

HB2169 HD2

Measure Title:	RELATING TO SOCIAL WORKERS.
Report Title:	Social Workers; Licensed Clinical Social Workers; Supervision
Description:	Authorizes the adoption of rules to clarify the supervision requirements for licensure of clinical social workers, including the criteria for supervision by videoconferencing or other electronic means. (HB2169 HD2)
Companion:	SB2669
Package:	None
Current Referral:	CPH
Introducer(s):	MCKELVEY, FUKUMOTO CHANG, Aquino, Cullen, Morikawa



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**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE SENATE COMMITTEE ON COMMERCE,
CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Tuesday, March 29, 2016
9:00 a.m.

**TESTIMONY ON HOUSE BILL NO. 2169, H.D. 2, RELATING TO SOCIAL
WORKERS.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is May Ferrer, Executive Officer for the Social Workers Program, Department of Commerce and Consumer Affairs ("Department"), Professional and Vocational Licensing Division. Thank you for the opportunity to testify on House Bill No. 2169, H.D. 2, Relating to Social Workers. The Department supports the intent of this measure and recommends changes to the supervision requirements as proposed in the attached S.D. 1. For the Committee's information, the companion measure, Senate Bill No. 2669, S.D.1, was passed out of the House Committee on Human Services with a H.D.1. The H.D.1 incorporated the amendments as proposed in the attached S.D. 1.

The purpose of this bill is to authorize the adoption of rules to clarify the supervision requirements for licensure of clinical social workers, including the criteria for supervision by videoconferencing or other electronic means.

The Department understands the challenges many social workers in less populated islands, rural areas, or those employed by the U.S. Department of Veterans Affairs, experience in meeting the face-to-face supervision requirement.

The Department recommends that the statutory language be changed to allow supervision requirements to be satisfied by two pathways: the first, which maintains the current licensing scheme, and the second, which allows for face-to-face supervision or supervision via a video conference service with requirements as outlined above.

The Department believes that adding another pathway for supervision will provide certain clinical social workers more flexibility in meeting the supervision requirements, while helping to ensure the integrity of supervised experience for all licensed clinical social workers seeking licensure in other jurisdictions.

The Department recognizes that the current statutory language requiring supervised experience in an agency setting is prohibitive to some individuals who are not able to obtain supervision within their employing agency because a qualified licensed clinical social worker may not be available, or because the agency does not allow for supervision to take place on site; therefore, the proposed S.D.1 deletes this requirement.

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The Department would greatly appreciate the Committee's favorable consideration of its attached proposed S.D.1, and would like to add that it has discussed this proposal with the proponents of the measure and they have indicated their support.

Thank you for the opportunity to testify on House Bill No. 2169, H.D. 2.

A BILL FOR AN ACT

RELATING TO SOCIAL WORKERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that social workers in
2 Hawaii who are working to complete their licensed clinical
3 social worker requirements must complete three thousand hours of
4 supervised work experience, one hundred hours of which must be
5 by direct face-to-face supervision. The legislature further
6 finds that certain social workers, particularly those living on
7 the less populated islands, in rural areas, and those employed
8 by the United States Department of Veterans Affairs, may
9 experience difficulty meeting the direct face-to-face
10 supervision requirement. This is especially true for social
11 workers in rural areas, as there are a limited number of rural
12 social workers who are qualified to provide supervision for
13 applicants for licensure as clinical social workers.

14 The legislature additionally finds that telehealth has
15 become standard practice in social work and the mental health
16 field and should be permitted as a means of meeting the

1 supervision requirements needed for licensure as a clinical
2 social worker.

3 Accordingly, the purpose of this Act is to clarify the
4 supervision requirements for licensure of clinical social
5 workers, including permitting the supervision requirements to be
6 met through two pathways; the first of which maintains the
7 current licensing scheme, and the second, which allows face-to-
8 face supervision or supervision via a video conference service
9 that is compliant with all federal and state privacy, security,
10 and confidentiality laws, including the Health Insurance
11 Portability and Accountability Act of 1996.

