Social Work Regulation Today: Readiness for Mobility

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Jennifer Henkel, MSSW, LCSW
The Evolution of Social Work Regulation in North America
Social Work Regulation in the US and Canada

- 1929: California SW regulation
- 1939: CASW established
- 1960s: 8 states enact SW regulation
- 1966: Manitoba 1st province to enact SW law
- 1970s-80s: 41 states enact SW regulation
- 1998: Ontario is 10th province to enact SW law
- Today: All states and provinces regulate social work in some way
Moving forward:

- 2014: Guam (US Territory) joins ASWB
- 2014: Commonwealth of the Northern Mariana Islands (US) joins ASWB
- 2016: California rejoins and begins using ASWB Exam (again)
ASWB Model Practice Act
Categories of Licensure
(per ASWB Model Practice Act)

LBSW

LMSW

LCSW

• Independent Practice
# Licensed title inconsistencies

## 55 regulated license titles

*This list of acronyms represents the license titles regulated in the 63 jurisdictions identified above*

<table>
<thead>
<tr>
<th>ASW</th>
<th>LAMSW</th>
<th>LISW-AP</th>
<th>LSW</th>
<th>RCSW</th>
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<td>LSCSW</td>
<td>RBSW</td>
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</table>
40 US Jurisdictions: Bachelors licensure

Alabama*  
Alaska  
Arizona  
Arkansas  
Colorado  
District of Columbia  
Georgia  
Hawaii  
Idaho*  
Illinois  
Iowa  
Kansas  
Louisiana  
Maine*  
Maryland  
Massachusetts*  
Mississippi  
Missouri*  
New Jersey*  
New Mexico  
New York  
North Carolina  
North Dakota  
Oklahoma  
Oregon  
Rhode Island  
South Carolina  
South Dakota*  
Tennessee  
Texas  
Utah*  
Virgin Islands*  
West Virginia  
Wisconsin  
Indiana  
Kentucky  
Michigan  
Minnesota  
Pennsylvania  
Virginia

No supervision  
Supervised experience required  
*both
44 US Jurisdictions: Masters licensure

- District of Columbia*
- Florida
- Idaho
- Illinois*
- Indiana*
- Kentucky
- Maryland*
- Michigan
- Minnesota
- Missouri*
- Mississippi*
- Nebraska
- Nevada
- New Mexico*
- North Carolina*
- Oklahoma*
- South Carolina*
- Tennessee*
- Texas*
- Washington
- Wisconsin*
- West Virginia*

- Alabama
- Alaska
- Arizona
- Arkansas
- Colorado
- Georgia
- Hawaii
- Idaho
- Iowa
- Kansas
- Louisiana
- Maine
- Massachusetts
- New Jersey
- New York
- North Dakota
- Oregon
- Pennsylvania
- Rhode Island
- South Dakota
- Utah
- Virgin Islands

Supervision required

*both

No supervision required
All US States and DC: Clinical Licensure
## US compare to Model Practice Act

<table>
<thead>
<tr>
<th>STATE</th>
<th>Bachelors</th>
<th>Masters</th>
<th>Clinical</th>
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<tbody>
<tr>
<td>Alaska</td>
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<tr>
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<td>LGSW/LISW</td>
<td>LICSW</td>
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<td>LSW</td>
<td>LSW</td>
<td>LCSW</td>
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<td>LCSW</td>
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<td>LMSW</td>
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<td>LGSW, LISW</td>
<td>LICSW</td>
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<td>Wisconsin</td>
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<td>CAPSW, CIPW</td>
<td>LCSW</td>
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### 3 categories plus...

<table>
<thead>
<tr>
<th>MAINE</th>
<th>MASSACHUSETTS</th>
<th>MISSOURI</th>
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<tbody>
<tr>
<td>LS - Licensed Social Worker</td>
<td>LSWA: Licensed Social Work Associate</td>
<td>Licensed Bachelors Social Worker</td>
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<tr>
<td>LM - Licensed Master Social Worker</td>
<td>LSW: Licensed Social Worker</td>
<td>Licensed Master Social Worker</td>
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<td>MC - Licensed Master Social Worker, Conditional Clinical</td>
<td>LCSW: Licensed Certified Social Worker</td>
<td>Licensed Advanced Macro Social Worker</td>
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<tr>
<td>LC - Licensed Clinical Social Worker</td>
<td>LICSW: Licensed Independent Clinical Social Worker</td>
<td>Licensed Clinical Social Worker</td>
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Canada

Registered Social Worker

(AB) RSW-C
(BC) RCSW
(NS) SWC
(NS) RSW-PP
(QC) SW

Association of Social Work Boards
SCOPE OF PRACTICE

DON’T TELL ME WHAT I CAN’T DO!
From ASWB Model Practice Act:

Regulations

Standards of Practice/Code of Conduct.


