

2009 HOUSE HUMAN SERVICES

HB 1093

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1093

House Human Services Committee

Check here for Conference Committee

Hearing Date: January 12, 2009

Recorder Job Number: 6830 36 min. 22 sec.

Committee Clerk Signature

*Vicky Crabtree*

Minutes:

**Chairman Weisz:** We will call the House Human Services Committee back to order and we be hearing on HB 1093. Anyone here in support of the bill?

**Tom Tupa representing NDBSWE (North Dakota Board of Social Work Examiners). See attached Testimony #1.**

**Chairman Weisz:** Any questions from the committee?

**Representative Porter:** Subsection B, Section 1, I have a little concern with. Especially in rural ND where you hear of horror stories of licensed professionals all the time. The exemption from the act in this category seems hit that border. Even if are ample social workers, if can't get one hired they can still provide the services through a contract. Would be interested in seeing a map from the social workers, seeing where (inaudible) the license is in correspondence to an overlay where all of the nursing homes are affected. Why do you feel it is necessary to change that when, if there are personnel available in the rural places? I'm sure nursing facilities would rather hire then contract because less expensive.

**Tom Tupa:** It's a dilemma and don't have a good answer.

**Representative Porter:** I was looking for where the shortages are and where they aren't.

**Tom Tupa:** Maybe we can work something out between Shelly and her organization and get those locations and overlay the number of licenses in our area to see what the availability might be.

**Representative Porter:** Thank you.

**Representative Potter:** Explain Section I Part B and what expectations are of that and why (inaudible) are particularly vague.

**Tom Tupa:** That section relates to the designee . When the designee is employed on that date would be grand parented to the statute. That individual would be able to retain their employment until such a time as they chose not to remain employed. Anybody employed after that date

**Chairman Weisz:** On Section 2 , you made the comment that you didn't need a licensed psychologist or psychiatrist. That they are not taken out of the current law, or not necessarily you implied that we didn't need them anymore to be ...

**Tom Tupa:** It really says that anybody after that August 1, date would probably need a licensed social worker to give supervision (inaudible) update their license. The board has several supervision arrangements for licensed therapy. Psychologists and psychiatrists and these people will be allowed to fulfill that arrangement and then after that, they would have to find a licensed social worker who would provide the supervision.

**Chairman Weisz:** I don't believe the date applies to this section. There is no cutoff date in Section 2.

**Tom Tupa:** The August 1..

**Chairman Weisz:** There is a comma, and then it says, the licensed psychologist that the doctors could use, so there not under that date restriction. They don't go away, correct?

**Tom Tupa:** That is only to allow those who are (inaudible) who are ready to continue, but after that date if a new licensee requires supervision, they will have to find a licensed social worker to do that supervision.

**Chairman Weisz:** I don't believe that is correct.

**Tom Tupa:** Looking at line 22 on page 1. Before August 1, 2009 you can have a licensed psychologist and psychiatrists, after that date...

**Chairman Weisz:** We will look at it.

**Tom Tupa:** Perhaps in the rules and regs it will be more clearly stated.

**Chairman Weisz:** Thank you. Anymore here in support of HB 1093? Any in opposition of 1093?

**Shelly Peterson, President of the ND Long Term Care Association** read her testimony in support of HB 1093. **See attached Testimony #2.**

**Chairman Weisz:** Any questions from the committee?

**Representative Uglem:** How many designees are part-time social workers?

**Shelly Peterson:** I'm not sure of the part-time status. I can find out.

**Representative Uglem:** Yes, please.

**Chairman Weisz:** Give information to clerk or myself and will make sure everyone gets it.

**Representative Conrad:** Did you (inaudible) to interim committee (inaudible) this bill.

**Shelly Peterson:** No, I did not. I was not aware that the interim committee was (inaudible).

**Representative Conrad:** (Inaudible)

**Shelly Peterson:** (Inaudible)

**Representative Hofstad:** When you bill (inaudible) social work, is that part of a line item.

**Shelly Peterson:** It is part of the overall services (inaudible), it's built into the rate system for basic care and does not charge separate for it.

**Chairman Weisz:** Thank you Shelly.

**Representative Kilichowski:** You said that the large and small (inaudible) social worker (inaudible) is that because they can't hire enough social workers.

