

45:15BB-1

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(Social workers--
licensing)

LAWS OF: 1991

CHAPTER: 134

Bill No: S2583

Sponsor(s): Feldman

Date Introduced: April 26, 1990

Committee: Assembly: Commerce

Senate: Institutions, Health

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: May 21, 1991

Senate: October 11, 1990

Date of Approval: May 6, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:
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STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1990

By Senator FELDMAN, Assemblyman COHEN, and
Senators AMBROSIO, LYNCH and PALAIA

1 AN ACT to certify and license social workers, creating a State
2 Board of Social Work Examiners, ¹[and]¹ ³and³ revising various
3 parts of the statutory law ³[and making an appropriation]¹³.

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

7 1. (New section) This act shall be known and may be cited as
8 the "Social Workers' Licensing Act of ⁴[1990] 1991⁴."

9 2. (New section) The Legislature declares that the profession
10 of social work profoundly affects the lives of the people of New
11 Jersey. The Legislature further declares that this act is intended
12 to protect the people of New Jersey by setting standards of
13 qualification, education, training and experience for those
14 persons seeking to practice and be certified or licensed as social
15 workers and by promoting high standards of professional
16 performance for those presently practicing as social workers and
17 for those who will be certified or licensed to practice social work
18 in this State.

19 3. (New section) As used in this act:

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

22 ⁴"Certified social worker" means a person who holds a current,
23 valid certificate issued pursuant to subsection c. of section 6 or
24 subsection c. of section 8 of this act.⁴

25 "Clinical social work" means the professional application of
26 social work methods and values in the ¹[diagnosis and treatment
27 of mental and emotional disorders] assessment and
28 psychotherapeutic counseling¹ of individuals, families, or groups.
29 Clinical social work services shall include, but shall not be
30 limited to: assessment; ¹[diagnosis; and treatment, including]¹
31 psychotherapy; client-centered advocacy; and consultation.

32 ⁴"Director" means the Director of the Division of Consumer
33 Affairs.

34 "Licensed clinical social worker" means a person who holds a
35 current, valid license issued pursuant to subsection a. of section 6
36 or subsections a. or d. of section 8 of this act.

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 Senate SIH committee amendments adopted June 7, 1990.

² Senate floor amendments adopted September 24, 1990.

³ Senate floor amendments adopted October 1, 1990.

⁴ Assembly floor amendments adopted March 7, 1991.

1 "Licensed social worker" means a person who holds a current,
2 valid license issued pursuant to subsection b. of section 6 or
3 subsection b. of section 8 of this act.⁴

4 "Social work" means the activity directed at enhancing,
5 protecting or restoring a person's capacity for social functioning,
6 whether impaired by physical, environmental, or emotional
7 factors. The practice of social work shall include, but shall not
8 be limited to: policy and administration; clinical social work;
9 planning and community organization; social work education; and
10 research.

11 "Supervision" means the direct review of a supervisee for the
12 purpose of teaching, training, administration, accountability or
13 clinical review by a supervisor in the same area of specialized
14 practice.

15 4. (New section) a. No person shall engage in the practice of
16 social work as a certified or licensed social worker or present,
17 call or represent himself as a certified or licensed social worker
18 unless certified or licensed under this act.

19 b. No person shall assume, represent himself as, or use the
20 title or designation "social worker," "licensed clinical social
21 worker," "licensed social worker," "certified social worker,"
22 "medical social worker," "social work technician" or any other
23 title or designation which includes the words "social worker" or
24 "social work," or any of the abbreviations "SW," "LCSW,"
25 "LSW," "CSW," ¹["MSW,"]¹ "SWT" or similar abbreviations,
26 unless certified or licensed under this act ⁴,and unless the title or
27 designation corresponds to the certification or license held by the
28 person pursuant to this act⁴.

29 c. No person shall engage in the independent practice of
30 clinical social work for a fee unless the person is licensed under
31 this act as a licensed clinical social worker ⁴[and has been
32 authorized by the board as qualified to perform independent
33 clinical social work pursuant to section 6 of this act]⁴.

