

Licensing Requirements for Oregon Social Workers

Oregon State Board of Licensed Social Workers

Presentation at Eastern Washington University – Vancouver Campus

- Martin Pittioni, Executive Director,
November 8, 2011

Module 1 – Why Licensing? What is Licensing?

- Public protection
- Two ways:
 - Front end: Minimum educational standard
 - Minimum competencies to practice safely
 - Ongoing: recourse for public harmed by social worker
 - Accountability via ethics code enforced by the Board, with ability to sanction the license

What is a Licensing Board?

- Government Agency
- Client is the Public served by social work community
- Differentiation of Mission
 - Associations advocate for members
 - Boards protect the public
 - Both are essential and complementary components of a profession

How does a licensing Board work?

- Administrative agencies in the Executive Branch
- - Oregon State Board of Licensed Social Workers:
Policy-Making Board, Seven Members (4 LCSWs, 3 Public Members, Governor appointed, Senate-confirmed)
- Boards vary in composition and type (policy making or advisory)
- **Boards combine three functions:**
- Executive (licensing, investigation, agency administration)
- Legislative (rule writing)
- Judicial (Adjudication of complaints)

What is a rule?

- Board has to write rules to implement laws passed by the Legislature where the Board has rule-writing authority
- **Why is that important?**
 - Rules have the force of law
 - Violation of licensing or conduct rule (Ethics Code) violates Oregon law
 - What does this mean for conduct?

Conduct Implications / Ethics Code

- Board Ethics code is in Board rule (has force of law)
- Board has disciplinary authority over the license of a licensee who violates Board rules or statutes
- Board Ethics Code does not render NASW Code of Ethics meaningless
 - Board has no direct authority to enforce the NASW Code of Ethics
 - Board Ethics Code includes most basic principles of the NASW Code of Ethics
 - Knowledge of NASW Ethics Code is not a substitute for reading Board Ethics Code

Summary- Module 1

What is Licensing? Why Licensing?

- Licensing implements specific eligibility standards for licensure
- Licensing creates an accountability construct through a Board-enforced Ethics Code that holds licensees accountable for services (conduct) provided to clients
- The primary function of licensing is about public protection

Module 2 - Oregon Licensing Requirements for Social Workers

MODULE CONTENT:

- What has changed with respect to licensure requirements and why?
- What type of social work practice requires licensure?
- What type of titles are protected and require licensure?

Licensure Requirements prior to January 1, 2011

- No licensure requirement for any social work practice - voluntary licensure only
- Clinical-level social work licensure option only
- Two licensure options / protected titles:
- Clinical Social Work Associate (CSWA)
 - agency-work only, under supervision, MSW level, precursor to LCSW
- Licensed Clinical Social Worker (LCSW)
 - independent clinical license

Drivers for legislative action in 2009

- Protect consumers – no licensure requirement for clinical work
- Lack of authority over conduct of revoked licensees
- Oregon one of the last states to not have some form of licensure requirement for social work
- No licensing options for field of non-clinical social work
- Advocacy issue – lift image of the profession by restricting who can use the title “social worker” to those who have a degree in social work and are licensed
- These drivers led to passage of SB 177 (2009) which reformed social work regulation in Oregon
(main provisions went into effect January 1, 2011)

Current Regulations - Part 1: Practice Act (Mandatory Licensure)

- Practice Act = Mandatory Licensure for those who practice clinical social work only
- Practice Act regulates conduct
- Anyone who engages in the conduct of practicing clinical social work must be licensed as a CSWA or LCSW or qualify for one of the exemptions from the licensure requirement
- LCSW and CSWA remain protected titles (practice act does not remove title protection)
- Access to the title “social worker”

Exemptions to the Mandatory Licensure Requirement / Practice Act

- Does not apply to non-clinical social work
- Exempts Certified Alcohol and Drug Counselors (CADCs) practicing within the scope of CADC
- Exempts QMHAs and QMHPs acting within the lawful scope of their employment or contract
- Exempts recognized members of the clergy who are acting in their ministerial capacity
- Exempts those who already hold a mental health licensure from a State of Oregon entity
- Graduate MSW students in clinical practicum

Current Regulations - Part 2: New Voluntary Licensure Options (non-clinical)

- Voluntary options for those not practicing clinical social work – not mandatory
- Title-Protected (LMSW and RBSW)
- Registered Baccalaureate Social Worker (RBSW)
- Licensed Master’s Social Worker (LMSW)
- Available since January 1, 2011
- Applications down-loadable on-line
- Both options also allow use of title “social worker”
- RBSW/LMSW scope of practice not defined due to legislative history; no clinical practice permitted