Subpart 1. Scope & Applicability. The standards of practice apply to all applicants and licensees. The use of the term social worker within these standards of practice includes all applicants and licensees.
What is included in scope of practice?

1) *Who* can and cannot do *what*
2) Exceptions to #1
3) Clarification of *‘who’* in #1
4) Clarification of *‘what’* in #1
What’s in a scope?

- Clinical social work
- Clinical social worker
- Masters social work
- Masters social worker
- Bachelors social work
- Bachelors social worker
- Non-Clinical social work
- Independent practice
Colorado

(1) For the purposes of this part 4, “social work practice” means the professional application of social work theory and methods by a graduate with a master's degree in social work or a doctoral degree in social work or a bachelor's degree in social work from an accredited social work program, for the purpose of prevention, assessment, diagnosis, and intervention with individual, family, group, organizational, and societal problems, including alcohol and substance abuse and domestic violence, based on the promotion of biopsychosocial developmental processes, person-in environment transactions, and empowerment of the client system. Social work theory and methods are based on known accepted principles that are taught in professional schools of social work in colleges or universities accredited by the council on social work education.
(2) Professional social work practice may include, but is not limited to:

- (a) Assessment;
- (b) Differential diagnosis;
- (c) Treatment planning and evaluation;
- (d) Measurement of psychosocial functioning;
- (e) Crisis intervention, out-reach, short- and long-term treatment;
- (f) Therapeutic, individual, marital, and family interventions;
- (g) Client education;
- (h) Case management;
- (i) Mediation;
- (j) Advocacy;
- (k) Discharge, referral, and continuity of care planning and implementation;
- (l) Consultation;
- (m) Supervision;
- (n) Research;
- (o) Management and administration;
- (p) Program evaluation and education;
- (q) Social group work;
- (r) Community organization and development;
- (s) Social policy analysis and development;
- (t) Psychotherapy;
- (u) Consultation, supervision, and teaching in higher education; and
- (v) Counseling.
Mississippi

Rule 2.2 SCOPE OF PRACTICE A. Level of Competency
The license to practice social work or marriage and family therapy does not permit the licensee to either offer or attempt to provide services which are beyond the level of competency they have attained through education, training, supervision or clinical experience, even though the service in question may be provided routinely by other licensed social workers or marriage and family therapists. The Baccalaureate Social Worker (LSW) is prohibited from diagnosing, treating or conducting therapeutic groups or psychotherapy.
Mississippi: Rule 3.2
GUIDELINES OF PRACTICE

A. Licensed Social Worker (LSW) The entry level of social work practice usually includes a wide range of direct services under the supervision of a Licensed Master Social Worker or other qualified professional. The LSW generally provides basic problem solving interventions. Professional tasks may include data gathering, assessment, planning and contracting, various generalist interventive methodologies, conducting educational and supportive groups and evaluation of own practice. **LSWs should not provide clinical social work services, psychotherapy, or engage in autonomous practice.**
Mississippi: LMSW

B. "LMSW" (Licensed Master Social Worker) is the license held by an individual, with a masters or doctoral degree, who is licensed to practice social work in the state of Mississippi at the masters level. (See Part 1902, Chapter 3, Rule 3.2, A: Guidelines of Practice LMSW.)
B. Licensed Master Social Worker (LMSW) The LMSW may provide services to individuals, couples, families, organizations and communities. Such services shall be guided by knowledge of social work theory, social resources, social systems, human behavior, ethics, and methods to restore or enhance social, psychosocial or bio-psychosocial functioning. Scope of practice includes, but is not limited to, assessment, treatment implementation and evaluation, case management, information and referral, mediation, education, psychotherapy, advocacy, supervision of employees, consultation, research, community organization and development, administration of social policies, programs and activities. A LMSW may provide clinical social work services within a recognized setting such as social, medical and governmental agencies and organizations only when under the supervision of a LCSW or other licensed or certified clinical professions such as a psychiatrist, or PhD, or PsyD level clinical psychologist. A LMSW may only work as an employee in an agency or organizational setting and cannot engage in autonomous practice. Supervision of a LMSW for LCSW certification can only be provided by a LCSW as specified in Section IV. LMSWs must not provide unsupervised clinical services and cannot hold him/her self out as a Licensed Clinical Social Worker.
Mississippi: LCSW

