social work may include
18 private or independent practice;

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

1 ~~9.~~ 11. "Consultation" means a problem solving process in which
2 expertise is offered to an individual, couple, family, group,
3 organization or community;

4 ~~10.~~ 12. "Continuing education" means education and training
5 which are oriented to maintain, improve or enhance the practice of
6 social work;

7 ~~11.~~ 13. "Continuing education contact hour" means a sixty-
8 minute clock hour of instruction, not including breaks or meals;

9 ~~12.~~ 14. "Conviction" means conviction of a crime by a court of
10 competent jurisdiction including a finding or verdict of guilt,
11 whether or not the adjudication of guilt is withheld or not entered
12 on admission of guilt, a plea of nolo contendere, or a guilty plea;

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

18 ~~14.~~ 16. "Diagnosis" means the use of assessment tools such as
19 the Diagnostic and Statistical Manual or the International
20 Classification of Diseases;

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

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

6 ~~15.~~ 19. "Implementation and evaluation" means continuing to
7 evaluate and monitor the effectiveness of the treatment plan;

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

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

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

21 ~~17.~~ 23. "Licensed masters social worker" (LMSW) means a person
22 duly licensed to practice social work under the Social Worker's
23 Licensing Act and who holds a master's degree in social work;

1 ~~18.~~ 24. "Licensed social work associate" (LSWA) means a person
2 duly licensed to practice social work ~~who holds a baccalaureate~~
3 ~~degree in social work~~ under the Social Worker's Licensing Act;

4 ~~19.~~ 25. "Licensed social worker with administration specialty"
5 (LSW-ADM) means a person duly licensed to practice administrative
6 social work under the Social Worker's Licensing Act;

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

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

11 ~~20.~~ 28. "Licensure supervisor" means a licensed social worker
12 who has met the qualifications determined by the Board for a
13 licensure supervisor;

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

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

23 31. "Practice of social work" means the professional activity
24 of helping individuals, groups or communities enhance or restore

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

17 ~~21.~~ 32. "Private practice of clinical social work" means the
18 practice of ~~clinical~~ social work performed by ~~an individual~~ a
19 licensed clinical social worker (LCSW) who is wholly or in part
20 self-employed and who assumes responsibility for the nature and
21 quality of the services provided to the client in exchange for
22 direct payment or third-party reimbursement, rather than a salaried
23 employee of an organization or institution;

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1 ~~22.~~ 33. "Psychotherapy" means the use of treatment methods
2 utilizing a specialized, formal interaction between a clinical
3 social worker and an individual, couple, family, or group in which a
4 therapeutic relationship is established, maintained and sustained to
5 understand unconscious processes, intrapersonal, interpersonal, and
6 psychosocial dynamics, and the diagnosis and treatment of mental,
7 emotional, and behavioral disorders, conditions and addictions; ~~and~~

8 ~~23.~~ 34. "Supervision" means the professional relationship
9 between a board-approved supervisor and a social worker that
10 provides evaluation and direction over the services provided by the
11 social worker and promotes continued development of the social
12 worker's knowledge, skills and abilities to provide social work
13 services in an ethical and competent manner; and

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

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

21 Section 1255. A. The State Board of Licensed Social Workers
22 shall ~~annually~~ biennially elect from its membership a chair and a
23 vice-chair and such other officers as it deems appropriate and
24 necessary to conduct its business. The chair shall preside at all

1 meetings of the Board. Each additional officer elected by the Board
2 shall perform those duties customarily associated with the position
3 and such other duties assigned by the Board. Officers elected by
4 the Board shall serve terms of ~~one (1) year~~ two (2) years and shall
5 serve no more than ~~three (3)~~ two (2) consecutive full terms in each
6 office to which the Board member is elected.

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

10 2. The Board shall meet in accordance with the Oklahoma Open
11 Meeting Act.

