

45: 15 BB-3

LEGISLATIVE HISTORY CHECKLIST
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(Social Work Licensing Act---
exempt nonprofit organizations)

NJSA: 45:15BB-3

LAWS OF: 1995 CHAPTER: 66

BILL NO: A2334

SPONSOR(S): Cohen and Lance

DATE INTRODUCED: November 21, 1994

COMMITTEE: ASSEMBLY: Commerce

SENATE: ---

AMENDED DURING PASSAGE: Yes Amendment during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: December 15, 1994 Re-eneacted 3-13-95

SENATE: December 19, 1994 Re-eneacted 3-13-95

DATE OF APPROVAL: April 6, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG: pp

[SECOND REPRINT]
ASSEMBLY, No. 2334

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 21, 1994

By Assemblymen COHEN and LANCE

1 AN ACT concerning social work and amending P.L.1991, c.134.

2

3 BE IT ENACTED *by the Senate and General Assembly of the*
4 *State of New Jersey:*

5 1. Section 3 of P.L.1991, c.134 (C.45:15BB-3) is amended to
6 read as follows:

7 3. As used in this act:

8 "Board" means the State Board of Social Work Examiners,
9 established in section 10 of this act.

10 "Certified social worker" means a person who holds a current,
11 valid certificate issued pursuant to subsection c. of section 6 or
12 subsection c. of section 8 of this act.

13 "Clinical social work" means the professional application of
14 social work methods and values in the assessment and
15 psychotherapeutic counseling of individuals, families, or groups.
16 Clinical social work services shall include, but shall not be
17 limited to: assessment; psychotherapy; client-centered advocacy;
18 and consultation.

19 "Director" means the Director of the Division of Consumer
20 Affairs.

21 "Licensed clinical social worker" means a person who holds a
22 current, valid license issued pursuant to subsection a. of section 6
23 or subsection a. or d. of section 8 of this act.

24 "Licensed social worker" means a person who holds a current,
25 valid license issued pursuant to subsection b. of section 6 or
26 subsection b. of section 8 of this act.

27 "Psychotherapeutic counseling" means the ongoing interaction
28 between a social worker and an individual, family or group for the
29 purpose of helping to resolve symptoms of mental disorder,
30 psychosocial stress, relationship problems or difficulties in coping
31 with the social environment, through the practice of
32 psychotherapy.

33 "Social work" means the activity directed at enhancing,
34 protecting or restoring a person's capacity for social functioning,
35 whether impaired by physical, environmental, or emotional
36 factors. The practice of social work shall include, but shall not be
37 limited to: policy and administration; clinical social work; social
38 work counseling; planning and community organization; social
39 work education; and research.

40 "Social work counseling" means the professional application of
41 social work methods and values in advising and providing guidance
42 to individuals, families or groups for the purpose of enhancing,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted December 12, 1994.

² Assembly amendments adopted in accordance with Governor's
recommendations February 23, 1995.

1 protecting or restoring the capacity for coping with the social
2 environment, exclusive of the practice of psychotherapy.

3 "Supervision" means the direct review of a supervisee for the
4 purpose of teaching, training, administration, accountability or
5 clinical review by a supervisor in the same area of specialized
6 practice.

7 (cf: P.L.1991, c.134, s.3)

8 2. Section 5 of P.L.1991, c.134 (C.45:15BB-5) is amended to
9 read as follows:

10 5. The provisions of this act shall not apply to the following
11 persons:

12 a. A person authorized by the laws of this State to practice
13 medicine and surgery, psychology, marriage counselling,
14 chiropractic, acupuncture, physical therapy, occupational
15 therapy, speech pathology and audiology, nursing or any other
16 profession licensed by the State, when acting within the scope of
17 the person's profession or occupation and doing work of a nature
18 consistent with the person's training, if the person does not hold
19 himself out to the public as possessing a license or certificate
20 issued pursuant to this act;

21 b. A student enrolled in an educational program accredited, or
22 in candidacy for accreditation, by the Council on Social Work
23 Education, if the student is practicing as part of a supervised
24 course of study and is clearly designated by the title "social work
25 intern;"