**Shelly Peterson:** I'm not sure.

**Representative Kilchowski:** Thank you.

**Chairman Weisz:** Thank you Shelly. Anyone else in opposition?

**Arnold Thomas, President of ND Healthcare Association:** spoke in opposition. We could see that the designee had no negative impact on patient care. No patient has been in a compromising position by designee.

**Chairman Weisz:** Thank you Mr. Thomas. Any questions? If not, thank you very much. Anyone else in opposition of 1093?

**Sandy Bendewald, Director of Stutsman County Social Services:** testified against the bill.  
**See attached Testimony #3.**

**Chairman Weisz:** Any questions from the committee? No questions. Thank you very much. Anyone else in opposition of 1093?

**Lucille Torpen representative from Health Department.**

**Chairman Weisz:** comments on issues of (inaudible). Has the health department in any of your licensing has that come up as an issue?

**Lucille Torpen:** No negative outcomes.

**Representative Conklin:** Is there a problem with (inaudible) supervising. (inaudible)

**Lucille Torpen:** (Inaudible) we are not aware of the problem.

**Chairman Weisz:** Thank you. Any further questions from the committee. If not, thank you very much. No further opposition, we will close the hearing on HB 1093.

# 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1093**

House Human Services Committee

Check here for Conference Committee

Hearing Date: **January 14, 2009**

Recorder Job Number: 7030

Committee Clerk Signature

*Jan Prindle*

Minutes:

**Chairman Weisz opened discussion of HB 1093.**

**Representative Conklin:** I have someone from social services in my region that has a concern about the last few lines.

**Representative Porter:** The concern I have with Section 2 is what they are saying is that after August 2009, the only person who can do the work experience clinical training are social workers trained in that field. They are taking away the option of allowing a licensed psychologist with a doctorate degree or a licensed psychiatrist. We are taking away the social worker's right to choose.

**Representative Conrad:** I was involved in the original passing of this bill in '83. That was the case. There is no protection that allows other professionals to supervise to qualify.

(Unstructured discussion—too many people talking at once.)

**Chairman Weisz:** I am not sure that the language they put in here is what they say they want to do. I think it has to be stated differently.

**Representative Porter:** Doesn't it say if you started before August of '09. . . If we think it will cause no hardship in rural ND, I'm comfortable with it.

(Unstructured discussion.)

**Chairman Weisz:** (unintelligible)

**Representative Nathe:** I talked to the social worker at Missouri Slope. She was happy with it the way it is now.

**Representative Hofstad:** It seems to me the designee is pretty well ingrained in our system right now and the people that I'm talking to now are heavily dependent upon that. I recall from testimony that there had been no negative impact.

**Representative Porter:** I would move that we remove Subsection B, Section 1, on HB 1093.

**Representative Kilichowski:** Second.

**A voice vote was taken. The amendment was accepted.**

**Chairman Weisz:** In Section 3, they are asking to write the rules regarding the supervisory requirements of an individual license under the chapter. The question to the Legislature is we either give them the authority or we have to write it. Right now there aren't any supervisory requirements under this chapter. Ask yourself if it is necessary that they have supervisory requirements. If necessary, should we do it or should we allow them by rule and go through a whole public hearing process with the profession and the administrative process.

**Representative Conrad:** In the law as established originally, there are two kinds of practices. Individual practices and agency practices. Only people who have been under the supervision of a master degree person or have a master's degree can do independent practice. The protection to the consumer is that that everyone else has to be in an agency. The only reason for legislators to be involved in licensing is for consumer protection. Consumers don't need this.

**Representative Porter:** I move the removal of Section 3. (Page 2, lines 8 & 9)

**Representative Conklin:** I second.

**A voice vote was taken: The amendment was accepted.**

**Representative Conrad: I move a Do Pass as amended.**

**Representative Nathe: I second.**

**A roll call vote was taken on the Do Pass as Amended. Yes: 13, No: 0, Absent: 0**

HB 1093 was passed as amended.

Meeting closed.

