

**2019 SENATE HUMAN SERVICES**

**SB 2361**

# 2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Red River Room, State Capitol

SB 2361  
2/5/2019  
Job # 32163

- Subcommittee  
 Conference Committee

Committee Clerk Signature: Justin Velez

## Explanation or reason for introduction of bill/resolution:

Relating to the licensing of social workers; and to provide and effective date.

## Minutes:

Attachments #1-2

**Madam Chair Lee:** Opens the hearing on SB 2361.

**Senator Anderson:** Introduces SB 2361 and gives a brief description.

**(04:24-08:19) Heidi Nieuwsma, Chair of the North Dakota Board of Social Work Examiners.** Testifying in favor of SB 2361. Please see **Attachment #1** for testimony.

**Madam Chair Lee:** Could you walk through the bill for us?

**Heidi Nieuwsma:** When you look at this bill when its compared to the model practice act some of the main differences if you look at the bill. Do you have any specifics that you would like me to go through?

**Madam Chair Lee:** I would like you to walk us through all the changes that would be significant. Just explain a little bit about any changes from the current law that we might be interested in.

**Senator Hogan:** On the definitions your whole definition of electronic social work services. We have dealt with a lot of telehealth issues. I'm curious to know if this is this the standard from the model social work practices, or is this one that you developed yourself?

**Heidi Nieuwsma:** It is from the model practice act.

**Madam Chair Lee:** Is all of this language from the definitions section from the model practice act?

**Heidi Nieuwsma:** Yes.

**Madam Chair Lee:** Looking at the client and how the clinical supervision is done to ensure that those who are doing the supervising are qualified. The consultation definition between the social worker and an individual of particular expertise and counseling is a method used by the social worker to assist the individual and so forth, licensed baccalaureate social worker. Does this tie in with the tiers that we have developed?

**Senator Hogan:** Do you know when we talk about the mental health tier bill and how it cross-references?

**Heidi Nieuwsma:** I had a conversation with Dyanna Ah Quin who is on our board and she talked to Pam Sagness about that and they weren't concerned, if you look on my testimony in the back I have a table for you that would explain our current license title, the proposed license title, and the rationale on why we want to change that, but I don't think it follows the tier.

**Senator Hogan:** We are moving to an all practice across jurisdiction and you're not recognized in those and we want you in there.

**Heidi Nieuwsma:** What can I do to help with that?

**Senator Hogan:** I think Pam Sagness might be good and Dr. Andrew McClean with the medical school.

**Madam Chair Lee:** Yes, he is the one who developed that tier. He is a psychiatrist who worked for the Department of Human Services but he is now just focused at the psychiatry department at the medical school so I think it would be a good connection.

**Senator Hogan:** We need this as an amendment to this bill because we don't want to exclude you.

**Madam Chair Lee:** I had made a note about this bill, someone asked me; how do we get you into that list because you're not there. There isn't going to be a problem doing that it's just a matter of terminology and making sure you are plugged into the right level. It has to do with who can supervise who and who is responsible for who.

**Senator Hogan:** Its comparing level of practice across jurisdictions.

**Heidi Nieuwsma:** Pam Sagness brought it up briefly to one of our board members but then they focused on the effective date more so and I think that kind of feel aside.

**Madam Chair Lee:** Talk to Pam Sagness first and let her know that this is a concern for us. You have to be involved in this to make sure we aren't doing anything goofy compared to what you have in here but we do need to tie those together. Pam Sagness may involve Dr. McClean as well but, between the two of them they will be able to get you where you need to go.

**Heidi Nieuwsma:** The reason that is so important for our licensed clinical social workers is because right now we are responsible for 60% of all mental health in the nation.

**Madam Chair Lee:** We will make sure we take care of that part.

**(15:00) Madam Chair Lee reads over the language of SB 2361.**

**(15:30) Senator Hogan:** I know that you work in the academic side but all the training programs have seen this so that we are assuring the training is consistent with the model language. Where there any problems with that?

**Heidi Nieuwsma:** I think people are relived because there have been so many gray areas. We often get phone calls saying can you tell me if this person can do this or that when it comes to our scope of practice and now it will be clearly defined so that gray area will be taken away. We often get calls from the middle school social work superintendents saying what can my social worker do compared to my counselor, so now this is going to be defined in these definitions so this clears it up.

**Madam Chair Lee:** some of us have been working on how we implement behavioral health in the schools. Our concern is the schools hire social workers but they aren't licensed to treat. That is one area where I think there is confusion on the part of well-intended professionals in education that is trying to do the right thing for their schools and aren't always hiring the right person.

**Heidi Nieuwsma:** hopefully this scope of practice will clear that up for people in our community.

**(17:30) Madam Chair Lee continues to read over the language of SB 2361**

**(18:48) Senator Hogan:** Page 6 number D

**Heidi Nieuwsma:** this has been in debate for four years on our board. Many people are wondering how do we define moral character. When we were in training they said when a case goes to court, good moral character has stood up in court currently, but we also define what good moral character is in our law and rule. If somebody comes in and there is a complaint and they have a new felony on their record and are a currently licensed social worker, we would go to our law and administrative code and then that would be constituted as not being of good moral character. That's how we would define that, but in a court of law moral character has stood up.

**Madam Chair Lee:** if were a social worker and I wasn't handling money but I was arrested for embezzlement. How would that work?

**Heidi Nieuwsma:** someone would have to file a complaint. Then it has to go through the process of are they going to take disciplinary action? That would be up to the board.

**Madam Chair Lee:** if the felony does not relate to the scope of practice then what do you do?

**Heidi Nieuwsma:** in the past what we have done, it depends on the situation. I believe if after 5 years by law it says you have been rehabilitated but that's not rule. When they come in they do a background check and if it shows up on their background check if they attach a letter with that and say thirty years ago I was convicted of this or this however, this is what I have done to rehabilitate myself within the last thirty years and I am good standing and would like to be licensed in your state. I know of several cases where they have still been licensed.

**(23:37) Dave Schible with the Attorney General's Office and General Counsel for the Board of Social Work Examiners:** By law a 5-year time span is where an individual is presumed to be rehabilitated.

**(24:14) Madam Chair Lee continues to read the language of SB 2361.**

**(24:55) Senator Hogan:** How did you come up with the 200 a day?

**Heidi Nieuwsma:** We went through ASWB and we asked them to do a query for us of what other board members get paid and so we went significantly lower than the national average.

**Senator Hogan:** Did you compare to the other licensing boards in the state?

**Heidi Nieuwsma:** The reason we did not do that is because we didn't know that there was a law that states we can get paid, so then when we were going through this we said should we go ahead and put that in there. That is not a make it or break it for anybody that is on the board.