C. "LCSW" (Licensed Certified Social Worker) is the license held by an individual who has fulfilled the requirements for LMSW and completed the requirements of the BOE SW/MFT for post-masters professional supervision. This individual is licensed at the certified level. Only a licensed certified social workers who has completed clinical supervision and taken the ASWB clinical exam may hold himself/herself out to the public as a “clinical social worker.” A licensed certified social worker who have completed supervision and taken the ASWB advanced exam shall not present themselves as a “clinical social worker.” (See Part 1902, Rule 3.2, C: Guidelines of Practice LCSW.)
C. Licensed Certified Social Worker (LCSW) The LCSW is qualified to perform all services included in the LMSW scope of practice in Section B above and those specified for the LCSW herein. The LCSW shall be qualified to function independently and shall demonstrate special knowledge and skill in his/her practice areas. Clinical Social Work Practice means the application of social work methods and values in diagnosis and treatment and prevention of psychosocial dysfunction disability or impairment including emotional, mental, and behavioral disorders. It is directed at enhancing, protecting, or restoring people’s capacity for social functioning, whether impaired by physical, environmental, or emotional factors. Clinical social work has a primary focus on the mental, emotional and behavioral well-being of individuals, couples, families and groups. It centers on a holistic approach to psychotherapy and the client’s relationship with his or her environment as essential to treatment planning. Clinical social workers are qualified to use the Diagnostic and Statistical Manual of Mental Disorders (DSM),
The International Classification of Diseases (ICD), and other diagnostic classification systems in assessment, diagnosis, and other activities. The LCSW specializing in clinical practice may independently engage in the use of a variety of psychotherapeutic techniques. The clinician is legally and ethically bound to practice only in the parameters of his/her expertise. The LCSW in macro practice shall demonstrate skill in supervision and management at the macro level. Macro Social Work Practice focuses on changing larger systems, such as communities and organizations. It encompasses a broad spectrum of practice, including planning, program development, community organizing, policy analysis, legislative advocacy, program evaluation, task-oriented group work, community education, and human services management.
Nebraska

*LMHP : LCSW, LPC, and LMFT*

Licensed Mental Health Practitioner (LMHP) means a person who holds himself/herself out as a person qualified to engage in mental health practice or a person who offers or renders mental health practice services.

1. A person who is licensed as a mental health practitioner and certified as a master social worker may use the title Licensed Clinical Social Worker (LCSW).
Nebraska LMHP cont’d:

• 2. A person who is licensed as a mental health practitioner and certified as a professional counselor may use the title Licensed Professional Counselor (LPC).

• 3. A person who is licensed as a mental health practitioner and certified as a marriage and family therapist may use the title Licensed Marriage and Family Therapist (LMFT).
Oregon

(1) “Practice of baccalaureate social work” means the basic, generalist practice of social work that includes assessment, planning, intervention, evaluation, case management, information and referral, counseling, nonclinical supervision, consultation, education, advocacy, community organization, and the development, implementation and administration of policies, programs or activities.

(2) “Practice of master’s social work” means social work characterized by the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation or evaluation, case management or referral, counseling, nonclinical supervision, consultation, education, research, advocacy, community organization, or the development, implementation or administration or policies, programs or activities.
Oregon

(4) “Clinical social work” means:
(a) A specialty within the practice of master’s social work that requires the application of specialized clinical knowledge and advance clinical skills to the assessment, diagnosis or treatment of mental, emotional or behavioral disorders or conditions, including but not limited to those identified in the Diagnostic and Statistical Manual of Mental Disorders (DSM) fifth edition; and
(b) The application of services described in paragraph (a) of this subsection to the provision of individual, marital, couples, family or group counseling or psychotherapy.
Saskatchewan Association of Social Workers

Standards of Practice for Registered Social Workers in Saskatchewan
C.2 Professional Performance

(a) Within a professional relationship, the central focus of practice shall be based on voluntary, and under some circumstances involuntary, agreements between a social worker and client.

(b) A social worker shall advocate with, and on behalf of clients and for the betterment of society:
C.2 Professional Performance cont’d

(c) A social worker is responsible to provide competent professional services irrespective of the amount of fees charged or the salary or compensation received by the social worker.
(d) A social worker shall make reasonable efforts to keep clients informed of other commitments that may have implications for the client.
(e) A social worker shall notify a client in a timely fashion when unable to meet a request.
E.4 Limits on Practice and Adding New Services and Techniques

(b) A social worker shall limit her or his practice to areas in which the social worker has gained competence through education, training or supervised experience.