26 c. A primary, middle or secondary school social worker
27 certified as a school social worker by the State Department of
28 Education, but only in the course of this employment and only
29 when designated by the title "school social worker;"

30 d. A rabbi, priest, minister, Christian Science practitioner or
31 clergyman of any religious denomination or sect, when engaging
32 in activities, which are within the scope of the performance of
33 the person's regular or specialized ministerial duties and for
34 which no separate charge is made, or when these activities are
35 performed, with or without charge, for or under the auspices or
36 sponsorship, individually or in conjunction with others, of an
37 established and legally cognizable church, denomination, or sect,
38 and when the person rendering services remains accountable to
39 the established authority thereof;

40 e. A person engaged in the practice of alcohol or drug abuse
41 intervention, prevention, or treatment if the person does not
42 advertise or use any title, name, or description, the use of which
43 is restricted by section 4 of this act; [and]

44 f. An employee of the State or a political subdivision thereof
45 which is subject to the provisions of Title 11A, Civil Service, of
46 the New Jersey Statutes, but only in the course of this
47 employment;

48 g. An employee of a non-profit organization with a master's
49 degree in a mental health discipline other than social work, who
50 performs psychotherapeutic counseling under the supervision of a
51 licensed clinical social worker or other State-licensed mental
52 health professional; and

53 h. An employee or volunteer of a non-profit organization who
54 performs any social work service other than psychotherapeutic

1 counseling, but only in the course of this employment or
 2 volunteer activity, and if the person does not advertise or use any
 3 title or name the use of which is restricted by section 4 of
 4 P.L.1991, c.134 (C.45:15BB-4).

5 (cf: P.L.1991, c.134, s.5)

6 ¹3. Section 6 of P.L.1991, c.134 (C.45:15BB-6) is amended to
 7 read as follows:

8 6. a. The board shall issue a license as a "licensed clinical
 9 social worker" to an applicant who has:

10 (1) Received a master's degree in social work from an
 11 educational program accredited, or in candidacy for
 12 accreditation, by the Council on Social Work Education, or a
 13 doctorate in social work from an accredited institution of higher
 14 education;

15 (2) Had at least two years of full-time experience in the
 16 practice of clinical social work under the supervision of a clinical
 17 social worker licensed by this State or who, by virtue of the
 18 supervisor's education and experience, is eligible for licensure in
 19 this State as a licensed clinical social worker, or any other
 20 supervisor who may be deemed acceptable to the board;

21 (3) Satisfactorily completed minimum course requirements
 22 established by the board to ensure adequate training in methods
 23 of clinical social work practice; and

24 (4) Passed an appropriate examination provided by the board
 25 for this purpose.

26 b. The board shall issue a license as a "licensed social worker"
 27 to an applicant who has:

28 (1) Received a master's degree in social work from an
 29 educational program accredited, or in candidacy for
 30 accreditation, by the Council on Social Work Education or a
 31 doctorate in social work from an accredited institution of higher
 32 education; and

33 (2) Passed an appropriate examination provided by the board
 34 for this purpose.

35 c. The board shall certify an applicant who has :

36 (1) received a baccalaureate degree in social work from an
 37 educational program accredited, or in candidacy for
 38 accreditation, by the Council on Social Work Education ; or

39 (2) ²[majored in a field related to human services and] on or
 40 before the effective date of this act, ²acquired a baccalaureate
 41 degree ²in a field related to human services² from an accredited
 42 institution of higher education and has engaged in full-time social
 43 work for at least one year prior to the effective date of P.L. ,
 44 c. (pending before the Legislature as this bill).¹

45 (cf: P.L.1991, c.134, s.6)

46 ¹[3.]⁴.¹ This act shall take effect immediately.

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 51 Exempts certain employees and volunteers of non-profit
 52 organizations from provisions of the "Social Workers' Licensing
 53 Act."

1 counseling, but only in the course of this employment or
2 volunteer activity, and if the person does not advertise or use any
3 title or name the use of which is restricted by section 4 of
4 P.L.1991, c.134 (C.45:15BB-4).

5 (cf: P.L.1991, c.134, s.5)

6 3. This act shall take effect immediately.