VR  
1/15/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1093

Page 1, line 1, remove "create and enact a new subsection to section 43-41-09 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "subsection 4 of section 43-41-02 and"

Page 1, line 4, remove "practice and" and replace "work" with "workers"

Page 1, remove lines 6 through 13

Page 2, remove lines 6 through 9

Renumber accordingly

Date: June 14, 2009  
Roll Call Vote #: 1

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO.**

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Porter Seconded By Kilichowski

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ			REP. TOM CONKLIN		
VICE-CHAIR VONNIE PIETSCH			REP. KARI L CONRAD		
REP. CHUCK DAMSCHEN			REP. RICHARD HOLMAN		
REP. ROBERT FRANTZVOG			REP. ROBERT KILICHOWSKI		
REP. CURT HOFSTAD			REP. LOUISE POTTER		
REP. MICHAEL R. NATHE					
REP. TODD PORTER					
REP. GERRY UGLEM					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_ Passed

Bill Carrier \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Amend to remove Subsection B, Section 1



Date: 1-14-09  
Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1093

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Conrad Seconded By Nathe

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	/		REP. TOM CONKLIN	/	
VICE-CHAIR VONNIE PIETSCH	/		REP. KARI L CONRAD	/	
REP. CHUCK DAMSCHEN	/		REP. RICHARD HOLMAN	/	
REP. ROBERT FRANTSVOG	/		REP. ROBERT KILICHOWSKI	/	
REP. CURT HOFSTAD	/		REP. LOUISE POTTER	/	
REP. MICHAEL R. NATHE	/				
REP. TODD PORTER	/				
REP. GERRY UGLEM	/				

Total (Yes) 13 No 0

Absent 0

Bill Carrier Rep Conrad

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1093: Human Services Committee (Rep. Welsz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1093 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 43-41-09 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "subsection 4 of section 43-41-02 and"

Page 1, line 4, remove "practice and" and replace "work" with "workers"

Page 1, remove lines 6 through 13

Page 2, remove lines 6 through 9

Renumber accordingly

2009 SENATE HUMAN SERVICES

HB 1093

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1093

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 3/10/09

Recorder Job Number: 10588

Committee Clerk Signature

*Mary K Monson*

Minutes:

**Senator J. Lee** opened the hearing on HB 1093 relating to the licensing of social workers.

**Tom Tupa** (ND Board of Social Work Examiners) testified in support of HB 1093 and proposed two amendments. See attachment #1.

**Senator J. Lee** asked if there was anything in the original bill aside from what his amendments addressed that he would like to see revisited.

**Mr. Tupa** replied that the supervision piece was a major part of the bill. The Board would have liked to have had the opportunity to get rule and regulation permission to develop guidelines.

**Senator J. Lee** then asked what the objections were.

**Mr. Tupa** said the group that tended to oppose the supervision piece was the county social service boards. It was the hope of the board they could have worked it out with the counties.

There was no opposing testimony.

**Shelly Peterson** (Long Term Care Association) shared comments with the committee concerning the amendments presented by Mr. Tupa.

She explained that the reason they had opposed the bill on the House side was because after July 31 the designee option would be eliminated for basic care, nursing facilities, and hospitals.

They were concerned about that and were pleased when the House took out those requirements so they can continue to use designees.

The concern in the language they had was that the "person" must report to the board. She explained the problem with that and suggested that the reporting be done by the facility. They are held accountable and responsible to report to the Board of Social Work Examiners.

For clarification she pointed out that presently under the statute the Board of Social Work Examiners doesn't have a requirement to monitor designees or look at the supervisory relationship.

Discussion followed on designees – what they are, how to become one and what the qualifications are.

**Ms. Peterson** also explained federal and state regulations on social workers.

**Senator J. Lee** asked Ms. Peterson and Mr. Tupa to work together to come to an agreement on how to have the facility be responsible for the reporting.

They both agreed.

With no further testimony the hearing was closed.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1093

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 3/17/09

Recorder Job Number: 11142

Committee Clerk Signature

*Mary K Monson*

Minutes:

**Senator J. Lee** opened HB 1093 to review an amendment submitted by Tom Tupa.

The amendment dated 3/17/09 (attachment #2) was discussed. There was confusion as to what his intent was so it was put aside to discuss later.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1093

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 3/23/09

Recorder Job Number: 11395

Committee Clerk Signature

*Mary R Monson*

Minutes:

**Senator J. Lee** opened HB 1093 for committee work. She reminded the committee about the confusion they had with the amendment dated 3/17/09. After checking with Mr. Tupa to clarify the intent, the proposed amendment dated 3/23/09 (attachment #3) was considered by the committee.