(c) Where a social worker does not have sufficient knowledge/skill/ability to provide a service that is requested, the social worker shall:

1. if time permits, develop the competence to complete the task;
2. decline to act; or
3. obtain the client’s consent to consult or collaborate with, or refer to, a social worker or other professional who is competent on that matter.
Exemptions, scope, and title protection - oh my!
Manitoba social work staff escape scrutiny thanks to loophole, says college

Manitoba College of Social Workers says loophole allows social work staff to escape scrutiny

Miriam Browne, executive director and registrar of the Manitoba College of Social Workers, says the idea behind mandatory registration is to protect the people who are being helped by social workers. (CBC)
Manitoba

"So if the new college is not able to regulate the full spectrum of people in social work, then of course, we won't be able to protect the public ... nor will we be able to help our members to ensure that they are doing the most competent, ethical social work.” (Miriam Browne)
Manitoba

A provincial government spokesperson told CBC News the new legislation aims to protect the title of "social worker."

The government's next steps will include reviewing workers' duties and determining with union officials whether more positions should be designated as "social worker" positions, the spokesperson said.
LICENSURE REQUIREMENTS – 3 E’s and Fees

Education

Experience

Examination

“Good Moral Character”
International Social Work Degree Recognition and Evaluation Service

The Office of Social Work Accreditation (OSWA), part of the Council on Social Work Education (CSWE), is recognized by the Council for Higher Education Accreditation as the sole accrediting agency for social work education in the United States. The office's International Social Work Degree Recognition and Evaluation Service (ISWDRES) recognizes academic credentials in social work that are comparable to accredited baccalaureate and master's degrees in social work in the United States.
CASW: International Assessment of Credentials

International Assessment of Credentials

Note: CASW’s assessment is accepted in all provinces/territories with the exception of British Columbia and Quebec.
The ASWB Examinations

**Associate** – non social work-degreed applicants for paraprofessional social work licenses (only a few jurisdictions)

**Bachelors** – appropriate for BSWs with 0-2 years of experience

**Masters** – appropriate for MSWs with 0-2 years of experience

**Advanced Generalist** – appropriate for MSWs with 2-5 years of experience in non-clinical settings

**Clinical** – appropriate for MSWs with 2-5 years of experience in clinical settings
Traveling License?
From ASWB Model Practice Act:

Section 308. Qualifications for License Transfer.
(a) In order for a social worker currently licensed in another jurisdiction to obtain a license as a social worker by license transfer in this state, an applicant must provide evidence satisfactory to the Board, subject to Section 311.
Definitions revisited (from Dale):

**Reciprocity** refers to a contractual agreement between states that recognizes the issuance of a license in one state as satisfying the licensure eligibility requirements of the second state.

**Endorsement** refers to a statutory licensure eligibility determination based upon licensure elsewhere under substantially similar circumstances.
Reciprocity

License granted to applicants licensed in another state provided substantial equivalency of standards or licensure requirements exists including exam, education, supervised experience and scope of practice.
Endorsement

License granted to applicants licensed in another state provided substantial equivalency or equivalency of standards or licensure requirements exists including exam, education, supervised experience and scope of practice.
Piece of pie with *no* portability

- Reciprocity
- Endorsement
- Other
- AIT
- None found
Definitions revisited (from Dale):

**Mobility** refers to the physical movement of persons and perhaps businesses from place to place.

**Portability** refers to the ability of the credential/license to authorize the "practice" in a location other than the state of issuance.
Achieving Mobility

• License transferability now
  ▫ **Must meet new jurisdiction requirements**
    • Results in retesting, redoing supervision, experienced practitioners being denied license

• Goal - enhance portability, while ensuring practice quality and client protection

• Solutions?
  ▫ Other professions
  ▫ Other countries
Canada – Agreement on Internal Trade (AIT)

- Its purpose is to reduce and eliminate, to the extent possible, barriers to the free movement of persons, goods, services, and investment within Canada and to establish an open, efficient, and stable domestic market.
  - Includes the social work profession

- Labour Mobility
  Chapter 7 of the Agreement mean that workers in regulated occupations can apply to be certified in the same occupation in another province or territory without having to undergo significant additional training, examination or assessment. Individuals are still required to apply to jurisdictional regulators for certification in their occupation.
Current ‘hot’ issues

• Supervision requirements
• Continuing education
• Specific populations
• Political issues
• Ability to diagnose
Questions?
Comments!