

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

HOUSE BILL NO. 1161
(Human Services Committee)
(At the request of the North Dakota Board of Social Work
Examiners)

AN ACT to create and enact a new section to chapter 43-41 of the North Dakota Century Code, relating to fees charged by the North Dakota board of social work examiners; to amend and reenact subdivision e of subsection 2 of section 26.1-36-09, and sections 43-41-01, 43-41-04, 43-41-05, 43-41-10, and 43-41-12 of the North Dakota Century Code, relating to group health policy and health service contract mental disorder coverage and social work licensures; and to repeal sections 43-41-06 and 43-41-12.1 of the North Dakota Century Code, relating to licensing requirements for social workers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision e of subsection 2 of section 26.1-36-09 of the North Dakota Century Code is amended and reenacted as follows:

- e. (1) In the case of benefits provided for outpatient treatment, the benefits must be provided for a minimum of thirty hours for services covered under this section in any calendar year if the treatment services are provided within the scope of licensure by a nurse who holds advanced licensure with a scope of practice within mental health or if the diagnosis, evaluation, and treatment services are provided within the scope of licensure by a licensed physician, a licensed psychologist who is eligible for listing on the national register of health service providers in psychology, or a licensed ~~certified~~ independent clinical social worker ~~who~~:
 - (a) ~~Possesses a master's or doctorate degree in social work from an institution accredited by the council of social work education;~~
 - (b) ~~Has at least one year of direct clinical social work practice during graduate school or one year of postgraduate supervised clinical social work practice in a structured teaching environment;~~
 - (c) ~~Has completed at least the equivalent of four years of full time supervised clinical social work experience within the last seven years;~~
 - (d) ~~Has passed the clinical examination or its equivalent offered by the North Dakota board of social work examiners; and~~
 - (e) ~~If not licensed in this state, is licensed, certified, or registered at the highest level of social work practice in another state.~~
- (2) A person who is qualified for third-party payment by the board of social work examiners on August 1, 1995 ~~1997~~, is exempt from ~~subparagraphs c and d~~ paragraph 1 of this subdivision. ~~Supervision under subparagraph c may be provided by a qualified clinical social worker, a licensed psychologist, or a licensed psychiatrist, but the preferred supervisor is the qualified clinical social worker.~~

SECTION 2. AMENDMENT. Section 43-41-01 of the North Dakota Century Code is amended and reenacted as follows:

43-41-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Board" means the North Dakota board of social work examiners.
2. "Licensed certified social worker" means an individual who has a doctorate or master's degree in social work from a college or university accredited by the council on social work education and who has fulfilled the requirements for licensure.
3. "Licensed independent clinical social worker" means an individual who has a doctorate or master's degree in social work from a college or university accredited by the council on social work education and who has fulfilled the requirements for licensure or has been registered by the board for third-party reimbursement before August 1, 1997.
4. "Licensed social worker" means an individual who has a baccalaureate degree in social work from a college or university accredited by the council on social work education and who has fulfilled the requirements for licensure.
- ~~4.~~ 5. "Private practice of social work" means the independent practice of social work by a qualified individual who is self-employed on a full-time or part-time basis and is responsible for that independent practice. Consultation services provided to an organization or an agency are not considered to be the private practice of social work.
- ~~5.~~ 6. Social work practice consists of the professional application of social work values, principles, and techniques in: helping people obtain tangible services; counseling; psychotherapy with individuals, families, and groups; helping communities or groups to improve social and health services; providing social casework; directly supervising programs providing social work services; social work education; social work research; or any combination of these. The practice of social work requires knowledge of human development and behavior, of social, economic, and cultural institutions, and of the interaction of all of these factors.

SECTION 3. AMENDMENT. Section 43-41-04 of the North Dakota Century Code is amended and reenacted as follows:

43-41-04. Licenses.

1. Except as otherwise provided in this chapter, no person may engage in social work practice in this state unless that person is a licensed social worker or a licensed certified social worker.
2. The board shall issue a license as a licensed social worker to an applicant who:
 - a. Has a baccalaureate degree in a social work or social welfare program approved by the board from a college or university accredited by the council on social work education.
 - b. Has passed an examination approved by the board for this purpose.
 - c. Has satisfied the board that the applicant agrees to adhere to the code of social work ethics adopted by the board.
3. The board shall issue a license as a licensed certified social worker to an applicant who:
 - a. Has a doctorate or master's degree from a school of social work accredited by the council on social work education.
 - b. Has passed an examination approved by the board for this purpose.
 - c. Has satisfied the board that the applicant agrees to adhere to the code of social work ethics adopted by the board.

