

# House Bill 2082

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for State Board of Licensed Social Workers)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

- Creates and modifies definitions related to social work.
- Moves language related to certain civil penalties to provision under which State Board of Licensed Social Workers has general regulatory authority.
- Modifies composition of board.
- Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to social work; creating new provisions; amending ORS 675.510, 675.532, 675.533, 675.535, 675.540, 675.560 and 675.590; repealing ORS 675.992 and 675.994; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

## CHANGES TO DEFINITIONS

**SECTION 1.** ORS 675.510 is amended to read:

675.510. As used in ORS 675.510 to 675.600, unless the context requires otherwise:

(1) "Authorization to practice regulated social work" means a certificate or license issued by the State Board of Licensed Social Workers under ORS 675.510 to 675.600.

[(2) "*Clinical social work*" means the professional practice of applying principles and methods with individuals, couples, families, children and groups, which include, but are not restricted to:]

[(a) *Providing diagnostic, preventive and treatment services of a psychosocial nature pertaining to personality adjustment, behavior problems, interpersonal dysfunctioning or deinstitutionalization;*]

[(b) *Developing a psychotherapeutic relationship to employ a series of problem solving techniques for the purpose of removing, modifying, or retarding disrupted patterns of behavior, and for promoting positive personality growth and development;*]

[(c) *Counseling and the use of psychotherapeutic techniques, such as disciplined interviewing which is supportive, directive or insight oriented depending upon diagnosed problems, observation and feedback, systematic analysis, and recommendations;*]

[(d) *Modifying internal and external conditions that affect a client's behavior, emotions, thinking, or intrapersonal processes;*]

[(e) *Explaining and interpreting the psychosocial dynamics of human behavior to facilitate problem solving; and*]

[(f) *Supervising, administering or teaching clinical social work practice.*]

**(2) "Clinical social work" means:**

**(a) A speciality within the practice of master's social work that requires the application of specialized clinical knowledge and advanced clinical skills to the assessment, diagnosis or**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 treatment of mental, emotional or behavioral disorders or conditions, or as further defined  
 2 by the board by rule;

3 (b) The application of services described in paragraph (a) of this subsection to the pro-  
 4 vision of individual, marital, couples, family or group counseling or psychotherapy; or

5 (c) The clinical supervision, as defined by the board by rule, of services described in  
 6 paragraphs (a) and (b) of this subsection.

7 (3) "Clinical social worker" means a person who practices clinical social work.

8 (4) "Practice of baccalaureate social work" means the basic, generalist practice of social  
 9 work that includes assessment, planning, intervention, evaluation, case management, infor-  
 10 mation and referral, counseling, supervision, consultation, education, advocacy, community  
 11 organization, and the development, implementation and administration of policies, programs  
 12 or activities.

13 (5) "Practice of master's social work" means social work characterized by the application  
 14 of specialized knowledge and advanced practice skills in the areas of assessment, treatment  
 15 planning, implementation or evaluation, case management or referral, counseling, nonclinical  
 16 supervision, consultation, education, research, advocacy, community organization, or the  
 17 development, implementation or administration of policies, programs or activities.

18 (6) "Practice of social work" means the application of social work theory, knowledge,  
 19 methods and ethics to restore or enhance social, psychosocial or biopsychosocial functioning  
 20 of an individual, couples, families, children, groups, organizations or communities.

21 [(3)] (7) "Regulated social worker" means a baccalaureate social worker registered under ORS  
 22 675.532, a master's social worker licensed under ORS 675.533, a clinical social work associate cer-  
 23 tified under ORS 675.537 or a clinical social worker licensed under ORS 675.530.

24 [(4)] (8) "Unprofessional conduct" includes, but is not limited to, any conduct or practice con-  
 25 trary to recognized standards of ethics of the social work profession or any conduct that constitutes  
 26 or might constitute a danger to the health or safety of a client or the public or in any other manner  
 27 fails or might fail to adhere to the recognized standards of the profession.