34 ⁴d. No certified social worker shall practice clinical social
35 work and a licensed social worker may only practice clinical
36 social work under the supervision of a licensed clinical social
37 worker.⁴

38 5. (New section) The provisions of this act shall not apply to
39 the following persons:

40 a. A person authorized by the laws of this State to practice
41 medicine and surgery, ¹psychology,¹ ⁴marriage counselling,⁴
42 chiropractic, acupuncture, physical therapy, occupational
43 therapy, speech pathology and audiology, nursing or any other
44 profession licensed by the State, when acting within the scope of
45 the person's profession or occupation and doing work of a nature
46 consistent with the person's training, ¹[so long as] if¹ the person
47 does not hold himself out to the public as possessing a license or
48 certificate issued pursuant to this act;

49 b. A student enrolled in an educational program accredited, or
50 in candidacy for accreditation, by the Council on Social Work

1 Education, ¹[so long as] if¹ the student is practicing as part of a
2 supervised course of study and is clearly designated by the title
3 "social work intern;"

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

8 d. A rabbi, priest, minister, Christian Science practitioner or
9 clergyman of any religious denomination or sect, when engaging
10 in activities, which are within the scope of the performance of
11 the person's regular or specialized ministerial duties and for
12 which no separate charge is made, or when these activities are
13 performed, with or without charge, for or under the auspices or
14 sponsorship, individually or in conjunction with others, of an
15 established and legally cognizable church, denomination, or sect,
16 and when the person rendering services remains accountable to
17 the established authority thereof;

18 e. A person engaged in the practice of alcohol or drug abuse
19 intervention, prevention, or treatment ¹[provided that] if¹ the
20 person does not advertise or use any title, name, or description,
21 the use of which is restricted by section 4 of this act; and

22 f. An employee of the State or a political subdivision thereof
23 which is subject to the provisions of Title 11A, Civil Service, of
24 the New Jersey Statutes, but only in the course of this
25 employment ¹[and if the employee does not use any title, name or
26 description, the use of which is restricted by section 4 of this
27 act]¹.

28 6. (New section) a. The board shall issue a license as a
29 "licensed clinical social worker" to an applicant who has:

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

35 (2) Had at least two years of full-time experience in the
36 practice of clinical social work under the supervision of a clinical
37 social worker licensed by this State or who, by virtue of the
38 supervisor's education and experience, is eligible for licensure in
39 this State ⁴as a licensed clinical social worker⁴, or any other
40 supervisor who may be deemed acceptable to the board; ¹[and]¹

41 (3) ¹Satisfactorily completed minimum course requirements
42 established by the board to ensure adequate training in methods
43 of clinical social work practice; and

44 (4)¹ Passed an appropriate examination provided by the board
45 for this purpose.

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

48 (1) Received a master's degree in social work from an
49 education program accredited, or in candidacy for accreditation,
50 by the Council on Social Work Education or a doctorate in social

1 work from an accredited institution of higher education; and

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

4 c. The board shall certify an applicant who has received a
5 baccalaureate degree in social work from an educational program
6 accredited, or in candidacy for accreditation, by the Council on
7 Social Work Education.

8 ⁴[d. A person licensed as a "licensed clinical social worker"
9 may engage in the independent practice of clinical social work
10 for a fee.]⁴

11 7. (New section) An applicant ⁴[is] may be⁴ exempted from
12 the requirement of taking and passing any examination provided
13 for in this act if the applicant satisfies the board that the
14 applicant is licensed or registered under the laws of a state⁴[or],⁴
15 territory ⁴or jurisdiction⁴ of the United States ⁴[or Puerto
16 Rico]⁴, which in the opinion of the board imposes substantially
17 the same ¹educational and experiential¹ requirements as this act,
18 and, pursuant to the laws of the state⁴[or],⁴territory, or ⁴[Puerto
19 Rico] jurisdiction⁴, has taken and passed an examination similar
20 to that from which exemption is sought.