4. The board shall issue a license as a licensed independent clinical social worker to an applicant who:
 - a. Has a doctorate or master's degree from a school of social work accredited by the council on social work education.
 - b. Has passed an examination approved by the board for this purpose.
 - c. Has satisfied the board that the applicant has successfully completed four years of full-time, post-master's clinical social work experience under the supervision of a licensed certified social worker who has two years of experience, a licensed clinical psychologist, or a licensed psychiatrist. This requirement must be waived if the applicant was approved by the board for third-party reimbursement or certified for private practice before August 1, 1997.
 - d. Has satisfied the board that the applicant agrees to adhere to the code of social work ethics adopted by the board.

SECTION 4. AMENDMENT. Section 43-41-05 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-41-05. Private practice of social work. ~~No~~ A person may not engage in the private practice of social work unless that person: has been licensed by the board as a licensed independent clinical social worker or was certified to practice privately by the board before August 1, 1997.

- ~~1. Is licensed under this chapter as a licensed certified social worker.~~
- ~~2. Has had three years of post master's experience under the supervision of a licensed certified social worker or a social worker who is eligible for licensure as a licensed certified social worker.~~
- ~~3. Has passed the clinical examination or its equivalent offered by the board.~~
- ~~4. Is registered with the board as eligible for private practice under criteria as may be established by board rule.~~

SECTION 5. AMENDMENT. Section 43-41-10 of the North Dakota Century Code is amended and reenacted as follows:

43-41-10. Grounds for disciplinary proceedings. The board may deny, refuse to renew, suspend, revoke, or place on probationary status any license issued under this chapter on proof at a hearing that the applicant or licensed person:

1. Has been convicted of an offense determined by the board to have a direct bearing upon that individual's ability to practice social work ~~and or~~ is not sufficiently rehabilitated as determined by the board in accordance with section 12.1-33-02.1.
2. Is addicted to the habitual use of alcoholic beverages, narcotics, or stimulants to such an extent as to incapacitate that individual from the practice of social work.
3. Has been grossly negligent in the practice of social work.
4. Has violated one or more of the rules and regulations of the board.
5. Has violated the code of social work ethics adopted by the board.
6. In order to pursue the investigation, the board may subpoena and examine witnesses and records, including client records, and copy, photograph, or take samples. The board may require a licensed social worker to give statements under oath and to submit to a physical or mental examination, or both, by a physician or physicians and other qualified evaluation professionals selected by the board if it appears to be in the best interests of the public that an evaluation be secured. A written request from the board constitutes authorization to

release information. ~~All~~ Absent a client release on file allowing the release of information, all client records released to the board are confidential and ~~not subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota~~ are not public records.

7. Unless there is a client release on file allowing the release of information at the public hearing, ~~all data and information, including client and juvenile records; acquired by the board in its investigation~~ are introduced or client and juvenile testimony of a personal nature taken at a public hearing is confidential and closed to the public. ~~All~~ The portions of board meetings where client and juvenile testimony or records are taken or ~~revised~~ reviewed are confidential and closed to the public. If no client or juvenile testimony or records are taken or reviewed, the remainder of the meeting is an open meeting unless a specific exemption is otherwise applicable.

SECTION 6. AMENDMENT. Section 43-41-12 of the North Dakota Century Code is amended and reenacted as follows:

43-41-12. Renewal of licenses.

1. All licenses are effective when issued by the board.
2. All licenses of licensed social workers and licensed certified social workers expire on December 31, 1985, and on December thirty-first every two years thereafter.
3. A license may be renewed by payment of the renewal fee set by the board, provided the applicant's license is not currently revoked or suspended.
4. If the application for renewal is not received ~~within six months of~~ on or before the expiration date, the ~~board shall require reexamination~~ license expires and the person may not practice social work until the license is renewed.
5. At the time of renewal the board shall require each applicant to present satisfactory evidence that the applicant has completed the continuing education requirements specified by the board.
6. If a license has not been renewed as a result of nonpayment of the renewal fee or the failure of the licensee to present satisfactory proof of completion of the continuing education requirements, the applicant may renew the license within six months after the expiration of the previous license upon payment to the board of the amount of the renewal fee and by presenting satisfactory proof that the continuing education requirements have been met. The board may also charge a late fee. If a license is not renewed within six months after the expiration of the license, a new application for licensure must be made.

SECTION 7. A new section to chapter 43-41 of the North Dakota Century Code is created and enacted as follows:

Fees. The board shall set by rule all fees authorized by this chapter. The fees may not exceed the following amounts:

- | | |
|---------------------------|-----------------|
| 1. <u>Application fee</u> | <u>\$ 50.00</u> |
| 2. <u>License fee</u> | <u>\$150.00</u> |
| 3. <u>Renewal fee</u> | <u>\$100.00</u> |
| 4. <u>Late fee</u> | <u>\$300.00</u> |

SECTION 8. REPEAL. Sections 43-41-06 and 43-41-12.1 of the North Dakota Century Code are repealed.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1161.

House Vote: Yeas 94 Nays 0 Absent 3

Senate Vote: Yeas 40 Nays 4 Absent 5

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State