28  
 29 **PLACEMENT OF CIVIL PENALTY PROVISIONS**

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 31 **SECTION 2. ORS 675.992 and 675.994 are repealed.**

32 **SECTION 3.** ORS 675.540 is amended to read:

33 675.540. (1) The State Board of Licensed Social Workers may impose any or all of the sanctions  
 34 specified in subsection (2) of this section, upon proof, after a hearing pursuant to the provisions of  
 35 ORS chapter 183 relating to a contested case, that a regulated social worker:

36 (a) Has been convicted in this or any other state of a crime that is a felony in this state;

37 (b) Has been convicted of a felony in a federal court;

38 (c) Is unable to perform the practice of social work by reason of physical illness;

39 (d) Has an impairment as defined in ORS 676.303;

40 (e) Has been grossly negligent or has engaged in unprofessional conduct in the practice of social  
 41 work; or

42 (f) Has violated any provision of ORS 675.510 to 675.600 or any rule adopted under ORS 675.600.

43 (2) Pursuant to the provisions of subsection (1) of this section, the board may:

44 (a) Deny, suspend, revoke or refuse to renew any authorization to practice regulated social work  
 45 issued under ORS 675.510 to 675.600.

1 (b) Place a regulated social worker on probation and impose conditions or limits on the scope  
2 of practice of a regulated social worker.

3 (c) Impose a civil penalty not to exceed \$3,000 for each violation.

4 (3) The expiration, or voluntary surrender by a regulated social worker, of an authorization to  
5 practice regulated social work does not deprive the board of jurisdiction to proceed with any in-  
6 vestigation of, or any action or disciplinary proceedings against, the regulated social worker.

7 (4) Information that the board obtains as part of an investigation into the conduct of a regulated  
8 social worker or an applicant for an authorization to practice regulated social work or as part of  
9 a contested case proceeding, consent order or stipulated agreement involving the conduct of a reg-  
10 ulated social worker or applicant, is confidential as provided under ORS 676.175.

11 (5) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may  
12 impose a civil penalty in an amount up to \$5,000 upon proof that, after a person's authorization to  
13 practice regulated social work has been revoked by the board, the person has:

14 (a) Engaged in the practice of clinical social work; or

15 (b) Represented that the person is a regulated social worker.

16 **(6) Subject to the provisions of ORS chapter 183 relating to a contested case, the board**  
17 **may impose a civil penalty of up to \$3,000 upon proof that a person who is not a regulated**  
18 **social worker has:**

19 **(a) Represented that the person is a regulated social worker; or**

20 **(b) Used the title "social worker" or any title, words or abbreviations that indicate that**  
21 **the person has an authorization to practice regulated social work in violation of ORS 675.520.**

22 **(7) Subject to the provisions of ORS chapter 183 relating to a contested case, the board**  
23 **may impose a civil penalty of up to \$5,000 upon proof that a person who is not a clinical social**  
24 **worker licensed under ORS 675.530 or a clinical social work associate certified under ORS**  
25 **675.537 has:**

26 **(a) Engaged in the practice of clinical social work, unless the person is permitted to**  
27 **practice clinical social work under ORS 675.523; or**

28 **(b) Represented that the person is a clinical social worker or clinical social work associ-**  
29 **ate.**

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31 **CHANGES TO BOARD COMPOSITION**

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33 **SECTION 4.** ORS 675.590 is amended to read:

34 675.590. (1) There is established a State Board of Licensed Social Workers. The board shall  
35 consist of seven members appointed by the Governor and subject to confirmation by the Senate in  
36 the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this  
37 state. Of the members of the board:

38 (a) ~~Four~~ **Three** members shall be clinical social workers licensed under ORS 675.530; ~~and~~

39 **(b) One member shall be a baccalaureate social worker registered under ORS 675.532, a**  
40 **master's social worker licensed under ORS 675.533 or a clinical social work associate certified**  
41 **under ORS 675.537; and**

42 ~~(b)~~ (c) Three members ~~must~~ **shall** be members of the public who have demonstrated an in-  
43 terest in the field of clinical social work and who are not:

44 (A) Regulated social workers; or

45 (B) A spouse, domestic partner, child, parent or sibling of a regulated social worker.