21 8. (New section) a. For 180 days after the date procedures
22 are established by the board for applying for licensure under
23 subsection a. of section 6 of this act, any person¹[:

24 (1)]¹ who engaged in ⁴full-time⁴ clinical social work for three
25 of the last five years immediately preceding the enactment date
26 of this act, including clinical social work in a career service in
27 civil service or social work certified by the State Department of
28 Education, ¹and who meets the educational and experiential
29 requirements set forth in subsection a. of section 6 of this act,¹
30 may acquire a license as a licensed clinical social worker
31 ¹[without providing proof to the board that the person has met
32 the educational or experiential criteria set forth in subsection a.
33 of section 6 of this act, upon the successful completion of a board
34 approved examination; or

35 (2) who meets the educational and experiential requirements
36 set forth in subsection a. of section 6 of this act may acquire that
37 license]¹ without sitting for a board approved examination.

38 b. For 180 days after the date procedures are established by
39 the board for applying for licensure under subsection b. of section
40 6 of this act, any person¹[:

41 (1)]¹ who engaged in ⁴full-time⁴ social work for three of the
42 last five years immediately preceding the enactment date of this
43 act, including social work in a career service in civil service or
44 social work certified by the State Department of Education, ¹and
45 who meets the educational requirements set forth in subsection b.
46 of section 6 of this act,¹ may acquire a license as a licensed
47 social worker ¹[without providing proof to the board that the
48 person has met the educational criteria set forth in subsection b.
49 of section 6 of this act, upon the successful completion of a board
50 approved examination; or

1 (2) who meets the educational requirements set forth in
2 subsection b. of section 6 of this act may acquire that license]¹
3 without sitting for a board approved examination.

4 c. For 180 days after the date procedures are established by
5 the board for applying for certification under subsection c. of
6 section 6 of this act, any person who engaged in ⁴full-time⁴
7 social work for two of the last five years immediately preceding
8 the enactment date of this act, including social work in career
9 service in civil service or social work certified by the State
10 Department of Education, may acquire a certificate as a
11 certified social worker without proof to the board that the person
12 has met the educational criteria set forth in subsection c. of
13 section 6 of this act.

14 ¹d. For 180 days after the date procedures are established by
15 the board for applying for licensure under section 6 of this act,
16 any person who does not meet the educational and experiential
17 requirements set forth in subsection a. of section 6 of this act
18 may acquire a license as a licensed clinical social worker without
19 sitting for a board approved examination if the applicant: (1) has
20 a baccalaureate degree in social work or in a closely related field
21 from an accredited institution of higher education; (2) has at
22 least 20 years of professional experience of which at least 10
23 have been in the full-time practice of social work; and (3) is a
24 certified school social worker and a certified instructor in parent
25 effectiveness training, has a background and experience in
26 medical social work, has worked for the State as a caseworker
27 dealing with youth and family services, has experience and
28 training in crisis intervention, and is recognized by the courts in
29 the State as a qualified expert witness as a social worker.¹

30 9. (New section) ⁴[Each certificate or license, as the case
31 may be, issued by the board under this act shall become effective
32 upon issuance, and shall expire on the last day of the month in the
33 year that is exactly two years from the year and month in which
34 the certification or license was issued. The certification or
35 license may be renewed biennially by the payment of a renewal
36 fee set by the board and by the execution and submission of a
37 sworn statement by the applicant, made on a form as provided by
38 the board, that the]⁴ ²[applicant has been engaged in the practice
39 of social work for at least two of the last five years and that
40 the]² ⁴[certification or license for which renewal is sought has
41 not been revoked nor is currently suspended. Each applicant shall
42 present satisfactory evidence when seeking certification or
43 license renewal that in the period since the certification or
44 license was issued, any continuing education requirements have
45 been completed as specified by the board. Applications for
46 renewal may be made within 180 days after the expiration of the
47 certification or license. Thereafter, a new certification or
48 license application shall be required.]

49 a. In addition to any other requirements for licensure or
50 certification, at the time of renewal an applicant shall execute

1 and submit a sworn statement made on a form provided by the
2 board that the certification or license for which renewal is sought
3 has not been revoked, suspended or not renewed by the board or
4 any other jurisdiction.