**Madam Chair Lee:** My occupational board bill talks about state rates so there would be a consistent reimbursement and we could talk about whether or not we want to do that.

**(26:08) Madam Chair Lee continues to read the language of SB 2361.**

**(27:25) Madam Chair Lee:** If I reported someone who I thought wasn't within the scope of practice, would my name be an exempt record or would my name be a matter of public record as the reporter.

**Heidi Nieuwsma:** It is my understanding since I have been on the board (6 years) it is actually in our administrative rule that it has to be assigned a complaint and that complaint gets sent to the person who the complaint is against and they get to see a copy of that complaint which is all public record.

**Madam Chair Lee:** So the reporters name is disclosed right away. We have had other conversations in here about reporters being exempt until the expiration of the complaint is completed. If your saying see something say something, and you say something then your name is a matter of public record, that is an issue. It is going to cause some resistance to the idea of reporting a problem if that name is disclosed right away to the person against whom the complaint is lodged.

**Heidi Nieuwsma:** I can't speak for the board on this but I do think that would be helpful because it is a part of our North Dakota code of ethics for social workers that we report when something happens with our licensed peers.

**Madam Chair Lee:** If you and Mr. Schible might have a chance to visit about that and decide how you would like to have that done.

**Dave Schible:** I have seen some boards have language that says the entirety of a complaint file is an exempt record until the complaint is resolved, public policy being it could be an inaccurate complaint that tarnishes someone's reputation wrongly. At the same time an accused licensee as we would do in court has the right to know and confront their accuser.

**Madam Chair Lee:** I'd be ok with what you are describing but I don't really want it on tv that you reported a complaint on me and there was no merit to it. I like what you just said, it might be possible to incorporate that in and not violate the model practice act.

**Dave Schible:** We have had new board members come on and when they get to the complaints part of the agenda and complaints are talked about in a public meeting which they have to be there certainly is a level of concern or discomfort. There is something that the statute lets the board have they will ask for medical records and social security numbers keep from the public but the generality of the complaint filed right now isn't. I can work with Mrs. Nieuwsma on an amendment.

**Senator Anderson:** Isn't generally true with the administrative practice act that when the investigation is going on those records are secure until such time you either file a complaint or decide you're not going to file a complaint and things become public, but during the investigation isn't it generally confidential?

**Dave Schible:** It depends on the statute, certainly the administrative practice act and I don't practice in the administrative hearings when the board receives a small complaint but the board has laws that apply to them when they receive a small c complaint not a capital c lawsuit or an OAH (office of administrative hearings) complaint. They would be violating the law if they kept it from the public. I'm pretty confident that this board can't keep the information from the public so it has to be heard and discussed in public meetings unless there is an exempt or confidential piece of information in it.

**Senator Anderson:** Might be a good idea to take a look at that it seems to me during the investigative process it serves everyone better to be confidential until you file a complaint or the complaint is decided to have no merit then at that time becomes public record which is what the administrative practice act says.

**Senator K. Roers:** I think the example that we were talking about with the other bill that we heard was until you have determined the complaint has merit or not, that's the part where you may go to the person and start gathering information but not disclose the author of the complaint until you know that is a valid complaint.

**Senator Hogan:** Have you had a chance to take a look at the integrated board bill, how this interfaces with that board the more consistent in language and reading and the administrative

practice act might be really helpful of trying to get the consistency across all the boards. We are trying to integrate all of those core standards so we have consistency.

**Madam Chair Lee:** Otherwise, whichever is fined the last wins. We would rather not do it that way we would rather make sure that whatever process (inaudible) the governor's office for signatures corresponds to something else that may have applied to the same topic.

**Dave Schible:** Just to make sure I fully address Senator Anderson and Senator K. Roers concerns, when a board gets a document in it's a public record.

**Madam Chair Lee:** Why is it not exempt? The name of the person, exempt it. That is what I am asking.

**Dave Schible:** I think it could be made exempt, but presently when the board gets a document in whether it ends up being a complaint or not eventually it is a public record and the board can't keep it from the public. It wouldn't be under the administrative practices act protections because the board has an investigative process that happens before the administrative practices act gets triggered. The protections in that act aren't triggered until we go down that path. When the board gets these documents in and the people are saying a licensee did a bad thing the entirety of that piece of paper is of public record as present and so is the response unless words inside those pages are confidential.

**Madam Chair Lee:** It sounds like we are trying to make this harder when we are really trying to make it clearer in the end along with the other boards so that all of the assistant AG's don't have different rules for different boards that you are dealing with, with somethings that ought to be consistent from one to another.

**Senator Anderson:** While we are talking about improvements I would encourage you to look at what other boards have relative to reporting for people that are alcoholics or abusing drugs so that there is a separate organization that people can refer them to so that it doesn't come to the attention of the board as long as they comply with that. If a pharmacist gets referred to that committee the board never finds out about that as long as they comply with the contract they have with the impaired pharmacist committee. They break that contract and they get reported to the board but the pharmacist or the employer who knows about that can report either to the pharmacist's committee or to the board and if they report to the pharmacist's committee the board never finds out about it as long as they are in compliance with the recovery contract. That language makes it much easier to report someone they think is impaired because now they know they might get help without the board pulling their license right away.

**Madam Chair Lee:** Anything further?

**Heidi Nieuwsma:** In section 13 it has to do with the effective date and if the act is effective on February 1, 2020 that was added after we had a conversation with Pam Sagness. She was concerned that when you change the titles of licensee's that send bills to providers, it might confuse things to a point that it might delay payment and so to help with that we added this and that is different from the last one.

**Senator O. Larsen:** When I was talking to folks in Minot students were talking about getting their internships payed with their student loan package, has there been any movement on that?

**Heidi Nieuwsma:** I would say that is still separate and is not a regulatory boards focus. Our field directors are always looking for paid internships but there is nothing in stone and is usually agency specific. It really helps if in the workforce, when people are looking for workers to come in they will sometimes pay people to come in and do their internships in hopes that they stay past their internship time, but that is still separate. Going back to being the chair of the social work board, we did just receive some information that we just put on our website about the repayment of loans, and that is one there. I think they can get paid within 10 years that qualifies for that but as far as paid internship that is nothing that we have focused on yet.

**Senator O. Larsen:** So there's not a mechanism with the school system that they can borrow money for the internship time.

**Heidi Nieuwsma:** For our undergraduates and then our masters in counseling, that actually is 8 credits for undergrad and 3 credits with a seminar. That is covered under their financial aid. The only time that it is not consistent is if you are a licensed addiction counselor and you're with a consortium when your schooling is already done those hours would be separate and I don't believe that is covered under any type of financial aid.