**Senator Erbele** moved to **adopt the amendment dated 3/23/09.**

Second by **Senator Heckaman.**

Roll call vote 6-0-0. **Amendment adopted.**

**Senator Erbele** moved a **Do Pass as Amended.**

Second by **Senator Dever.**

Roll call vote 6-0-0. **Motion carried.**

Carrier is **Senator Heckaman.**

  
3/23/09

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1093

Page 1, line 1, after "reenact" insert "subsection 4 of section 43-41-02," and after "43-41-04" insert ", and subsection 1 of section 43-41-08"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 4 of section 43-41-02 of the North Dakota Century Code is amended and reenacted as follows:

4. Nothing in this chapter prevents the employment of social work designees by hospitals, basic care facilities, or skilled nursing facilities, provided these ~~persons~~ individuals work under the direction of a social worker or social work consultant licensed under this chapter and that the board be notified of the name of the designee's employer and the name of the licensee who is providing direction or consultation to the designees."

Page 1, after line 19, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 43-41-08 of the North Dakota Century Code is 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, at the time of initial appointment, licensed social workers; one of whom must be, at the time of initial appointment, a licensed certified social worker; one of whom must be, at the time of initial appointment, a licensed independent clinical social worker; and two of whom must be laypersons. Board members must demonstrate no conflict of interest."

Renumber accordingly

Date: 3/23/09

Roll Call Vote #: 1

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** HB 1093

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended  Rerefer to Appropriations

Adopt Amendment  Reconsider

Motion Made By Sen. Erbele Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais	✓	
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3/23/09

Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1093

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number 98050, 0201 Title .0300

Action Taken  Do Pass  Do Not Pass  Amended  Rerefer to Appropriations  
 Adopt Amendment  Reconsider

Motion Made By Sen. Erbele Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais	✓	
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Heckaman

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

HB 1093, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1093 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 4 of section 43-41-02," and after "43-41-04" insert ", and subsection 1 of section 43-41-08"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 4 of section 43-41-02 of the North Dakota Century Code is amended and reenacted as follows:

4. Nothing in this chapter prevents the employment of social work designees by hospitals, basic care facilities, or skilled nursing facilities, provided these ~~persons~~ individuals work under the direction of a social worker or social work consultant licensed under this chapter and that the board be notified of the name of the designee's employer and the name of the licensee who is providing direction or consultation to the designees."

Page 1, after line 19, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 43-41-08 of the North Dakota Century Code is 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, at the time of initial appointment, licensed social workers; one of whom must be, at the time of initial appointment, a licensed certified social worker; one of whom must be, at the time of initial appointment, a licensed independent clinical social worker; and two of whom must be laypersons. Board members must demonstrate no conflict of interest."

Re-number accordingly

2009 TESTIMONY

HB 1093

**TESTIMONY**  
**HB 1093 -- ND BOARD OF SOCIAL WORK<sup>K</sup> EXAMINERS**  
**JANUARY 12, 2009**

Mr Chairman and members of the committee my name is Tom Tupa and I am here on behalf of the NDBSWE. I am here in favor of HB 1093.

The Social Work Licensing Board recognized several years ago the need for supervision of licensed social workers. As a result, the Board put together a sub-committee to look at the issue of supervision of licensees. The sub-committee consisted of nine individuals from Board members, DHS employees, representatives from the County Social Service Directors, private agencies, to education.

Supervision of licensees is not just a ND issue. Many states are reviewing and trying to implement supervision standards for licensed professions. In fact, the Association of SW Boards (ASWB) has a section dealing with the topic in its most recent version of the Model Law.

After many hours of work, looking at other states laws, visitations with concerned agencies and individuals, and several drafts of potential changes, the sub-committee learned that this was an extremely sensitive issue to many people and organizations.