1 (2)(a) Board members [*required to be clinical social workers licensed under ORS 675.530*] **ap-**  
 2 **pointed under subsection (1)(a) and (b) of this section** may be appointed from a list of three to  
 3 five nominees for each vacancy, submitted by any professional organization that represents clinical  
 4 social workers.

5 (b) In selecting the members of the board, the Governor shall strive to balance the represen-  
 6 tation on the board according to:

7 (A) Geographic areas of this state; and

8 (B) Ethnic group.

9 (3)(a) The term of office of each member is four years, but a member serves at the pleasure of  
 10 the Governor. The terms must be staggered so that no more than three terms end each year.

11 (b) Before the expiration of the term of a member, the Governor shall appoint a successor whose  
 12 term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy  
 13 for any cause, the Governor shall make an appointment to become immediately effective for the  
 14 unexpired term.

15 (c) A board member shall be removed immediately from the board if, during the member's term,  
 16 the member:

17 (A) Is not a resident of this state;

18 (B) Has been absent from three consecutive board meetings, unless at least one absence is ex-  
 19 cused; or

20 (C) Is not a clinical social worker licensed under ORS 675.530 or a retired clinical social worker  
 21 who was a clinical social worker licensed under ORS 675.530 in good standing at the time of re-  
 22 tirement, if the board member was appointed to serve on the board as a clinical social worker li-  
 23 censed under ORS 675.530.

24 (4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.  
 25 The board may provide by rule for compensation to board members for the performance of duties  
 26 at a rate that is greater than the rate provided in ORS 292.495.

27 **SECTION 5. The Governor shall appoint the member who is a baccalaureate social**  
 28 **worker, a master's social worker or a clinical social work associate, as required by the**  
 29 **amendments to ORS 675.590 (1) by section 4 of this 2013 Act, to the State Board of Licensed**  
 30 **Social Workers upon the first available vacancy on the board for a position held by a clinical**  
 31 **social worker after the operative date specified in section 10 of this 2013 Act.**

32  
 33 **CONFORMING AMENDMENTS**  
 34

35 **SECTION 6.** ORS 675.532 is amended to read:

36 675.532. (1) If an applicant for initial registration [*as a baccalaureate social worker*] **for the**  
 37 **practice of baccalaureate social work** has complied with the requirements of this section and has  
 38 paid the fee under ORS 675.571, the State Board of Licensed Social Workers shall register the ap-  
 39 plicant as a baccalaureate social worker. Upon registration, the board shall issue notice of the  
 40 registration to the applicant.

41 (2) An applicant for registration [*as a baccalaureate social worker*] **for the practice of**  
 42 **baccalaureate social work** shall submit evidence satisfactory to the board that the applicant:

43 (a) Has complied with the requirements of all applicable provisions of ORS 675.510 to 675.600  
 44 and the applicable rules of the board;

45 (b) Holds a bachelor's degree in social work from a college or university accredited by an ac-

1 crediting organization recognized by the board; and

2 (c) If required under ORS 675.535, has passed the written examination for registration [*as a*  
3 *baccalaureate social worker*] **for the practice of baccalaureate social work.**

4 **SECTION 7.** ORS 675.533 is amended to read:

5 675.533. (1) If an applicant for initial licensure [*as a master's social worker*] **for the practice**  
6 **of master's social work** has complied with the requirements of this section and has paid the fee  
7 under ORS 675.571, the State Board of Licensed Social Workers shall issue a license to the appli-  
8 cant.