**Senator O. Larsen:** How hard is it to make that leap?

**Heidi Nieuwsma:** I'm not really sure, I think it would depend on the university.

**Senator O. Larsen:** When I went to valley city and I was teaching high school and doing my internship at the same time. It was frustrating when the English teacher knew that I was doing my student teaching and working at the same time and they had to do their student teaching separate and it was seamless it was no big deal.

**Heidi Nieuwsma:** I will say within the programs at the University of Mary, criminal justice right now their internship is included within their federal loans and undergraduate social work is and psychology and the addiction when we get those all developed.

**Senator Anderson:** Historically in pharmacy your internship came after you graduated. Typically, those people got paid while they were doing internships because it was after school. Now when we move that in as part of the program, your internship is in your last year in pharmacy school. The advantage of that is, if you're getting student loans you can continue to get loans while you are doing that internship. Those points like yours sometimes has internships after school, well they are not eligible for loans for that but if it's a required internship.

**Heidi Nieuwsma:** I would agree with that.

**Senator Anderson:** I would encourage you to meet with the county directors or the county social service directors because they have expressed to me how difficult it is to get social workers licensed so they can hire them. Now, hopefully this is a step in the right direction



and we will make that easier but it might be sometimes they hire people and give them a different title because they can't get a licensed social worker. As you said your responsible for 60% nationwide, so we need to be sure that we are serving the clients. Anything that you can do to break down those barriers is helpful.

**Heidi Nieuwsma:** I worked with Steve Riser with the past 4 years and I was just talking to someone this morning and they said this bill looks better than last session so I'm thankful to the county social services directors helping us out with this.

**(52:19:53:25) Elizabeth Loos, on behalf of the North Dakota Chapter of the National Association of Social Workers.** Testifying in favor of SB 2361. Please see **Attachment #2** for testimony.

**Senator K. Roers:** I noticed it had social media in it that seemed like a slightly bizarre component.

**Elizabeth Loos:** The details of that are probably best answered by Mrs. Nieuwsma.

**(55:18-57:00) Doug Wegh, County Social Service Director. Offering neutral testimony for SB 2361. Testimony is as follows.**

**Doug Weigh:** I'm a county social service director. Today I'm here to talk about social work issues. I am a licensed social worker. I appreciate the comments you made this morning as far as confidentiality. As far as how the bill is written now our colleagues would like to remain neutral with this bill at this time. We don't have enough social workers and we have gone to different professions to fill that gap. Some of us in small counties work with nursing homes who have designees. It looks that the bill takes care of that and as of this time we would like to stay neutral.

**(59:00) Heidi Nieuwsma:** To answer Senator K. Roers question to Elizabeth Loos, it has been my understanding that it pertains mostly to when people are working with clients where that is the way that they can reach them through social media whether it be through Facebook or anything like that. We have a lot of adolescents that like to communicate with that. By putting social media in there, it's more of a way to communicate.

**Senator K. Roers:** I was thinking more of the confidentiality of it. That's the part that would concern me. If it's just how you have minor contact with them that's one things but, I was thinking in the realm of telemedicine, now you are actually providing services to that client, that is not a confidential means. That would concern me from a confidentiality and security aspect.

**Senator Anderson:** I would look it more as if you were a nurse for example and somebody asked you a question about a rash they have would they describe it on the internet, now you professionally have to make a decision to not return confidential information or either call them or use some other method. Certainly with the young people getting that information from them is important and they make the decision whether it is confidential or not when they are sending it, you just have to be careful when you reply so you are not replying with confidential information.

**Madam Chair Lee:** I know that we all really know that there is nothing confidential about Facebook or Instagram or anything else. How does one remind the person who is the patient with every social network communication that this is not a confidential communication? I don't think kids think about the fact that everyone in the world has access to their accounts. Is there any protection that you had in mind for that?

**Heidi Nieuwsma:** There is nothing that I has in mind for that but I can give you an example as to where using social media is an advantage especially with adolescents. They no longer even text, it's all about messaging, messenger, or Instagram. Often times that's about as confidential as it gets that is their way of communicating. There may be sometimes where a case worker is working with a homeless youth and that is the only way that you can be able to contact them. They would still have to follow along with all of our code of ethics and confidentiality and HIPAA and the best way that the clinician or case worker could.

**Senator K. Roers:** Do you have rules or policy for the use of social media for the social workers?

**Heidi Nieuwsma:** That is actually going to be defined in our administrative code.

**Madam Chair Lee:** Closes the hearing on SB 2361.

# 2019 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Red River Room, State Capitol

SB 2361  
2/11/2019  
Job #32510

- Subcommittee  
 Conference Committee

Committee Clerk: Justin Velez/Amy Crane

## **Explanation or reason for introduction of bill/resolution:**

Relating to the licensing of social workers; and to provide an effective date.

## **Minutes:**

No Attachments

**Pam Sagness, Director of the Behavioral Health Division with the Department of Human Services.**

**Madam Chair Lee:** Opened the hearing on SB 2361.

**(2:00)Pam Sagness:** There is an actual amendment document that will provided by the board itself. But I can provide some comments because it relates to the tiers that we had developed as a global behavioral health tiered system. So the first thing that we needed to address is specific to the bachelor's level license social workers, were accidentally or somehow excluded from the original tiers. And so we do believe that they would be tier three. So that was the one thing I wanted to provide an update on. So if you look at the behavioral health professional tiers which are in century code chapter 25-1-1. There are four tiers, tier number 3 is where the licensed bachelor social worker should be and that is what the board will present to you later today or tomorrow. So we do agree with that. They also are updating the language specific to the new bill. 2361 will change the title of the social workers. So they also will bring an amendment that changes those titles. We are reviewing right now the scope of work for those, to ensure that they are aligned with these tiers. But currently it looks like they are in the right level of tier.

**Madam Chair Lee:** Is this afternoon too quick for that? Or should we do that tomorrow because we have no hearings this week we're just trying to clean up these bills.

**Pam Sagness:** I certainly could come back this afternoon having reviewed what they sent. They just sent it since I've been in here. They've also reached out to Dr. McClain and he's reach out to me also. So if I could have a few minutes to just connect with everyone I think that would be helpful. It actually appears that they send the draft to you and Senator Anderson.

**Senator K. Roers:** I'm curious to know if their amendments addressed, several of you had asked them to look at the nursing medical pharmacy for impaired worker statute to see if there was any language they could plagiarize.

**Pam Sagness:** Is that specific to the complaint? Because there is language in the amendment specific to the confidentiality of complaints?

**Senator Anderson:** Yeah that's one of the things we discussed with them was their complaint. The other was their impaired professionals' treatment but that may take longer than this session.

**Madam Chair Lee:** We were looking at the state rates as well. Comparing to other state's rates instead of what other North Dakota board members get, it didn't seem like the right direction to go with that so we might want to tidy that one up a little bit too.