5 b. Each applicant shall present satisfactory evidence when
6 seeking certification or license renewal that in the period since
7 the certificate or license was issued or last renewed any
8 continuing education requirements have been completed as
9 specified by the board.⁴

10 10. (New section) There is created within the Division of
11 Consumer Affairs in the Department of Law and Public Safety
12 the State Board of Social Work Examiners. The board shall
13 consist of nine members who are residents of the State ¹[and who
14 represent the northern, central and southern regions of the
15 State]¹, two of whom shall be public members appointed pursuant
16 to the provisions of subsection b. of section 2 of P.L.1971, c.60
17 (C.45:1-2.2) and one of whom shall be the Commissioner of
18 Human Services, or his designee, appointed in fulfillment of the
19 requirement of subsection c. of that section. Of the six
20 remaining members, three shall have been actively engaged in the
21 practice of social work for at least five years immediately
22 preceding their appointment, and, except for the members first
23 appointed, one shall be a licensed clinical social worker, one shall
24 be a licensed social worker, and one shall be a certified social
25 worker pursuant to this act. Of the three remaining members,
26 two shall be social work educators, one of whom shall represent a
27 baccalaureate level program and one of whom shall represent a
28 master's level program; and one shall be a social worker with a
29 doctorate level degree, and, all of whom, except for the members
30 first appointed, shall be licensed or certified pursuant to this act.

31 The Governor shall appoint each member, other than the State
32 executive department member, for terms of three years, except
33 that of the social worker members first appointed, two shall
34 serve for a term of three years, two shall serve for terms of two
35 years and two shall serve for terms of one year. Any vacancy in
36 the membership shall be filled for the unexpired term in the
37 manner provided by the original appointment. No member of the
38 board may serve more than two successive terms in addition to
39 any unexpired term to which he has been appointed. ⁴The
40 Governor may remove any member of the board, other than the
41 State executive department member, for cause.⁴

42 11. (New section) The board shall, in addition to such other
43 powers and duties as it may possess by law:

44 a. Administer the provisions of this act;

45 b. Examine and pass on the qualifications of all applicants for
46 license or certification under this act, and issue a license or
47 certificate to each qualified successful applicant, therefor
48 attesting to the applicant's professional qualification to practice
49 as a certified social worker, as a licensed social worker or as a
50 licensed clinical social worker;

1 c. Examine, evaluate and supervise all examinations and
2 procedures ⁴[and certify as to whether or not the examinations
3 and procedures are as free as possible from cultural and linguistic
4 bias]⁴;

5 d. Adopt a seal which shall be affixed to all licenses and
6 certificates issued by it;

7 e. Adopt rules and regulations pursuant to the "Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as it may
9 deem necessary to enable it to perform its duties under and to
10 enforce the provisions of this act;

11 f. Adopt rules and regulations pursuant to the "Administrative
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) that set
13 professional practice standards for licensed clinical social
14 workers in the independent practice of clinical social work for a
15 fee;

16 g. Annually publish a list of the names and addresses of all
17 persons who are licensed or certified under this act as licensed
18 clinical, licensed or certified social workers, as the case may be;

19 h. Establish standards for the continuing education of social
20 workers; ⁴and⁴

21 i. ⁴[Recommend to the Governor and Legislature modifications
22 and amendments to this act deemed necessary by it to effectuate
23 its purposes;

24 j.]⁴ Prescribe or change the charges for examinations,
25 certifications, licensures, renewals and other services performed
26 pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.) ⁴]; and

27 k. Establish social work specialty advisory committees. Each
28 committee shall be comprised of social work professionals
29 licensed or certified or eligible to be licensed or certified
30 pursuant to section 6 of this act. The members of each
31 committee shall be appointed for nonrecurring, overlapping three
32 year terms, except that the initial appointments shall be
33 staggered for terms of one, two and three years. The committees
34 shall advise and assist the board in carrying out its
35 responsibilities for:

36 (1) Establishing appropriate educational criteria for licensure
37 and certification;

38 (2) Developing rules and regulations necessary to carry out the
39 purposes of this act; and

40 (3) Developing appropriate examinations for licensure and
41 certification, or recommending contracting with other
42 appropriate groups, such as the American Association of State
43 Social Work Boards, for such development]⁴.

