

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2156
(Human Services Committee)
(At the request of the North Dakota Board of Social Work Examiners)

AN ACT to amend and reenact section 43-41-01, subsections 2, 4, and 5 of section 43-41-02, subsection 1 of section 43-41-03, sections 43-41-04, 43-41-04.1, 43-41-05, and 43-41-07, subsections 1, 2, and 5 of section 43-41-08, and sections 43-41-09, 43-41-11, and 43-41-12 of the North Dakota Century Code, relating to the licensure of social workers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. 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. "College or university" means an institution of higher education whose social work program has been accredited by an accrediting body approved by the board.
3. "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. 4. "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. 5. "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.
5. 6. "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.
6. 7. 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 2. AMENDMENT. Subsections 2, 4, and 5 of section 43-41-02 of the North Dakota Century Code are amended and reenacted as follows:

2. Nothing in this chapter may be construed to prevent students who are enrolled in programs of study leading to social work degrees from interning with a licensed social worker ~~or~~, a licensed certified social worker, or a licensed independent clinical social worker.
4. Nothing in this chapter prevents the employment of social work designees by hospitals, ~~intermediate~~ basic care facilities, or ~~skilled nursing homes~~ facilities, provided these persons work under the direction of a social worker or social work consultant licensed under this chapter.
5. This chapter does not require public or appointed officials or administrators, acting in that capacity, or any other social or human service administrators who do not hold themselves out to the public as social workers, by title or description of services, to be licensed ~~or certified~~ under this chapter. ~~However, any individual may be licensed if otherwise qualified under this chapter.~~

SECTION 3. AMENDMENT. Subsection 1 of section 43-41-03 of the North Dakota Century Code is amended and reenacted as follows:

1. Only those persons licensed to practice under this chapter may ~~use the title "represent themselves as a licensed social worker" and the initials "l.s.w." after the person's name, or the title "licensed certified social worker" and the initials "l.c.s.w." after the person's name,~~ or licensed independent clinical social worker.

SECTION 4. 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, or a licensed independent clinical 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 in social work from a ~~school of social work accredited by the council on social work education~~ college or university.
 - 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 in social work from a ~~school of social work accredited by the council on social work education~~ college or university.
 - b. Has passed an examination approved by the board for this purpose.

- c. Has satisfied the board that the applicant has successfully completed within four years, ~~three thousand hours 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 independent clinical social worker, a licensed clinical psychologist with a doctorate degree, 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 5. AMENDMENT. Section 43-41-04.1 of the North Dakota Century Code is amended and reenacted as follows:

43-41-04.1. Fees. The board shall set by rule all the following fees authorized by this chapter. ~~The fees may not exceed the following amounts:~~

1. Application fee. \$50.00
2. License fee. \$150.00
3. Renewal fee. \$100.00
4. Late fee. \$300.00
5. Administrative fees.
6. Continuing education fees.

SECTION 6. AMENDMENT. Section 43-41-05 of the North Dakota Century Code is amended and reenacted as follows:

43-41-05. Private practice of social work. 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.~~

SECTION 7. AMENDMENT. Section 43-41-07 of the North Dakota Century Code is amended and reenacted as follows:

43-41-07. Reciprocity Qualification for licensure by an applicant licensed in another jurisdiction. An applicant may be granted reciprocity a license upon satisfactory proof to the board that the applicant is licensed in good standing under the laws of a state or territory of the United States another jurisdiction that imposes substantially the same requirements as this chapter. ~~Failure to provide satisfactory proof will require taking and passing the examination required by this chapter.~~

SECTION 8. AMENDMENT. Subsections 1, 2, and 5 of section 43-41-08 of the North Dakota Century Code are amended and reenacted as follows:

1. The governor shall appoint the North Dakota board of social work examiners which must consist of six members, two of whom must be licensed social workers, ~~two~~ one of whom must be a licensed certified social workers worker, one of whom must be a licensed independent clinical social worker, and two of whom must be laypersons. Board members must demonstrate no conflict of interest. ~~The professional members comprising the first appointed board must be persons who are eligible for licensing as social worker and certified social worker.~~
2. The term of office of each board member must be for three years; ~~provided, that of the members first appointed, two must be appointed for a term of one year, two must be appointed for a term of two years, and two must be appointed for a term of three years~~ with

two members appointed annually. No member may serve more than two consecutive terms.

5. Board members shall, ~~at the first regular meeting after July 1, 1983, and annually thereafter,~~ annually elect by a majority vote of the board, a chairperson who shall preside at meetings of the board and a vice chairperson who shall preside at meetings of the board in the chairperson's absence. A majority of the members of the board constitutes a quorum.