**Senator Anderson:** I imagine Mr. Schaible drafted those amendments maybe we should ask him to come this afternoon to review those amendments.

**Madam Chair Lee:** Yeah, the state rates, the licensing latter with the tiers, the impaired professional panel. And we'd had a question about social media. I think from a privacy standpoint it's weird but yes some people you can only reach through text.

**(8:37) Pam Sagness:** I'm just wondering if there are any specific questions or time that I could have someone here regarding the ABA questions and the psychology board. I'm certainly willing to connect somebody if you have questions

**Madam Chair Lee:** Well we could just plan on it being at 9:00 am tomorrow morning and that would be a predictable time. I'm thinking I'm going to ask someone from Anne Carlson to be here.

# 2019 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Red River Room, State Capitol

SB 2361  
2/12/2019  
Job # 32568

- Subcommittee  
 Conference Committee

Committee Clerk: Justin Velez

## Explanation or reason for introduction of bill/resolution:

Relating to the licensing of social workers; and to provide and effective date.

## Minutes:

No Attachments

## Madam Chair Lee opens the discussion on SB 2361.

**Madam Chair Lee:** I have the one here that talks about the tiers that is in front of you. Is there anyone in the group that would like to speak to the amendments, whether it is from the board or a social worker? Dr. Etherington do you have any questions or comments?

**Rosalie Etherington, Chief Clinics Officer for the Human Service Centers and Superintendent of the North Dakota State Hospital:** I was asked by Pam Sagness to come in regards to the tiers and to affirm the fact that the amendment that would the bachelors level social workers to that tier 3, would be identified within the scope of the group of professionals that are in that tier and essentially that group of professionals are identified within their scope to give capacity to the screening for mental health need and essentially bringing up to the chain to level 2 or level 1 professionals.

**Madam Chair Lee:** Any questions for Dr. Etherington about the tiers?

**Senator Hogan:** How is the tier system working because when we did this two years ago this was kind of innovative and we spent a lot of time on it. Do you see any interaction on this issue based on the model that we worked on?

**Rosalie Etherington:** Yes, in my opinion it is working. It is not only aligned with the current practice within the state and the fact that we have essentially, all of the folks in that tier 3 are boots on the ground the majority of people that are interacting daily, and that it gives capacity for them to spread service across need and bump up when necessary. If you identify level 1 or tier 1 which is the set of professionals that are the least among the, psychiatrist in particular. Then they have eyes and ears for them to be able to get information for them to do their job better. In regards to specifically around commitment process, it works very well, and then the process of what I would call screening more broadly.

**Senator Hogan:** It is one of those things that we have a vision but operationalized I wasn't really sure how it was doing. We discovered the social workers were not in the tiered system and added them, have you seen any other professional groups that we have missed inadvertently?

**Rosalie Etherington:** No, not that I can think of and I could just state also that although those bachelors level social workers were not identified within the tiers, they were however identified in Medicaid to provide certain services already and they had continued to do so. Although they were here they weren't here, so now it aligns it better.

**Senator Anderson:** Pam Sagness was going to check and see the rules and so forth were aligned with what we were doing in this amendment and I presume that's been done so the reimbursement is going to be there with tiers.

**Madam Chair Lee:** The other question has to do with the fact that the reimbursement should be looked at again. Any other questions for Dr. Etherington? If not, thank you. Any questions from the members of the committee about this adding of the license baccalaureate social workers?

**Senator K. Roers:** It's not about that exact part but it's in this bill. I just have a question mark that I wrote down next to the good moral character, did we resolve that?

**Madam Chair Lee:** We learned that it was a term of law.

**Senator K. Roers:** Ok.

**Madam Chair Lee:** If we looked at changing that rate to match the state rate.

**Senator Anderson:** If you remember years ago, there was various boards that decided to tie the reimbursement to the state rate and the decision was made to discontinue that because every time the state rate was given an increase it affected the budgets of all of those boards and they didn't like that. Then they began setting their own reimbursement rate in statute and they varied from 200 dollars on down to some of them don't get anything. You have always been a proponent of letting the boards take in the money and spend the money as they best see fit so, my personal opinion is to just leave it alone and leave it to them and their licensees.

**Madam Chair Lee:** I don't think it should even be in statute.

**Senator Hogan:** I have real trouble with 200 dollars a day because it is so much higher than other kind of social work boards. I think the county social service board member gets 45 dollars a day and I think that creates some internal when boards are across systems.

**Madam Chair Lee:** I wonder if we said not to exceed a certain number.

**Senator Hogan:** I would be comfortable with that.

**Senator K. Roers:** Or, to receive compensation as outlined in rule.

**Senator Hogan:** I'm comfortable to not exceed 100 dollars a day.

**Senator K. Roers:** Or not to exceed the state rate, and that way they can adjust if they want but aren't required to every time the state rate changes.

**Madam Chair Lee:** I'm interested if there is anyone in the gallery who has a comment about that, if we said not to exceed so it's still in the hands of the board, I'm just not too comfortable with the 200 dollars a day.

**Rhonda Allery, North Dakota County Director of Ramsey and Towner:** I'm on a North Dakota Board of Social Work Examiners, two meetings. I don't know where the 200 dollars a day came from I believe it was taken out of the national law that was given to the board. I thought it was very high. One of the things I think that other board member who have been on there 6 years would say they do a lot of work outside of the meetings. They do criminal background checks, approve supervision plans for LICSW's, and I think that would be their argument even though I am not here to speak for them. In conversation I think that is what I have been hearing. Although, I feel that it should not exceed the state rate would be acceptable.

**Senator Anderson:** If you take 200 dollars a day and assume this person is a professional who would be working someplace else at the same time, that equates to about a salary of 44,000 dollars a year for that individual. I don't think to take the whole day to work in the board is not an exorbitant salary, it might be more than others but.

**Madam Chair Lee:** I hope you'll speak up when they talk about legislative compensation.

**Senator Anderson:** I think there is some difference there, in that the people that elected you and your spending your money, here is the Social Work Board who pays their license fees and are spending their own money so I think it's a little bit different.

**Madam Chair Lee:** How would you as a committee feel about not to exceed 200 dollars a day?

**Senator Hogan:** Can we just remove it. If we say nothing what does that mean?

**Madam Chair Lee:** What would you like as a board member, informally recognizing you do not speak for the board or the entire group.

**Rhonda Allery:** Some of the board members do take annual leave from their jobs at Universities to serve on the board so you are correct they are not working that day they are taking annual leave. I never thought of it that way, that is a good point. I think that my opinion would be not to exceed 200 dollars a day would be fine, I'm a social worker so I don't have an opinion about it. I thought the 200 dollars were a lot based on other board reimbursements but when you put it that way Senator Anderson, I don't have an opinion.