With that in mind, the sub-committee, and consequently the Board, is asking for authority in HB1093 to develop rules and regulations to deal with the question of supervision. The sub-committee and the Board strongly believed that the affected parties should have ample opportunity to come before the Board via the administrative rules process to provide their comments and ideas on the topic of supervision to licensed social workers before any final language would be put in place.

This is the major piece of HB 1093 and this request is found in Sect. 3 of the bill.

As the Board considered requesting supervision legislation, it asked if there were any other areas of the current law that could be included in the bill to help bring the statute up to date.

The Board looked at the issue of the designee section of the law which allows hospitals and long term care facilities to use designees as social workers in their facilities. While most larger facilities use licensed social workers on their staff, some of the smaller ones use the designee. The suggested change in Sect. 1 of the bill would allow those who are currently considered designees to continue to be employed in their present capacity until such time as the individual would cease employment. In a sense, it is a grand parenting arrangement for those who are currently using the designee title.

Several sessions ago there was an attempt by the Board to remove the designee designation. At that time, the LTC Association supported the change but the Hospital Association opposed it.

This provision has been part of the law since it was originally adopted in 1985. But there are now about 2200 licensed social workers in the state and the Board believes there is an adequate supply of licensed profession social workers to provide social work services to these facilities. When the licensing bill was originally passed, that may not have been the case.

The last provision of the bill is in Sect. 2 and would eliminate the licensed psychologist and psychiatrist from the supervision mix. When the SW licensing bill was passed, there was a shortage of licensed social workers who could do provide supervision to upgrading social workers. The Board at that time looked to other health care professionals to help meet the supervision requirements that were contained in the state law.

As with the designee issue, the licensing Board now believes that there are an adequate number of licensed social work professionals in ND who can provide the supervision to upgrading SWs.

Mr. Chairman, I urge a "DO PASS" recommendation on HB 1093 and I will attempt to answer any question the committee may have.

Thank you.

#2

**Testimony on HB 1093  
House Human Services Committee  
January 12, 2009**

Good Morning Chairman Weisz and members of the House Human Services Committee. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. We represent assisted living facilities, basic care facilities and nursing facilities in North Dakota. I am here to testify in opposition to HB 1093. We are concerned with one section in HB 1093 which proposes to eliminate the ability to employ new social work designees after July 31, 2009 (lines 12 and 13 of the bill draft).

Currently the law allows the employment of social work designees by hospitals, basic care and skilled nursing facilities. All of the social work designees in long term care work under the direction of a licensed social worker or have a social work consultant. The types of individuals who work as a designee include individuals with Bachelor degrees other than social work, nurses who prefer social services to nursing and individuals with years of experience helping and counseling individuals and families. Today at least 41 nursing and basic care facilities employ a social work designee. We understand these individuals are protected under HB 1093, but our concern is future hires. Today long term care facilities are facing a tremendous staffing crisis. In rural North Dakota the issue is far more acute and access to licensed social workers has already been a problem.

Upon hearing of this legislation I made two calls, one to the North Dakota Board of Social Work Examiners and one to the State Health Department. The question I posed to each was regarding quality of service, complaints and potential deficiencies resulting from a social work designee. In both conversations I was assured quality of service was not in question. In fact, the

Health Department went on to say very few deficiencies are cited under social services and none could be tracked back to a social work designee.

The Board of Examiners indicated their primary motivation in HB 1093 was the supervisory provision outlined in Section 3 and the designee discussion came up at the conclusion of their work on the supervisory issue.

Currently federal regulations require nursing facilities with a bed capacity of 120 or more to employ a licensed social worker. That means of our eighty three nursing facilities, only twelve must employ a licensed social worker. Today we have at least triple to four times that number that employ a licensed social worker. As well as a very high number use social work designees. It is our experience that designees are professionals and do an outstanding job. If the designee provision is removed from statute so no new designees could be employed our concern is a decrease in the quality of social service. Recall only skilled nursing facilities with 120 beds or more must use a licensed social worker per federal regulations.

State licensure rules for basic care facilities state:

"33-03-24.1-16. Social services. Social services must be available to meet the needs of the residents either by the facility directly or arranged by the facility through an appropriate agency offering social services."