12 3. A majority of the members of the Board shall constitute a
13 quorum for the conduct of Board business. All actions of the Board
14 shall be by a majority of the quorum present.

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

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

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

22 2. Have attained the age of majority;

23 3. Be of good moral character;

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

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

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

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

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

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

23 1. As a licensed social work associate (LSWA) who has a
24 baccalaureate degree in social work from an accredited institution

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

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

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

22 4. As a licensed clinical social worker (LCSW) who has a
23 master's degree in social work from an accredited institution ~~with a~~
24 ~~program accredited by~~ or an approved social work program or both and

1 has two (2) years of full-time postgraduate experience in the
2 practice of clinical social work under professional supervision of a
3 person licensed by ~~this act~~ the Social Worker's Licensing Act, and
4 who has passed the examination provided for under ~~this act~~ the
5 Social Worker's Licensing Act; and

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

14 ~~E. D.~~ No person may engage in the private, ~~independent~~ practice
15 of clinical social work unless ~~he or she~~ that person:

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

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

21 3. Continues to meet continuing education requirements set by
22 the Board.

23 ~~Certification by the Board that such person be licensed to~~
24 ~~engage in private independent practice shall be noted by an~~

1 ~~appropriate special designation to be placed on the licensed social~~
2 ~~worker's license. The Board shall designate such specialties as it~~
3 ~~deems proper for special certification.~~

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

6 1. Is licensed under the Social Worker's Licensing Act as a
7 licensed clinical social worker (LCSW), licensed social worker with
8 administration specialty (LSW-ADM) or licensed social worker (LSW).

9 This specifically and intentionally excludes licensed social work
10 associates (LSWA) and licensed masters social workers (LMSW); and

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

13 F. Any qualified person who files by February 1, 2012, a sworn
14 statement with the Board stating that the person has met the
15 definition of a qualified person under this section shall, upon
16 approval of the statement by the Board, be entitled to engage in the
17 independent practice of social work without having to meet the two-
18 year postgraduate supervision requirement specified in paragraphs 3,
19 4 and 5 of subsection C of this section.

20 G. As used in this section, "qualified person" means a person
21 who:

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

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

4 SECTION 4. AMENDATORY Section 9, Chapter 85, O.S.L. 2003
5 (59 O.S. Supp. 2010, Section 1261.1a), is amended to read as
6 follows:

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

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

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

19 D. If a social worker fails to make application to the Board
20 for renewal of a license within a period of ninety (90) days after
21 the expiration of the license, such person must reapply as an
22 initial applicant for licensure and pass the current licensure
23 examination; however, a person who has been licensed under the laws
24 of this state and the license has expired, but who has continually

1 practiced social work in another state under a license issued by the
2 authority of such state, may renew the license upon completion of
3 the continuing education requirements set forth by the Board and
4 payment of the designated fee.

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

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

22 Section 1263. A. ~~1. The fee for licensure shall be determined~~
23 ~~by rules promulgated by the State Board of Licensed Social Workers.~~
24 ~~The license shall expire after one (1) year, and the renewal fee for~~

1 ~~such license shall also be established by~~ may assess such fees as it
2 deems necessary to accomplish the purposes of the Social Worker's
3 Licensing Act. Fees shall be assessed according to the fee schedule
4 in the rules promulgated by the Board.

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

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

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

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

22 Any person who has received a license as a licensed social
23 worker with administration specialty shall have the right to use the
24 title licensed social worker with administration specialty, and the

1 abbreviation LSW-ADM. No other person shall assume such title, use
2 such abbreviation, or any word or letters, signs, figures or devices
3 to indicate that the person using the same is a licensed social
4 worker.