**Madam Chair Lee:** Would anyone like to include that piece to not exceed 200 dollars a day?

**Senator Anderson:** The purpose of putting in their not to exceed means that they have set it by rule underneath that is that what you're saying?

**Madam Chair Lee:** Yes, it could be 200 I don't care but if they want it to make 172 they can do that as well.

**Senator Anderson:** Ok, that is fine with me.

**Senator Clemens:** I guess my opinion would be not to exceed 200 will be 200.

**Madam Chair Lee:** Not always.

**Senator Clemens:** More than likely.

**Madam Chair Lee:** And it's not tax payer's money its, its member's money. Would you like to see a different number?

**Senator Clemens:** Senator Hogan are you thinking 200 is too high or, what are you thinking?

**Senator Hogan:** I was thinking between 100-150 and that is again significantly more than the Social Service Boards and the Human Service Zone Boards, all of those groups that do this on a regular basis too, that interact with this kind of group. I think that's the equity piece and your right some professional boards get significantly more so it's a real complex issue.

**Senator K. Roers:** The one thing I like about the not to exceed state rate is that it does allow that variability as time goes on without having to change the code.

**Senator O. Larsen:** I was thinking that I like the state rate language that is just follows that and everybody gets paid the state rate, then we don't ever have to adjust.

**Madam Chair Lee:** If we said not to exceed, they could keep it where it is so that their budgets aren't messed up. That is the only thing that occurs to me about not to exceed. Would you be comfortable with that thought? Otherwise we are making them change in the middle of a budget.

**Senator K. Roers:** When we do for the Health Council, if we just do a telephone conference we don't get the same rate as we do when we travel and come in person, and this would allow them that variability to not pay 200 dollars every time even if it's not a full day.

**Madam Chair Lee:** Or they could set a half-a-day rate so they could be compensated for that. There's some flexibility for the board members.

**Senator Anderson:** Remember Senator O. Larsen what I said about if we get in the habit of mirroring the state rate and when the state rate changes it changes everyone's budget unless you say not to exceed the state rate.

**Senator Hogan:** I move that we **AMEND** this section to the compensation not to exceed the state rate.



**Seconded by Senator K. Roers**

**Madam Chair Lee:** So we would add to the proposed amendment that on page 9, line 5, after compensation “not to exceed the state rate”.

**Senator Hogan:** Do we need to clarify the state rate, or when we say the state rate are we thinking with our heads and other people will understand that?

**Madam Chair Lee:** Our intern may be able to figure that one out. We will be looking at whatever she finds to be the proper language on page 8, line 5 to receive as compensation, not to exceed the state rate. Senator Hogan moved and Senator K. Roers seconded. Is there any discussion on the amendment?

**Senator K. Roers:** Is this the whole amendment or just the compensation part?

**Madam Chair Lee:** Actually, we are looking at adding in and then we can vote on the whole amendments. We will do that by voice vote.

**VOICE VOTE TAKEN TO MAKING THE CHANGE TO “NOT EXCEED STATE RATE” IN THE PROPOSED AMENDMENT  
MOTION CARRIES**

**Madam Chair Lee:** Now we have the amendment to which we have added that line, is there further discussion about that?

**Senator Hogan:** I move to **ADOPT THE AMENDMENT** that we have just discussed on SB 2361.

**Seconded by Senator K. Roers**

**ROLL CALL VOTE TAKEN  
6 YEA, 0 NAY, 0 ABSENT  
MOTION CARRIES TO ADOPT AMENDMENT**

**Senator K. Roers:** I move a **DO PASS, AS AMENDED.**  
**Seconded by Senator Hogan**

**ROLL CALL VOTE TAKEN  
6 YEA, 0 NAY, 0 ABSENT  
MOTION CARRIES DO PASS, AS AMENDED.  
Senator Anderson will carry SB 2361 to the floor.**

February 12, 2019

SL  
1001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2361

Page 1, line 3, replace "sections" with "subsections 9 and 10 of section 25-01-01, section"

Page 1, after line 7, insert:

**"SECTION 1. AMENDMENT.** Subsections 9 and 10 of section 25-01-01 of the North Dakota Century Code are amended and reenacted as follows:

9. "Tier 2 mental health professional" means a tier 2a or a tier 2b mental health professional.
  - a. A tier 2a mental health professional is an independent clinician who is a licensed ~~independent~~ clinical social worker licensed under chapter 43-41, a licensed professional clinical counselor licensed under chapter 43-47, or a licensed marriage and family therapist licensed under chapter 43-53.
  - b. A tier 2b mental health professional is an addiction counselor licensed under chapter 43-45 or a registered nurse licensed under chapter 43-12.
10. "Tier 3 mental health professional" means a licensed associate professional counselor licensed under chapter 43-47, a licensed ~~certified master~~ social worker or licensed baccalaureate social worker licensed under chapter 43-41, a licensed professional counselor licensed under chapter 43-47, an associate marriage and family therapist licensed under chapter 43-53, an occupational therapist licensed under chapter 43-40, a licensed practical nurse licensed under chapter 43-12, a behavior analyst licensed or registered under chapter 43-32, a vocational rehabilitation counselor practicing under chapter 50-06.1, a school psychologist, or a human relations counselor."

Page 8, line 5, replace "the" with "a"

Page 8, line 5, replace "of two hundred dollars" with "not to exceed the daily compensation of members of the legislative assembly"

Page 9, after line 29 insert:

- "4. Until the board proceeds with disciplinary action, the complaint, the response, and any record received by the board during an investigation of a complaint under this section are exempt records, as defined in section 44-04-17.1."

Re-number accordingly

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2361**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: See below

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Sen. Hogan    Seconded By Sen. K. Roers

Senators	Yes	No	Senators	Yes	No
Chair Lee			Senator Hogan		
Vice Chair Larsen					
Senator Anderson					
Senator Clemens					
Senator Roers					
<i>VOICE VOTE MOTION CARRIES</i>					

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

Absent \_\_\_\_\_

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

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

*Page 8, Line 5, replace "of two hundred dollars" with "not to exceed the daily compensation of members of the legislative assembly"*

Date: 2/12/19  
 Roll Call Vote #: 2

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2361**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: 19. 8167. 01001

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Sen. Hogan Seconded By Sen. K. Roers

Senators	Yes	No	Senators	Yes	No
Chair Lee	X		Senator Hogan	2	
Vice Chair Larsen	X				
Senator Anderson	X				
Senator Clemens	X				
Senator Roers	X				

Total (Yes) 6 No 0

Absent 0

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

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

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2361**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Sen. K. Roers    Seconded By Sen. Hogan

Senators	Yes	No	Senators	Yes	No
Chair Lee	X		Senator Hogan	X	
Vice Chair Larsen	X				
Senator Anderson	X				
Senator Clemens	X				
Senator Roers	X				