Social work designees are meeting this need well. In the future would we see less staff contact with residents and families because of the use of contract agency staff?

State licensure rules for nursing facilities state:

"33-07-03.2-19. Social services. The governing body shall ensure social services are provided to ensure each resident attains and maintains their highest level of physical, mental, and psychosocial functioning.

1. The facility shall have one or more designated staff members trained in the assessment of residents' psychosocial needs and in the provision of services to meet those needs. If a designee is not a qualified social worker as defined in North Dakota Century Code chapter 43-41, the designee shall receive onsite consultation from a qualified social worker on a quarterly basis.
2. If the facility does not provide social services directly, the facility must have a contract with an agency or individual qualified to provide such services.
3. The facility shall have policies and procedures for the delivery of social services."

In this case too, the rules do not require the services of a licensed social worker. The rules allow you to designate someone and if they are not a social worker as defined in Chapter 43-41, receive onsite consultation on a quarterly basis.

Social work designees are delivering a valuable and needed service in hospitals, nursing homes and in basic care facilities. Please do not remove our ability to recruit and employ new designees after July 31, 2009.

I would be happy to answer any questions you may have.

Shelly Peterson, President  
North Dakota Long Term Care Association  
1900 North 11<sup>th</sup> Street • Bismarck, ND 58501  
(701) 222-0660 • [www.ndltca.org](http://www.ndltca.org) • E-mail: [shelly@ndltca.org](mailto:shelly@ndltca.org)

Chairman Weisz and members of the House Human Services Committee, my name is Sandy Bendewald. I am the director of Stutsman County Social Services located in Jamestown and am here today representing the ND County Director's Association.

The ND Association of County Directors stands in opposition to Section 3, lines 8 and 9. These lines speak to supervisory requirements.

We are opposed to these lines for two reasons. This bill gives the licensing board authority to write supervisory requirements for however they see fit and change them whenever they want to. We are not even clear as to what the requirements would be. The rules they develop could potentially negatively affect the social work practice in some areas of the state by making it impossible to meet the supervision requirements.

Secondly we do not believe that the social work licensing board should be setting supervisory requirements. This is not done for other fields of study such as teaching or nursing or therapists and we do not understand why social work practice should be treated any differently than other professional work.

We understand the importance of providing supervision and support to our social workers but we believe that the decision of how to accomplish that should be decided locally and not dictated by the social work licensing board.

Thank you for letting me address the committee. I will be willing to respond to any questions you may have.

#1

**TESTIMONY**  
**HB 1093 -- ND BOARD OF SOCIAL WORK<sup>K</sup> EXAMINERS**  
**MARCH 10, 2009**

Madame Chair and members of the committee my name is Tom Tupa and I am here on behalf of the NDBSWE. I am here in favor of HB 1093 and to propose two short amendments.

This bill was substantially modified from the original version was introduced by the Board of Social Work Examiners. The House amended out two significant parts of the bill – 1) the professional supervision for the licensees and, 2) the removal of the “social work designee” proposed changes.

Supervision of licensees is a major concern to the Licensing Board. Many states are reviewing and trying to implement supervision standards for licensed professions. In fact, the Association of SW Boards (ASWB) has a section dealing with the topic of professional supervision in its most recent version of the Model Law. Where Social Workers are professionally involved today, it is the thinking of the Board that supervision is vital to the profession.

With regard to the designee issue, it is the thinking of the Board that trained and licensed professionals should be providing SW services to clients rather than someone not trained in the SW profession.

In any event, what was left in the bill by the House is in Section 1, subsection 4. para c. which would eliminate the need for a licensed psychologist or psychiatrist from the supervision mix when a Licensed Social Worker upgrades to either a Licensed Certified Social Worker or a Licensed Independent Certified Social Worker.

This provision has been part of the law since it was adopted in 1983 and when there was a shortage of Licensees qualified to do supervision. But, there are now about 2200 licensed social workers in the state and the Board believes there is an adequate supply of licensees who can provide supervision services to upgrading LSWs.

The proposed two amendments make a couple of small changes.