12 SECTION 2. Section 467E-7, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§467E-7 Licensing requirements.** Every applicant for a
15 license as a social worker shall submit evidence satisfactory to
16 the director that the applicant meets the following
17 requirements:

18 (1) For the licensed bachelor social worker, the
19 applicant:

20 (A) Holds a bachelor's degree from a college or
21 university in a social work program accredited by

1 or deemed to be equivalent to a program
2 accredited by the Council on Social Work
3 Education; and

4 (B) Has passed the basic level national examination
5 given by the Association of Social Work Boards;

6 (2) For the licensed social worker, the applicant:

7 (A) Holds a master's degree from a college or
8 university in a social work program accredited by
9 or deemed to be equivalent to an accredited
10 program by the Council on Social Work Education
11 or a doctoral degree from a doctoral degree
12 program in social work accredited by the Western
13 Association of Schools and Colleges or a
14 comparable regional accreditation body; and

15 (B) Has passed the intermediate or higher level
16 national examination given by the Association of
17 Social Work Boards; and

18 (3) For the licensed clinical social worker, the
19 applicant:

20 (A) Has met the educational requirements in paragraph
21 (2);

- 1 (B) Has passed the clinical level national
2 examination given by the Association of Social
3 Work Boards; and
- 4 (C) Has provided evidence of successful completion of
5 at least three thousand hours of post masters
6 clinical social work experience under supervision
7 completed within no fewer than two years, but
8 within no more than five years. Clinical social
9 work experience shall include a minimum of two
10 thousand hours of assessment, clinical diagnosis,
11 and psychotherapy; no more than a maximum of nine
12 hundred hours of client-centered advocacy,
13 consultation, and evaluation; and at least one
14 hundred hours of ~~[direct face-to-face]~~
15 supervision~~[+]~~ as follows:
- 16 (i) At least sixty of the one hundred hours of
17 direct face-to-face supervision shall have been
18 individualized supervision ~~[and the remaining];~~
19 and
- 20 (ii) Not more than forty hours of direct face-to-
21 face supervision may have been under a small

1 group (up to six supervisees) [~~supervision,~~
2 ~~provided that:~~].

3 An applicant who submits evidence of
4 certification as a qualified clinical social
5 worker or diplomate in clinical social work by
6 the National Association of Social Workers or as
7 a board certified diplomate by the American Board
8 of Examiners shall be deemed to have satisfied
9 the experience requirements of this subparagraph.

10 (D) Shall have had clinical supervision by the
11 following:

12 (i) The supervisor shall have been a licensed
13 clinical social worker with at least four
14 thousand five hundred hours of post masters
15 clinical social work experience;

16 (ii) For the first five years after July 1, 2004,
17 the following individuals shall be deemed to
18 have satisfied the requirements of a
19 supervisor: a person with a master's degree
20 in social work with at least four thousand
21 five hundred hours post masters clinical

1 social work experience; an individual who
2 holds a diplomate in clinical social work or
3 a board certified diplomate certification;
4 or a board certified psychiatrist,
5 psychologist, advanced practice registered
6 nurse who has a minimum of four thousand
7 five hundred hours of post masters clinical
8 experience in assessment, clinical
9 diagnosis, and psychotherapy; and

10 (iii) Supervision shall have [~~occurred in an~~
11 ~~agency setting that provides~~] included
12 review of assessment, clinical diagnosis and
13 psychotherapy.

14 [~~An applicant who submits evidence of~~
15 ~~certification as a qualified clinical social~~
16 ~~worker or diplomate in clinical social work by the~~
17 ~~National Association of Social Workers or as a~~
18 ~~board certified diplomate by the American Board~~
19 ~~of Examiners shall be deemed to have satisfied~~
20 ~~the experience requirements of this~~
21 ~~subparagraph."~~]

1 (E) In collaboration with the supervisor, may elect
2 to fulfill some or all of the supervision
3 requirements set forth in subsections (C)(i) and
4 (C)(ii) through face-to-face supervision that is
5 conducted electronically through a video
6 conference service that is compliant with all
7 federal and state privacy, security and
8 confidentiality laws, including the Health
9 Insurance Portability and Accountability Act of
10 1996. Prior to making such an election, it is
11 incumbent upon the applicant to review the laws
12 and rules of other jurisdictions to determine the
13 impact, if any, electronic supervision may have
14 on license by endorsement in other states.