Total (Yes) 6    No 0

Absent 0

Floor Assignment Sen. Anderson

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

**REPORT OF STANDING COMMITTEE**

**SB 2361: 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). SB 2361 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "sections" with "subsections 9 and 10 of section 25-01-01, section"

Page 1, after line 7, insert:

**"SECTION 1. AMENDMENT.** Subsections 9 and 10 of section 25-01-01 of the North Dakota Century Code are amended and reenacted as follows:

9. "Tier 2 mental health professional" means a tier 2a or a tier 2b mental health professional.
  - a. A tier 2a mental health professional is an independent clinician who is a licensed ~~independent~~ clinical social worker licensed under chapter 43-41, a licensed professional clinical counselor licensed under chapter 43-47, or a licensed marriage and family therapist licensed under chapter 43-53.
  - b. A tier 2b mental health professional is an addiction counselor licensed under chapter 43-45 or a registered nurse licensed under chapter 43-12.
10. "Tier 3 mental health professional" means a licensed associate professional counselor licensed under chapter 43-47, a licensed ~~certified~~ master social worker or licensed baccalaureate social worker licensed under chapter 43-41, a licensed professional counselor licensed under chapter 43-47, an associate marriage and family therapist licensed under chapter 43-53, an occupational therapist licensed under chapter 43-40, a licensed practical nurse licensed under chapter 43-12, a behavior analyst licensed or registered under chapter 43-32, a vocational rehabilitation counselor practicing under chapter 50-06.1, a school psychologist, or a human relations counselor."

Page 8, line 5, replace "the" with "a"

Page 8, line 5, replace "of two hundred dollars" with "not to exceed the daily compensation of members of the legislative assembly"

Page 9, after line 29 insert:

- "4. Until the board proceeds with disciplinary action, the complaint, the response, and any record received by the board during an investigation of a complaint under this section are exempt records, as defined in section 44-04-17.1."

Renumber accordingly

**2019 HOUSE HUMAN SERVICES**

**SB 2361**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

SB 2361  
3/13/2019  
33686

- Subcommittee  
 Conference Committee

Committee Clerk: Nicole Klamann

## Explanation or reason for introduction of bill/resolution:

Relating to the licensing of social workers; and to provide an effective date.

## Minutes:

3

**Chairman Weisz:** Opened hearing

**Senator Howard Anderson,** District 8: Introduced SB 2361, written testimony not provided. We hear it's been difficult to get social workers hired. This bill would stream line the licensing process. No particular controversial points.

**Chairman Weisz:** Questions? Further Support?

**Heidi Nieuwsma,** Chair of ND Board of Social Work Examiners: In support, see **attachment 1**

Passage would increase the availability of qualified practitioners licensed in other states to quickly obtain licenses in our state, and for our own licensees to obtain multiple licenses from other states.

*(0:14:13)*

**Rep. Karen Rohr:** I recognized that you said it was vetted with your social work board. If I recall it was vetted last session too but there was confusion about the wordage and it went to conference committee. What has changed now? Is it truly been vetted and is everyone in agreement?

**Heidi Nieuwsma:** Yes it has been vetted. We made up a committee of board members and had weekly meetings. All social service and tribal agencies received a letter. We sent letters to everyone with interest to the helping profession, licensees or agencies, hospitals. We then received feedback from that.

**Rep. Rohr:** What kind of responses and what were the biggest heartaches?

**Heidi Nieuwsma:** They felt that the social work board was over reaching and too lengthy. We adjusted the length and cleaned up language, and amended through senate.



**Rep. Rohr:** The counties were ok with the amendments?

**Heidi Nieuwsman:** They came in as neutral.

**Rep. M. Ruby:** If we are adding one more member to the board, Why isn't there a fiscal?

**Heidi Nieuwsman:** We are volunteer and don't receive compensation.

**Chairman Weisz:** No state dollars involved, so no fiscal.

**Representative Gretchen Dobervich:** Page 8 section 7, board of social work examiners; I received a lot of feedback requesting someone from the schools be added to committee.

**Heidi Nieuwsman:** I too have had this conversation and we discussed the different requirements and licenses. I honestly don't believe my being affiliated with an education institution has benefited me on the board.

**Rep. Dobervich:** "Good moral character", this is subjective. Why is it included instead of a code of ethics.

**Heidi Nieuwsman:** That verbiage comes from a model practice act. This is the verbiage used with a lot of health professions including mental health. Also, it holds up in court.

**Rep. Dobervich:** Can we take that out and still be in compliance with the Model practice act?

**Heidi Nieuwsman:** I will ask the boards their feelings on it and report back.

*(0:22:20)*

**Elizabeth Loos:** In support, written provided, see **attachment 2**. This bill would improve the portability of licensure so that social work practitioners could more easily move Between states and provides a much-needed update regarding electronic social work services.

*(0:23:04)*

**Katie Kraft**, social work student: In support, see written **attachment 3**. This bill will assist in easier transition for licensed social workers to move from state to state.

**Chairman Weisz:** Further support? Opposition? Seeing none. Closes hearing\*

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

SB 2361

3/19/2019

Job # 33962

Subcommittee

Conference Committee

Committee Clerk: Nicole Klamann

By: Carmen Hickle

## **Explanation or reason for introduction of bill/resolution:**

Relating to the licensing of social workers; and to provide an effective date

## **Minutes:**

--

**Chairman Weisz:** Opened SB 2361 for committee work.

**Rep. Rohr:** Made a do pass motion.

**Rep. Ruby:** Second the motion.

**Vote yes 12, no 0, absent 2.**

**Rep. Anderson:** Will carry the bill.

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL \_SB 2361\_**

House Human Services Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Rohr Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich	-	-
Karen M. Rohr – Vice Chairman	X		Mary Schneider	X	
Dick Anderson	X				
Chuck Damschen	X				
Bill Devlin	X				
Clayton Fegley	X				
Dwight Kiefert	X				
Todd Porter	-	-			
Matthew Ruby	X				
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch	X				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Anderson

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

**REPORT OF STANDING COMMITTEE**

**SB 2361, as engrossed: Human Services Committee (Rep. Weisz, Chairman)**  
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).  
Engrossed SB 2361 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**SB 2361**

SB 2361  
2/5/19  
#1 pg. 1

Human Service Committee  
Public Hearing on Senate Bill SB2361  
February 5, 2019

Good Morning, my name Heidi Nieuwsma. I am the Chair of the North Dakota Board of Social Work Examiners.

I want to thank Chairman Lee and fellow members of the Senate Human Services Committee for the opportunity to speak to you today about Senate Bill S2361.

