

**DRAFT LEGISLATIVE CONCEPT / BOARD OF LICENSED SOCIAL WORKERS  
2013 LEGISLATIVE SESSION**

**Draft 4 of April 14, 2012 as approved by the Board Work Product from Board Legislative Committee for further discussions with stakeholders -Board Consideration**  
**Edits from Draft 2 and 3 shown as tracked changes with underline**  
**By Martin Pittioni, Executive Director**

Deletions in brackets [deleted text in italics]; new text in **bold**

**SUMMARY: Changes composition of the State Board of Licensed Social Workers. Provides definitions for the practice of social work. Consolidates existing civil penalty authority statutes.**

**A BILL FOR AN ACT**

**Relating to the State Board of Licensed Social Workers; and amending ORS 675.510, 675.590, 675.540; and deleting ORS 675.992 and 675.992.**

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

SECTION 1. ORS 675.510 is amended to read:

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

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

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

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

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

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

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

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

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

**'Practice of social work' means the application of social work theory, knowledge, methods and ethics to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities.**

**(3) 'Practice of baccalaureate social work' is the basic generalist practice of social work that includes assessment, planning, intervention, evaluation, case management, information**

and referral, counseling, **non-clinical** supervision, consultation, education, advocacy, community organization and the development, implementation and administration of policies, programs and activities.

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(4) 'Practice of master's social work' is the practice of social work characterized by the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, counseling, **non-clinical** supervision, consultation, education, research, advocacy, community organization and the development, implementation and administration of policies, programs and activities.

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(5) 'Practice of clinical social work' is a specialty within the practice of master's social work and requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis and treatment of addictions and mental, emotional and behavioral disorders and conditions. Treatment methods include the provision of individual, marital, couple, family and group counseling and psychotherapy. **The practice of clinical social work also includes the supervision of services identified in this subsection.**

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[ (3) ] (6) "Regulated social worker" means a baccalaureate social worker registered under ORS 675.532, a master's social worker licensed under ORS 675.533, a clinical social work associate certified under ORS 675.537 or a clinical social worker licensed under ORS 675.530.

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

SECTION 2. ORS 675.540 is amended to read:

675.540 Grounds for disciplinary action; authorized sanctions and penalties; investigation.

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

- (a) Has been convicted in this or any other state of a crime that is a felony in this state;
- (b) Has been convicted of a felony in a federal court;
- (c) Is unable to perform the practice of social work by reason of physical illness;
- (d) Has an impairment as defined in ORS 676.303;
- (e) Has been grossly negligent or has engaged in unprofessional conduct in the practice of social work; or
- (f) Has violated any provision of ORS 675.510 to 675.600 or any rule adopted under ORS 675.600.

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

- (a) Deny, suspend, revoke or refuse to renew any authorization to practice regulated social work issued under ORS 675.510 to 675.600.
- (b) Place a regulated social worker on probation and impose conditions or limits on the scope of practice of a regulated social worker.
- (c) Impose a civil penalty not to exceed \$3,000 for each violation.

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

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

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

- (a) Engaged in the practice of clinical social work; or
- (b) Represented that the person is a regulated social worker.

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

- (a) Represented that the person is a regulated social worker; or**
- (b) Used the title "social worker" or any title, words or abbreviations that indicate that the person has an authorization to practice regulated social work in violation of ORS 675.520**

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

- (1) Engaged in the practice of clinical social work, unless the person is permitted to practice clinical social work under ORS 675.523; or**
- (2) Represented that the person is a clinical social worker or clinical social work associate.**

SECTION 3. ORS 675.590 is amended to read:

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

- (a) [~~Four~~]**Three** members shall be [*clinical*] **regulated** social workers licensed under ORS 675.530; and
- (b) **One member shall be a regulated social worker licensed under the provisions of ORS 675.532, or ORS 675.533 or ORS 675.537.**

[(b)] (c) Three members must be members of the public who have demonstrated an interest in the field of clinical social work and who are not:

- (A) Regulated social workers; or
- (B) A spouse, domestic partner, child, parent or sibling of a regulated social worker.

(2)(a) Board members required to be [*clinical*] **regulated** social workers licensed under ORS 675.530 may be appointed from a list of three to five nominees for each vacancy, submitted by any professional organization that represents [*clinical*] **regulated** social workers.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

- (A) Geographic areas of this state; and

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(B) Ethnic group.

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

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

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

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused; or

(C) Is not a clinical social worker licensed under ORS 675.530 or a retired clinical social worker who was a clinical social worker licensed under ORS 675.530 in good standing at the time of retirement, if the board member was appointed to serve on the board as a clinical social worker licensed under ORS 675.530.

**(D) Is not a regulated social worker licensed under ORS 675.532, or ORS 675.533, or ORS 675.537 or a retired regulated social worker who was a regulated social worker licensed under ORS 675.532, or ORS 675.533, or ORS 675.537 in good standing at the time of retirement, if the board member was appointed to serve on the board as a regulated social worker licensed under ORS 675.532, or ORS 675.533, or ORS 675.537.**

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

SECTION 4. ORS 675.992 is deleted in its entirety.

*[ 675.992 Civil penalty for prohibited practices by persons without authorization to practice regulated social work. Subject to the provisions of ORS chapter 183 relating to a contested case, the State Board of Licensed Social Workers may impose a civil penalty of up to \$3,000 upon proof that a person who is not a regulated social worker has:*

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

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

SECTION 5. ORS 675.994 is deleted in its entirety.

*[675.994 Civil penalty for practice of clinical social work without license or certification. Subject to the provisions of ORS chapter 183 relating to a contested case, the State Board of Licensed Social Workers may impose a civil penalty of up to \$5,000 upon proof that a person who is not a clinical social worker licensed under ORS 675.530 or a clinical social work associate certified under ORS 675.537 has:*

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

*(2) Represented that the person is a clinical social worker or clinical social work associate. ]*