5 SECTION 7. AMENDATORY Section 17, Chapter 85, O.S.L.
6 2003 (59 O.S. Supp. 2010, Section 1266.1), is amended to read as
7 follows:

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

- 15 1. Unprofessional conduct as determined by the Board;
- 16 2. Practicing outside the scope of practice authorized by this
17 act;
- 18 3. Conduct which violates any of the provisions of ~~this act~~ the
19 Social Worker's Licensing Act or rules adopted pursuant to ~~this act~~
20 the Social Worker's Licensing Act;
- 21 4. Incapacity or impairment that prevents a licensee from
22 engaging in the practice of social work with reasonable skill,
23 competence, and safety to the public;

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

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

6 7. Violations of the laws of this state, or rules pertaining
7 thereto, or of laws, rules and regulations of any other state, or of
8 the federal government pertaining to any aspect of the practice of
9 social work;

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

17 9. Fraud by a licensee in connection with the practice of
18 social work including engaging in improper or fraudulent billing
19 practices or violating Medicare and Medicaid laws or state medical
20 assistance laws;

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

1 11. Failing to comply with any stipulation or agreement
2 involving probation or settlement of any disciplinary matter with
3 the Board or with any order entered by the Board;

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

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

9 14. Being the subject of the revocation, suspension, surrender
10 or other disciplinary sanction of a social worker or related license
11 or of other adverse action related to a social worker or related
12 license in another jurisdiction or country including the failure to
13 report such adverse action to the Board; or

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

18 B. 1. The Board may defer action with regard to an impaired
19 licensee who voluntarily signs an agreement, in a form satisfactory
20 to the Board, agreeing not to practice social work and to enter an
21 approved treatment and monitoring program in accordance with this
22 section; provided, however, that this section shall not apply to a
23 licensee who has been convicted of, pleads guilty to, or enters a
24 plea of nolo contendere to a felonious act prohibited by Oklahoma

1 law or a conviction relating to a controlled substance in a court of
2 law of the United States or any other jurisdiction or a conviction
3 related to sexual misconduct.

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

8 a. the Board is satisfied that such action will not
9 endanger the public,

10 b. the licensee enters into an agreement with the Board
11 for a treatment and monitoring plan approved by the
12 Board,

13 c. the licensee progresses satisfactorily in such
14 treatment and monitoring program, and

15 d. the licensee complies with all terms of the agreement
16 and all other applicable terms of this section.

17 3. Failure to enter such agreement or to comply with the terms
18 and make satisfactory progress in the treatment and monitoring
19 program shall disqualify the licensee from the provisions of this
20 section and the Board may activate an immediate investigation and
21 disciplinary proceeding. Upon completion of the rehabilitation
22 program in accordance with the agreement signed by the Board, the
23 licensee may apply for permission to resume the practice of social
24 work upon such conditions as the Board determines necessary.

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

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

18 5. The ability of an impaired social worker to practice shall
19 only be restored and charges dismissed when the Board is satisfied
20 by the reports it has received from the approved treatment program
21 that the licensee can resume practice without danger to the public.

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

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

15 C. Any social worker who has substantial evidence that a
16 licensee has an active addiction for which the licensee is not
17 receiving treatment under a program approved by the Board pursuant
18 to an agreement entered into under this section, is diverting a
19 controlled substance, or is mentally or physically incompetent to
20 carry out the duties of the license, shall make or cause to be made
21 a report to the Board. Any person who makes a report pursuant to
22 this section in good faith and without malice shall be immune from
23 any civil or criminal liability arising from such reports. Failure
24 to provide such a report within a reasonable time from receipt of

1 knowledge may be considered grounds for disciplinary action against
2 the licensee.

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

14 E. The Board may issue a cease and desist order to stop an
15 individual from engaging in an unauthorized practice or violating or
16 threatening to violate a statute, rule, or order which the Board has
17 issued or is empowered to enforce. The cease and desist order must
18 state the reason for its issuance and give notice of the
19 individual's right to request a hearing under the Administrative
20 Procedures Act. Nothing herein shall be construed as barring
21 criminal prosecutions for violations of ~~this act~~ the Social Worker's
22 Licensing Act.

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

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

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

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