I want to first acknowledge an overriding concern of legislators that our Board shares—and that is the need to support workforce demands in North Dakota and reduce unnecessary barriers to our profession and others. We worked with you last session to pass SB2033 and it worked wonders. One part of it—related to modifying the way out-of-state licensees can qualify for a North Dakota license—allowed us to grant 15 new social work licenses that we would not otherwise have had the authority to grant. That change was to add the following language to NDCC 43-41-07(2) that states:

*An applicant may be granted a license upon [. . . a] determination of the board that at the time of application for licensure under this section the applicant is licensed in good standing under the laws of another jurisdiction and possesses qualifications or experience in the practice of social work which are substantially similar to the minimum requirements for licensure under this chapter.*

I am here before you today with more ideas to remove barriers to social work practice in our state, while at the same time not losing sight of our mandate to ensure the public is protected from unethical individuals. This Bill has been discussed by the Board over the last year and a half, been provided to all licensees and academia for their input, vetted by numerous stakeholders including licensee's, county representatives, state representatives, Association of

Social Work Board Representatives, National Association of Social Worker's representatives, and other North Dakota State regulatory boards.

The overriding theme of this Bill is to make our statute's practice act more consistent with that of other states and with a model practice act developed by the Association of Social Work Boards Model Social Work Practice Act. By doing so, we increase the ability of qualified practitioners licensed in other states to quickly obtain licenses in our state, and for our own licensees to obtain multiple licenses from other states.

These changes establish standards of minimal social work competence, methods of fairly and objectively addressing consumer complaints and means of removing incompetent and/or unethical practitioners from practice.

The public is well served by the implementation of this Bill for a number of reasons, the primary one being greater standardization—consistency—of terminology and regulation from jurisdiction to jurisdiction. Greater standardization promotes:

- increased mobility for qualified social workers, which increases access to vital mental health practitioners and services—especially in jurisdictions struggling with workforce shortages.
- increased consistency in decisions related to licensure, renewal, discipline and other board activities
- increased public understanding of social work, which increases public protection
- standardization by modifying the existing license titles to more closely mirror license titles used in other jurisdictions and more clearly identify a social worker's education and experience. (See Table 1)

JB 2361  
2/5/19  
# 1 pg. 3

In addition to changes in our laws, the Board has also taken practical steps to streamline licensing procedures since last session. Specifically, it put in place a tracking process to determine the length of time it takes an applicant to become licensed. Based on this data, if an applicant submits all required information and meets all the criteria, their license will be issued between two and four weeks. We also authorized two board members to approve initial licenses and master of social work (MSW) supervision plans if background checks and mental health histories are clear, an applicant's other licenses are in good standing, etc.

In closing, The North Dakota Board of Social Work Examiners have been successful in working with you in the past with last session's Senate Bill 2033 and believes the changes in this Bill would have an immediate and positive impact on our workforce.

Thank you for your time. I welcome any questions or comments that you may have.

Heidi J. Nieuwsma, Chair  
North Dakota Board of Social Work Examiners  
P.O. Box 14  
Bismarck, ND 58501-0914



<b>Current License Title</b>	<b>Proposed License Title</b>	<b>Rationale</b>
Licensed Social Worker(LSW)	Licensed Baccalaureate Social Worker (LBSW)	The new title clearly states education achieved.
Licensed Certified Social Worker (LCSW)	Licensed Master's Social Worker (LMSW)	The current title is confusing from a regulatory point of view because it indicates the license holder is both licensed and certified. The new title is more concise and reflects education level.
Licensed Independent Clinical Social Worker (LICSW)	Licensed Clinical Social Worker (LCSW)	The new title is more familiar to most Americans, it is used commonly for federal social work jobs, and it is familiar to and in use by many third party payers.

Chairwoman Lee, Senators of the Human Services Committee:

My name is Elizabeth Loos, and I am here this morning on behalf of the North Dakota Chapter of the National Association of Social Workers. As the primary professional association for social workers, NASW-ND is committed to the mission of advancing professional social work practice and to promoting human rights, social and economic justice, and unimpeded access to services for everyone. Our members work in a broad range of settings including hospitals and other health care settings, community agencies, government, academia, business, nursing homes, schools, and private practice.

The North Dakota Chapter of the National Association of Social Workers urges a Do Pass recommendation on SB 2361. This bill would improve the portability of licensure so that social work practitioners could more easily move between states and provides a much-needed update regarding electronic social work services.

I would stand for any questions.

Elizabeth Loos

PROPOSED AMENDMENTS TO SENATE BILL NO. 2361

Page 1, line 3, after "reenact" insert "subsections 9 and 10 of section 25-01-01,"

Page 1, after line 7, insert

**"SECTION 1. AMENDMENT.** Subsections 9 and 10 of section 25-01-01 of the North Dakota Century Code are amended and reenacted as follows:

9. "Tier 2 mental health professional" means a tier 2a or a tier 2b mental health professional.
  - a. A tier 2a mental health professional is an independent clinician who is a licensed ~~independent~~ clinical social worker licensed under chapter 43-41, a licensed professional clinical counselor licensed under chapter 43-47, or a licensed marriage and family therapist licensed under chapter 43-53.
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10. "Tier 3 mental health professional" means a licensed associate professional counselor licensed under chapter 43-47, a licensed ~~certified~~ master social worker or licensed baccalaureate social worker licensed under chapter 43-41, a licensed professional counselor licensed under chapter 43-47, an associate marriage and family therapist licensed under chapter 43-53, an occupational therapist licensed under chapter 43-40, a licensed practical nurse licensed under chapter 43-12, a behavior analyst licensed or registered under chapter 43 32, a vocational rehabilitation counselor practicing under chapter 50-06.1, a school psychologist, or a human relations counselor."

Page 9, line 29, after the period, insert "The complaint, response, and any record received by the board in investigating the complaint are exempt records, as defined in section 44-04-17.1, until the board determines to proceed with a disciplinary action."

Renumber accordingly

#1  
SB 2361  
3/13/19

House Human Services Committee  
Public Hearing on Senate Bill SB2361  
3/12/19

Good afternoon, my name Heidi Nieuwsma. I am the Chair of the North Dakota Board of Social Work Examiners.

I want to thank Chairman Weisz and fellow members of the House Human Services Committee for the opportunity to speak to you today about SB2361.