The first one asks the “social work designees” to notify the Licensing Board of their employer’s name and the name of their supervising Social Worker. The current law requires the designee to work under the direction of a SW or a consultant licensed under the law. But, the present system does not capture the designee/supervisor-consultant information and the Board believes the information is necessary to monitor supervision and consultation as required.

The second amendment deals with the board appointment process. This was to have been part of the original bill but for some reason was left out. What the amendment does is, require the Board appointees “at the time of initial appointment” to have the level of license required by law.

What happens today is a LSW gets appointed to the Board as one of two LSW appointees and then before their term expires they upgrade to a LCSW level which forces them to resign from the Board. This creates unnecessary turnover on the Board. This proposed amendment would prevent that from happening in the future.

Mr. Chairman, I urge adoption of the amendments and then a “DO PASS” recommendation on HB 1093 as amended. I will attempt to answer any question the committee may have.

Thank you.

Introduced by North Dakota Board of Social Work Examiners

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1093.

Page 1, line 1, after "reenact" insert "subsection 4 of section 43-41-02 and".

Page 1, after line 3, insert:

SECTION 1. AMENDMENT. Subsection 4 of section 43-41-02 of the North Dakota Century Code is amended and reenacted as follows:

4. Nothing in this chapter prevents the employment of social work designees by hospitals, basic care facilities, or skilled nursing facilities, provided these persons work under the direction of a social worker or social work consultant licensed under this chapter and notify the board of their employment as a social work designee, the employer's name, and the name of the social worker or social work consultant under whose direction they work.

Page 1, line 4, replace "1" with "2".

Introduced by North Dakota Board of Social Work Examiners

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1093.

Page 1, line 1, after "43-41-04" insert "and subsection 1 of section 43-41-08,"

Page 1, after line 19, insert:

SECTION 2. AMENDMENT. Subsection 1 of section 43-41-08 of the North Dakota Century Code is 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, at the time of initial appointment, licensed social workers, one of whom, at the time of initial appointment, must be a licensed certified social worker, one of whom, at the time of initial appointment, must be a licensed independent clinical social worker, and two of whom must be laypersons. Board members must demonstrate no conflict of interest.

3/17/09

#2

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by North Dakota Board of Social Work Examiners

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1093

Page 1, line 1, after "reenact" insert "subsection 4 of section 43-41-02 and".

Page 1, after line 3, insert:

SECTION 1. AMENDMENT. Subsection 4 of section 43-41-02 of the North Dakota Century Code is amended and reenacted as follows:

4. Nothing in this chapter prevents the employment of social work designees by hospitals, basic care facilities, or skilled nursing facilities, provided these persons work under the direction of a social worker or social work consultant licensed under this chapter and notify the board of their employment as a social work designee, the employer's name, and the name of the social worker or social work consultant under whose direction they work.

Page 1, line 4, replace "1" with "2".

Amendments to 1093 (3-16-09)

Nothing in this chapter prevents the employment of social work designees by hospitals, basic care facilities, or skilled nursing facilities, provided these persons work under the direction of a social worker or social work consultant licensed under this chapter "and that the board be notified of the name of the designee's employer and the name of the licensee who is providing direction or consultation to the designee."

3/23/09

#3

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1093

Page 1, line 1, after "re enact" insert "subsection 4 of section 43-41-02," and after "43-41-04" insert ", and subsection 1 of section 43-41-08".

Page 1, after line 3, insert:

**SECTION 1. AMENDMENT.** Subsection 4 of section 43-41-02 of the North Dakota Century Code is amended and reenacted as follows:

4. Nothing in this chapter prevents the employment of social work designees by hospitals, basic care facilities, or skilled nursing facilities, provided these persons work under the direction of a social worker or social work consultant licensed under this chapter "and that the board be notified of the name of the designee's employer and the name of the licensee who is providing direction or consultation to the designees."

Page 1, line 4, replace "1" with "2".

Page 1, after line 19, insert:

**SECTION 3. AMENDMENT.** Subsection 1 of section 43-41-08 of the North Dakota Century Code is 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, at the time of initial appointment, licensed social workers, one of whom, at the time of initial appointment, must be a licensed certified social worker, one of whom, at the time of initial appointment, must be a licensed independent clinical social worker, and two of whom must be laypersons. Board members must demonstrate no conflict of interest.