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.
18

Report Title:

Social Workers; Licensed Clinical Social Workers; Licensing Requirements; Supervision

Description:

Clarifies the supervision requirements for licensure of clinical social workers, including permitting the supervision requirements to be met two pathways; the first of which maintains the current licensing scheme, and the second, which allows face-to-face supervision or supervision via a video conference service that is compliant with all federal and state privacy, security, and confidentiality laws, including the Health Insurance Portability and Accountability Act of 1996.
(SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

Date: March 29, 2016

To:

Senate Committee on Commerce, Consumer Protection, and Health

Senator Rosalyn Baker, Chair

Senator Michelle Kidani, Vice-Chair

The National Association of Social Workers, Hawaii Chapter (NASW) strongly supports House Bill 2169, relating to social workers, with amendments.

- NASW Hawaii represents 865 members
- There are currently 1,952 Social Workers licensed by DCCA.
- Tele-medicine has become standard practice in the Social Work/Mental Health field and should be allowed for garnering supervision.
- Social Workers on the neighbor islands, rural Oahu and some Department of Veteran's Affairs Social Workers are currently challenged to meet the statute requirements for direct "Face to Face" Supervision.
- Rural Social Workers qualified to provide supervision for the LCSW Certification are limited in number.
- Universities across the Nation offer both bachelor and masters level Social Work Degrees via technology, which does not require direct in-person "face to face" instruction.

We would like to suggest the following amendments:

DELETE

SECTION 2. Chapter 467E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§467E- Supervision Requirement. The director shall adopt rules pursuant to chapter 91 to set forth, clarify, and describe acceptable requirements that outline parameters, limitations, or prohibitions for supervision requirements for licensure of clinical social workers, including the criteria for supervision by videoconferencing or other electronic means as determined by the director."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 3000.

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National Association of Social Workers
ADOPT the language of SB2669 SD1 HD1:

RELATING TO SOCIAL WORKERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that social workers in Hawaii who are working to complete their licensed clinical social worker requirements must complete three thousand hours of supervised work experience, one hundred hours of which must be by direct face-to-face supervision. The legislature further finds that certain social workers, particularly those living on the less populated islands, in rural areas, and those employed by the United States Department of Veterans Affairs, may experience difficulty meeting the direct face-to-face supervision requirement. This is especially true for social workers in rural areas, as there are a limited number of rural social workers who are qualified to provide supervision for applicants for licensure as clinical social workers.

The legislature additionally finds that telehealth has become standard practice in social work and the mental health field and should be permitted as a means of meeting the supervision requirements needed for licensure as a clinical social worker.

Accordingly, the purpose of this Act is to clarify the supervision requirements for licensure of clinical social workers, including by permitting the option to fulfill all or part of the face-to-face supervision requirements through supervision via a video conference service that is compliant with all federal and state privacy, security, and confidentiality laws, including the Health Insurance Portability and Accountability Act of 1996.

SECTION 2. Section 467E-7, Hawaii Revised Statutes, is amended to read as follows:

"§467E-7 Licensing requirements. Every applicant for a license as a social worker shall submit evidence satisfactory to the director that the applicant meets the following requirements:

(1) For the licensed bachelor social worker, the applicant:

(A) Holds a bachelor's degree from a college or university in a social work program accredited by or deemed to be equivalent to a program accredited by the Council on Social Work Education; and

(B) Has passed the basic level national examination given by the Association of Social Work Boards;

(2) For the licensed social worker, the applicant:

(A) Holds a master's degree from a college or university in a social work program accredited by or deemed to be equivalent to an accredited program by the Council on Social Work Education or a doctoral degree from a doctoral degree program in social work accredited by the Western Association of Schools and Colleges or a comparable regional accreditation body; and

(B) Has passed the intermediate or higher level national examination given by the Association of Social Work Boards; and

(3) For the licensed clinical social worker, the applicant:

(A) Has met the educational requirements in paragraph (2);

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National Association of Social Workers

(B) Has passed the clinical level national examination given by the Association of Social Work Boards; and

(C) Has provided evidence of successful completion of at least three thousand hours of post masters clinical social work experience under supervision completed within no fewer than two years, but within no more than five years. Clinical social work experience shall include a minimum of two thousand hours of assessment, clinical diagnosis, and psychotherapy; no more than a maximum of nine hundred hours of client-centered advocacy, consultation, and evaluation; and at least one hundred hours of direct face-to-face supervision~~[-]~~ as follows:

(i) At least sixty of the one hundred hours of direct face-to-face supervision shall have been individualized supervision ~~[and the remaining]; and~~

(ii) Not more than forty hours of direct face-to-face supervision may have been under small group (up to six supervisees) supervision~~[-; provided that:-]~~.