I want to first acknowledge an overriding concern of legislators that our Board shares—and that is the need to support workforce demands in North Dakota and reduce unnecessary barriers to our profession and others. We worked with you last session to pass SB2033 and it worked wonders. One part of it—related to modifying the way out-of-state licensees can qualify for a North Dakota license—allowed us to grant 15 new social work licenses that we would not otherwise have had the authority to grant. That change was to add the following language to NDCC 43-41-07(2) that states:

*An applicant may be granted a license upon [ . . . a] determination of the board that at the time of application for licensure under this section the applicant is licensed in good standing under the laws of another jurisdiction and possesses qualifications or experience in the practice of social work which are substantially similar to the minimum requirements for licensure under this chapter.*

I am here before you today with more ideas to remove barriers to social work practice in our state, while at the same time not losing sight of our mandate to ensure the public is protected from unethical individuals. This Bill has been discussed by the Board over the last year and a half, been provided to all licensees and academia for their input, vetted by numerous stakeholders including licensee's, county representatives, state representatives, Association of

#1  
SB 2361  
3/13/19

Social Work Board Representatives, National Association of Social Worker’s representatives, and other North Dakota State regulatory boards.

The overriding theme of this Bill is to make our statute’s practice act more consistent with that of other states and with a model practice act developed by the Association of Social Work Boards Model Social Work Practice Act. By doing so, we increase the ability of qualified practitioners licensed in other states to quickly obtain licenses in our state, and for our own licensees to obtain multiple licenses from other states.

These changes establish standards of minimal social work competence, methods of fairly and objectively addressing consumer complaints and means of removing incompetent and/or unethical practitioners from practice.

The public is well served by the implementation of this Bill for a number of reasons, the primary one being greater standardization—consistency—of terminology and regulation from jurisdiction to jurisdiction. Greater standardization promotes:

- increased mobility for qualified social workers, which increases access to vital mental health practitioners and services—especially in jurisdictions struggling with workforce shortages.
- increased consistency in decisions related to licensure, renewal, discipline and other board activities
- increased public understanding of social work, which increases public protection
- standardization by modifying the existing license titles to more closely mirror license titles used in other jurisdictions and more clearly identify a social worker’s education and experience. (See Table 1)

#1  
SB 2361  
3/13/19

In addition to changes in our laws, the Board has also taken practical steps to streamline licensing procedures since last session. Specifically, it put in place a tracking process to determine the length of time it takes an applicant to become licensed. Based on this data, if an applicant submits all required information and meets all the criteria, their license will be issued between two and four weeks. We also authorized two board members to approve initial licenses and master of social work (MSW) supervision plans if background checks and mental health histories are clear, an applicant's other licenses are in good standing, etc.

Before I conclude, I will touch on amendments to the Bill that were adopted by the Senate.

1. At Page 1, Line 8—the Bill's Section 1—new language was incorporated to add our two lower levels of licensure to NDCC 25-01-01. That section identifies a handful of licensees, such as physicians, psychologist, addiction counselors, etc., and categorizes them into Tiers. I understand that categorizing licensed professionals into these tiers is important for the Department of Human Services. Our highest level of licensure is already categorized, but due to an oversight when this tiering structure was adopted into statute, our two lower levels of licensure were not. This amendment corrects that oversight.

2. At Page 8 line 24—the Bill's Section 7—the compensation structure for board members was revised to put it in line with the daily compensation amount received by members of the legislative assembly.

3. At Page 10 line 18—the Bill's Section 8—new language was added so that the documents related to a complaint against a licensee could be withheld from public disclosure during an investigation into that complaint. This puts the Board in line with other Boards such as the Board of Pharmacy and the Board of Dental Examiners. It helps to ensure that a licensee's professional reputation is not impacted upon the simply filing of an unverified complaint. But once the Board obtains both sides of the story and completes its investigation, the documents would all become public records.

#1  
SB 2361  
3/13/19

In closing, The North Dakota Board of Social Work Examiners have been successful in working with you in the past with last session's Senate Bill 2033 and believes the changes in this Bill would have an immediate and positive impact on our workforce.

Thank you for your time. I welcome any questions or comments that you may have.

Heidi J. Nieuwsma, Chair

North Dakota Board of Social Work Examiners

P.O. Box 14

Bismarck, ND 58501-0914

#1  
SB 2361  
3/13/19

Table 1. License title comparisons.		
Current License Title	Proposed License Title	Rationale
Licensed Social Worker(LSW)	Licensed Baccalaureate Social Worker (LBSW)	The new title clearly states education achieved.
Licensed Certified Social Worker (LCSW)	Licensed Master's Social Worker (LMSW)	The current title is confusing from a regulatory point of view because it indicates the license holder is both licensed and certified. The new title is more concise and reflects education level.
Licensed Independent Clinical Social Worker (LICSW)	Licensed Clinical Social Worker (LCSW)	The new title is more familiar to most Americans, it is used commonly for federal social work jobs, and it is familiar to and in use by many third party payers.



#2  
SB 2361  
3/13/19  
pg. 1

Chairman Weisz, Members of the Human Services Committee:

My name is Elizabeth Loos, and I am here this morning on behalf of the North Dakota Chapter of the National Association of Social Workers. As the major professional association of social workers, NASWND is committed to the mission of advancing professional social work practice and to promoting human rights, social and economic justice, and unimpeded access to services for everyone. Our members work in a broad range of settings including hospitals and other health care settings, community agencies, government, academia, business, nursing homes, schools, and private practice.

The North Dakota Chapter of the National Association of Social Workers urges a Do Pass recommendation on SB 2361. This bill would improve the portability of licensure so that social work practitioners could more easily move between states and provides a much-needed update regarding electronic social work services.

I would stand for any questions.

Elizabeth Loos

House Human Service Committee  
Public Hearing on Senate Bill SB 2361

March 13, 2019

#3  
SB 2361  
3/13/19  
pg. 1

Good Afternoon, my name is Katie Kraft and I am a Social Work student attending the University of Mary.

I want to first thank Chairman Weisz and fellow members of the House Human Services Committee for the opportunity to speak to you today about SB 2361.

I am here to testify in support of SB 2361. From the very first social work course in our program, our faculty members cautioned us that if a student is planning to go back to their home state to become licensed, that they needed to start looking at the licensing laws in their home state. They cautioned us because of the wide variances among licensing regulations.

The passing of this bill will assist all licensed social workers regardless if they are currently residing in another state or in North Dakota. Being able to have mobility with our licenses allows for an easier transition for licensed social workers from state to state. In addition, by passing SB 2361, it will align the North Dakota social work licensing laws with many other states who are currently working on or have already passed legislation to align their laws with the Association of Social Work Board's Model Practice Act.

The allowance of more social workers to come into the state of North Dakota create more safety to the public. Allowing more social workers to gain licensure will fill more jobs in rural communities who are currently in need of having a licensed social worker. With filling more job openings and the consistency of licensure requirements, this creates easier access to licensed social workers. The passing of SB 2361 will make it clear to the public what a social worker can and cannot do increasing the safety as well. Working to ensure the same high standards for social

#3  
SB 2341  
3/13/19  
pg. 2.

workers from state to state will insure that public safety is a high priority. In closing, SB 2361 will not only have a positive effect on licensed social workers but also the communities that they work in.