SECTION 9. AMENDMENT. Section 43-41-09 of the North Dakota Century Code is amended and reenacted as follows:

43-41-09. Duties and responsibilities of board. In addition to the duties set forth elsewhere in this chapter, the board shall:

1. Adopt rules ~~and regulations~~ to administer and carry out the provisions of this chapter.
2. ~~Publish~~ Produce an annual list of the names and ~~addresses~~ level of licensure of all persons licensed under this chapter and make the list available upon request.
3. ~~Publish an annual list of the names and addresses of persons registered as private practitioners and make the list available upon request.~~
4. At its discretion, ~~appoint a secretary, who need not be a member of the board,~~ employ staff and ~~fix that person's~~ provide for staff compensation.
5. ~~4.~~ 4. Approve ~~and administer an examination~~ examinations for licensing social workers.
6. ~~5.~~ 5. Establish fees and receive all moneys collected under this chapter.
7. ~~6.~~ 6. Deposit and disburse all fees and moneys collected by the board in accordance with section 54-44-12.
8. ~~7.~~ 7. Recommend prosecution for violations of this chapter to the appropriate state's attorney.
9. ~~8.~~ 8. Recommend ~~that~~ the attorney general bring civil actions to seek injunctive and other relief against violations of this chapter.
10. ~~9.~~ 9. Establish continuing education requirements for license renewal.
11. ~~10.~~ 10. Adopt a code of social work ethics.
12. ~~Publish an annual report of board activities.~~
13. ~~Issue provisional or probationary licenses.~~

SECTION 10. AMENDMENT. Section 43-41-11 of the North Dakota Century Code is amended and reenacted as follows:

43-41-11. Hearings and disciplinary proceedings - Appeals.

1. Upon the filing of a written and signed complaint that alleges that a licensee practicing in this state has engaged in conduct identified as grounds for disciplinary action under section 43-41-10, and which sets forth information upon which a reasonable and prudent person might believe that further inquiry should be made, the board shall cause the matter to be investigated.
2. The board may investigate a complaint on its own motion, without requiring the identity of the complainant to be made a matter of public record, if the board concludes that good cause exists for preserving the anonymity of the complainant.

3. If the investigation reveals grounds to support the complaint, the board shall initiate a disciplinary action by serving upon the licensee, ~~by certified mail,~~ a notice of disciplinary action setting forth the allegations upon which the action is based, as well as a specification of the issues to be considered and determined.
4. If a written response contesting the allegations is not received by the board within twenty days of the date that the notice of disciplinary action was received or refused, the allegations must be deemed admitted and disciplinary sanctions deemed appropriate by the board must be imposed.
5. ~~Following the initiation of a disciplinary action, as provided in subsection 3, the board may direct the chairman to select a panel of three board members and offer the licensee the opportunity to meet informally with that panel for the purpose of determining whether the disciplinary action, including appropriate sanctions, can be resolved by mutual agreement. Any agreement reached between the panel and the licensee must be ratified by a majority of the board. The board may at any time enter into an informal resolution to resolve the complaint or disciplinary action.~~
6. ~~If an informal agreement cannot be reached, or is not ratified, or the board elects not to offer the licensee the opportunity for informal resolution, the licensee is entitled to a hearing under chapter 28-32. For purposes of the hearing, the provisions of section 28-32-21 apply only to the licensee.~~
7. An appeal from the board's final decision may be taken in accordance with the provisions of section 28-32-42.

SECTION 11. 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~~ granted by the board.
2. All licenses of licensed social workers ~~and~~, licensed certified social workers, ~~and licensed independent clinical social workers~~ expire on ~~December 31, 1985, and on December thirty-first of every two years thereafter~~ odd-numbered year.
3. A license may be renewed by payment of the renewal fee ~~set by the board~~ and completion of the continuing education requirements set by the board, provided the applicant's license is not currently revoked or ~~suspended~~ grounds for denial under section 43-41-10 do not exist.
4. If the application for renewal is not received on or before the expiration date, the license expires and the person may not practice social work until ~~the~~ a new application is made and a license is renewed granted by the board.
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~~ evidence 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 licensee must reapply for licensure.~~

7. The board may extend the renewal deadline for an applicant having proof of medical or other hardship rendering the applicant unable to meet the renewal deadline.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2156.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 84 Nays 5 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,

at _____ o'clock _____ M.

Secretary of State