Part 2A – RBSW Program Specifics

- Certification as a “Registered Baccalaureate Social Worker”
- Title-Protected
- Allows continued use of the title “social worker”
- Requirements:
 - BSW (CSWE accredited or in CSWE candidacy)
 - Passage of national (ASWB) Bachelor exam (requirement waived until December 31, 2012)
 - criminal background check
 - Compliance with Board ethics code
 - 2-year certification with 20-hour CE requirement

Part 2B – LMSW Program Specifics

- Licensed Master’s Social Worker (LMSW)
- Voluntary, title-protected, non-clinical license
- Allows use of the title “social worker”
- LMSW Program Requirements
 - No practice experience or supervision required
 - MSW from a CSWE-accredited school
 - Passage of national (ASWB) Masters-level (non-clinical) exam (requirement waived until December 31, 2012)
 - criminal background check
 - Compliance with Board ethics code
 - 2-year certification with 30hour CE requirement

Part 3 – Clinical CSWA Program Specifics

- Clinical Social Work Associate (CSWA) Certification
- Agency based, clinical practice under supervision
- Completion = eligibility for LCSW licensure
- Program completion = 3500 work hours, 2000 direct client hours, 100 hours supervision (up to 50 can be group)
- Allows use of the title “social worker”
- CSWA Program Entry Requirements
 - MSW from a CSWE-accredited school
 - criminal background check
 - Compliance with Board ethics code
 - Passage of Oregon Laws and Rules Examination
 - Supervision plan with Board-approved LCSW supervisor

Part 4 – Fees for Licensing Options (CSWA, LCSW, LMSW and RBSW)

- Application Fees: LMSW/RBSW \$50 / others \$150
- Initial license:
 - RBSW - \$50 (2 years) / LMSW - \$100 (2 years)
 - CSWA - \$60 (1 year) / LCSW - \$130 (1 year)
- Existing fee for criminal background check applies (\$50)
- Renewal of Licensure / Certification:
 - RBSW - \$100 / 2 year certification
 - LMSW - \$200 / 2 year license
 - CSWA - \$60 / yearly renewal
 - LCSW - \$130/ yearly renewal

Current Regulations – Part 5

“Social Worker” Title Protection

- Anyone using the title “social worker” in Oregon must hold one of the four licenses offered by the Board: RBSW, LMSW, CSWA, LCSW
- Does not prohibit the practice of non-clinical social work by those that are not licensed
- Use of the educational titles MSW or BSW by those that are not licensed through the Board is not prohibited
- No social worker “registry” – there is no requirement for all who practice social work to register with the Board
- TSPC-licensed school social workers are allowed use of the title “school social worker” (no other variation) without licensure through the Board of Licensed Social Workers

I am a graduating student in a BSW/MSW program / or have earned a social work degree and now plan to become licensed – what is the impact on me?

- Do not use protected titles (“social worker” / RBSW / CSWA / LMSW / LCSW) until you have license/certification in hand
- If you plan on becoming licensed non-clinically (RBSW and LMSW), additional exam requirements (national exam) apply after December 2012
- If you plan on engaging in clinical social work, you must become certificated first as a CSWA before engaging in clinical work, unless an exemption applies to your specific situation
- If you want to call yourself a “social worker” – you must become licensed (CSWA/LCSW/RBSW/LCSW); there is no exemption other than for TSPC-licensed “school social workers”
- Conclusion – Impact depends on two tests for each individual:
 - 1) Conduct: is my work clinical-level social work?
 - 2) Title: Am I / Will I use the title “social worker” ?

I am an employer / manager of those who practice social work – how does this impact me?

- Jurisdiction:
 - Board does not have direct jurisdiction over employers
 - Board licensure is at individual level (not facilities-level)
 - Employer is free to set expectations higher than law requires
- Employer interest originates in desire to:
 - Comply with laws that apply to individual employees
 - Assure clients through accountability of licensed personnel
 - Use licensure preference or requirement as qualification tool
 - Conform HR practice including position descriptions to laws protecting titles and criteria for mandatory licensure
- Employers must apply same two tests of conduct and title:
 - Is the employee/position performing clinical-level social work?
 - Is the employee/position using the title “social worker”?
 - Employer should apply test at the position level, not unit level

Questions / Application of Information to Needs of Audience

- THANK YOU FOR YOUR QUESTIONS