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9 STATEMENT

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11 This bill stipulates that the provisions of the "Social Workers'
12 Licensing Act of 1991" shall not apply to an employee of a
13 non-profit organization with a master's degree in a mental
14 health discipline other than social work, who performs
15 psychotherapeutic counseling under the supervision of a licensed
16 clinical social worker or other State-licensed mental health
17 professional. Nor shall these provisions apply to an employee or
18 volunteer of a non-profit organization who performs any social
19 work service other than psychotherapeutic counseling, but only in
20 the course of this employment or volunteer activity, if that
21 person does not advertise or use any title or name unless the title
22 or certification corresponds to the certification or license held by
23 the person pursuant to the "Social Workers' Licensing Act."

24 The bill provides that social work counseling is included in the
25 practice of social work. Social work counseling means the
26 professional application of social work methods and values in
27 advising and providing guidance to individuals, families or groups
28 for the purpose of enhancing, protecting or restoring the capacity
29 for coping with the social environment, exclusive of the practice
30 of psychotherapy. Futhermore, the bill defines
31 "psychotherapeutic counseling" as the ongoing interaction
32 between a social worker and an individual, family or group for the
33 purpose of helping to resolve symptoms of mental disorder,
34 psychosocial stress, relationship problems or difficulties in coping
35 with the social environment, through the practice of
36 psychotherapy.

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41 Exempts certain employees and volunteers of non-profit
42 organizations from provisions of the "Social Workers' Licensing
43 Act."

ASSEMBLY COMMERCE AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2334

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1994

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 2334 with amendments.

As amended, this bill stipulates that the provisions of the "Social Workers' Licensing Act of 1991" will not apply to an employee of a non-profit organization with a master's degree in a mental health discipline other than social work, who performs psychotherapeutic counseling under the supervision of a licensed clinical social worker or other State-licensed mental health professional. Nor will the act apply to an employee or volunteer of a non-profit organization who performs any social work service other than psychotherapeutic counseling, but only in the course of this employment or volunteer activity, if that person does not advertise or use any title or name unless the title or certification corresponds to the certification or license held by the person pursuant to the "Social Workers' Licensing Act."

The bill provides that social work counseling is included in the practice of social work. Social work counseling means the professional application of social work methods and values in advising and providing guidance to individuals, families or groups for the purpose of enhancing, protecting or restoring the capacity for coping with the social environment, exclusive of the practice of psychotherapy. Furthermore, the bill defines "psychotherapeutic counseling" as the ongoing interaction between a social worker and an individual, family or group for the purpose of helping to resolve symptoms of mental disorder, psychosocial stress, relationship problems or difficulties in coping with the social environment, through the practice of psychotherapy.

The committee amended the bill to provide that the State Board of Social Work Examiners shall certify an applicant who has majored in a field related to human services and acquired a baccalaureate degree from an accredited institution of higher education and has engaged in full-time social work for at least one year prior to the effective date of this bill.

ASSEMBLY BILL NO. 2334
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2334 (First Reprint) with my recommendations for reconsideration.

A. Summary of Bill

This bill would amend the "Social Workers' Licensing Act of 1991," to exempt certain employees or volunteers of non-profit organizations from that Act's licensing requirements. The purpose of the bill is to enable non-profit organizations to continue to provide social services and programs by avoiding potential labor pool deficiencies and increased labor costs. The bill also contains a "grandfather" clause which creates an additional category of persons who automatically qualify for certification as social workers.

B. Recommended Action

While I agree with the goals of this bill, I have been made aware of concerns that the "grandfather" clause, as currently written, could be read prospectively to create an open-ended exception to the current requirements for certification as a social worker. My recommended amendments tailor this provision of the bill to avoid prospective application while preserving the bill's intent.

Therefore, I herewith return Assembly Bill No. 2334 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 3, Line 39:

Delete "majored in a field related to human services and acquired" and insert "on or before the effective date of this act, acquired"

(1) (1)
STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Page 3, Section 3, Line 40:

After "degree" insert "in a
field related to human
services"

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Peter Verniero

Chief Counsel to the Governor