9 (2) An applicant for licensure [*as a master's social worker*] **for the practice of master's social**  
10 **work** shall submit evidence satisfactory to the board that the applicant:

11 (a) Has complied with the requirements of all applicable provisions of ORS 675.510 to 675.600  
12 and the applicable rules of the board;

13 (b) Holds a master's degree in social work from a college or university accredited by an ac-  
14 crediting organization recognized by the board; and

15 (c) If required under ORS 675.535, has passed the written examination for licensure [*as a*  
16 *master's social worker*] **for the practice of master's social work.**

17 **SECTION 8.** ORS 675.535 is amended to read:

18 675.535. (1) The State Board of Licensed Social Workers may adopt rules to establish written  
19 examination requirements for:

20 (a) **The practice of baccalaureate social [worker registration] work under ORS 675.532;**

21 (b) **The practice of master's social [worker licensing] work under ORS 675.533;** or

22 (c) **Clinical social [worker licensing] work licensure under ORS 675.530.**

23 (2) The rules adopted by the board under this section shall specify the subjects on which an  
24 applicant may be examined, how the written examination is to be administered and the scoring or  
25 evaluation process used to determine whether an applicant has passed the examination. The board  
26 shall provide a copy of the rules to an applicant at least 30 days prior to any examination.

27 (3) Examinations for authorizations to practice regulated social work conducted under ORS  
28 675.510 to 675.600 shall be held at least once every year at such times and places as the board may  
29 determine. Timely and appropriate notice shall be sent to each applicant.

30 (4) Upon written request to the board, any applicant may discuss the applicant's performance  
31 on the examination with the board.

32 (5) Any applicant who fails to attain a passing grade on the examination shall be allowed to take  
33 the examination a second time. Any applicant who fails the examination a second time must obtain  
34 special permission from the board to take the examination again.

35 **SECTION 9.** ORS 675.560 is amended to read:

36 675.560. (1) An authorization to practice regulated social work granted by the State Board of  
37 Licensed Social Workers under ORS 675.510 to 675.600 is effective when the authorization is issued  
38 by the board.

39 (2) An authorization to practice regulated social work granted by the board expires on the date  
40 established by the board by rule.

41 (3) The board shall adopt rules setting forth requirements for renewal of a [*baccalaureate social*  
42 *worker*] registration **under ORS 675.532** and renewal of a [*master's social worker*] license **under**  
43 **ORS 675.533.**

44 (4) A clinical social work associate certified by the board under ORS 675.537 may renew the  
45 certification by:

1 (a) Payment of the renewal fee established under ORS 675.571; and

2 (b) Submission of a sworn statement by the associate, on a form provided by the board, that  
3 demonstrates to the board's satisfaction that satisfactory progress is being made toward completion  
4 of the associate's adopted supervisory plan.

5 (5) A clinical social worker licensed under ORS 675.530 may renew the license by:

6 (a) Payment of the renewal fee established under ORS 675.571; and

7 (b) Submission of a sworn statement by the applicant, on a form provided by the board, that the  
8 applicant:

9 (A) Has completed applicable continuing education requirements established by the board under  
10 ORS 675.565; and

11 (B) Is unaware of any reason for denial of the renewal.

12  
13 **OPERATIVE DATE**

14  
15 **SECTION 10. (1) The amendments to ORS 675.510, 675.532, 675.533, 675.535, 675.540, 675.560**  
16 **and 675.590 by sections 1, 3, 4 and 6 to 9 of this 2013 Act and the repeal of ORS 675.992 and**  
17 **675.994 by section 2 of this 2013 Act become operative on January 1, 2015.**

18 **(2) The State Board of Licensed Social Workers may take any action before the operative**  
19 **date specified in subsection (1) of this section that is necessary to enable the board to exer-**  
20 **cise, on and after the operative date specified in subsection (1) of this section, all the duties,**  
21 **functions and powers conferred on the board by the amendments to ORS 675.510, 675.532,**  
22 **675.533, 675.535, 675.540, 675.560 and 675.590 by sections 1, 3, 4 and 6 to 9 of this 2013 Act and**  
23 **the repeal of ORS 675.992 and 675.994 by section 2 of this 2013 Act.**

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25 **UNIT CAPTIONS**

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27 **SECTION 11. The unit captions used in this 2013 Act are provided only for the conven-**  
28 **ience of the reader and do not become part of the statutory law of this state or express any**  
29 **legislative intent in the enactment of this 2013 Act.**

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31 **EMERGENCY CLAUSE**

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33 **SECTION 12. This 2013 Act being necessary for the immediate preservation of the public**  
34 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
35 **on its passage.**