An applicant who submits evidence of certification as a qualified clinical social worker or diplomate in clinical social work by the National Association of Social Workers or as a board certified diplomate by the American Board of Examiners shall be deemed to have satisfied the experience requirements of this subparagraph.

(D) For purpose of subparagraph (C), shall have had clinical supervision as follows:

(i) The supervisor shall have been a licensed clinical social worker with at least four thousand five hundred hours of post masters clinical social work experience;

(ii) For the first five years after July 1, 2004, the following individuals shall be deemed to have satisfied the requirements of a supervisor: a person with a master's degree in social work with at least four thousand five hundred hours post masters clinical social work experience; an individual who holds a diplomate in clinical social work or a board certified diplomate certification; or a board certified psychiatrist, psychologist, advanced practice registered nurse who has a minimum of four thousand five hundred hours of post masters clinical experience in assessment, clinical diagnosis, and psychotherapy; and

(iii) Supervision shall have ~~[occurred in an agency setting that provides]~~ included review of assessment, clinical diagnosis, and psychotherapy.

~~[An applicant who submits evidence of certification as a qualified clinical social worker or diplomate in clinical social work by the National Association of Social Workers or as a board certified diplomate by the American Board of Examiners shall be deemed to have satisfied the experience requirements of this subparagraph.]~~

(E) In collaboration with the supervisor, may elect to fulfill some or all of the supervision requirements set forth in subparagraph (C) through face-to-face supervision that is conducted electronically through a video conference service that is compliant with all federal and state privacy, security, and confidentiality laws, including the Health Insurance Portability and Accountability Act of 1996. Prior to making such an election, it is incumbent upon the applicant to review the laws and rules of other jurisdictions to determine the impact, if any, that electronic supervision may have on license by endorsement in other states."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

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National Association of Social Workers

Sonja Bigalke-Bannan, MSW, LSW

Sonja Bigalke-Bannan, MSW, LSW

Executive Director

National Association of Social Workers, Hawai'i Chapter

Michael Riley
Mdriley@hawaii.edu

3/27/2016

To: Senator Baker, Chair
Senator Kidani, Co-Chair
And members of the Committee

From: Michael Riley

RE: I strongly support House Bill 2169 HD2 relating to social workers.

Dear Chair Baker, Vice Chair Kidani, and members of the committee on HB2169, thank you for allowing me the opportunity to testify on this very important bill. I am testifying today in strong support of bill HB 2169 related to social workers which will allow those of us looking to obtain licensing for our LSCW multiple options to satisfy supervision requirements, including face-to-face which is proven difficult for those in rural, less populated areas of the island, or a HIPSS compliant video conferencing option.

My name is Michael Riley and I am a current Master's student at the University of Hawaii at Manoa; Myron B Thompson School of Social Work with an anticipated graduation date of May 2016. With my upcoming graduation quickly approaching, licensing is something myself as we'll as my fellow colleagues are beginning to prepare for. However, with the current wording within the licensing process for supervision it is very difficult to consider working in rural areas of the islands where social workers are needed most due to the fact that it would be nearly impossible to meet the supervision requirements, as there is a lack of current licensed professionals able to provide the required face-to-face supervision.

By passing this bill you are allowing social workers from all around the various parts of the Hawaiian Islands an equal opportunity to receive adequate training from the limited number of current qualified professionals who otherwise wouldn't be available in providing the required supervision for the LCSW certification. By helping us to reach this supervision requirement to receive our LCSW you are in return helping our clients and other professionals in the field who will also benefit from this.

I strongly support H.B.2169 and respectfully ask the committee to pass this bill.

Thank you for the opportunity to testify.

Sincerely,
Michael Riley
Master's Social Work Candidate, 2016
Mdriley@hawaii.edu