44 ⁴12. (New section) The Executive Director of the board shall
45 be appointed by the director and shall serve at the director's
46 pleasure. The salary of the Executive Director shall be
47 determined by the director within the limits of available funds.
48 The director shall be empowered within the limits of available
49 funds to hire any assistants as are necessary to administer this
50 act.⁴

1 ⁴[12.] 13.⁴ (New section) A social worker licensed or
2 certified pursuant to the provisions of this act ⁴[and employees
3 and professional associates of those licensed or certified social
4 workers]⁴ shall not be required to disclose any ⁴confidential⁴
5 information that the social worker ⁴[, employee or associate]⁴
6 may have acquired ⁴[while performing social work services within
7 the scope of this act] from a client or patient while performing
8 social work services for that client or patient⁴ unless:

9 a. Disclosure is required by other State law;

10 b. Failure to disclose the information presents a clear and
11 present danger to the health or safety of an individual;

12 c. The social worker ⁴[, employee or associate]⁴ is a party
13 defendant to a civil, criminal or disciplinary action arising from
14 the social work services provided, in which case a waiver of the
15 privilege accorded by this section shall be limited to that action;

16 d. The patient or client is a defendant in a criminal proceeding
17 and the use of the privilege would violate the defendant's right
18 to a compulsory process or the right to present testimony and
19 witnesses on that person's behalf; or

20 e. A patient or client agrees to waive the privilege accorded
21 by this section, and, in circumstances where more than one
22 person in a family is receiving social work services, each such
23 member agrees to the waiver. Absent a waiver from each family
24 member, a social worker shall not disclose any information
25 received from any family member.

26 ⁴[13. (New section) In addition to the provisions of section 8
27 of P.L.1978, c.73 (C.45:1-21), the board may refuse to certify or
28 grant a license to, or may suspend, revoke, condition, limit,
29 qualify or restrict the certification or license of, any individual
30 who the board, after a hearing, determines:

31 a. is incompetent to practice under the provisions of this act,
32 or is found to engage in the practice of social work in a manner
33 harmful or dangerous to a client or to the public;

34 b. is convicted by a court of competent jurisdiction of a crime
35 that the board determines is of a nature to render the convicted
36 person unfit to practice social work and the board shall compile,
37 maintain and publish a list of such crimes;

38 c. has obtained or attempted to obtain a certificate or license,
39 or renewal thereof, by bribery or fraudulent representation;

40 d. has knowingly made a false statement on a form required by
41 the board for certification, licensing, or renewal thereof;

42 e. has failed to obtain the continuing education credits
43 required by the board; or

44 f. has violated any of the provisions of this act.]⁴

45 14. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
46 as follows:

47 2. The provisions of this act shall apply to the following boards
48 and all professions or occupations regulated by or through such
49 boards: the New Jersey State Board of Accountancy, the New
50 Jersey State Board of Architects, the New Jersey State Board of

1 Cosmetology and Hairstyling, the Board of Examiners of
2 Electrical Contractors, the New Jersey State Board of Dentistry,
3 the State Board of Mortuary Science of New Jersey, the State
4 Board of Professional Engineers and Land Surveyors, the State
5 Board of Marriage Counselor Examiners, the State Board of
6 Medical Examiners, the New Jersey Board of Nursing, the New
7 Jersey State Board of Optometrists, the State Board of
8 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
9 the Board of Pharmacy, the State Board of Professional Planners,
10 the State Board of Psychological Examiners, the State Board of
11 Examiners of Master Plumbers, the State Board of Shorthand
12 Reporting, the State Board of Veterinary Medical Examiners, the
13 Acupuncture Examining Board, [and] the State Board of
14 Chiropractic Examiners ⁴, the State Board of Respiratory Care,⁴
15 and the State Board of Social Work Examiners.

16 (cf: P.L.1991, c.31, s.18).

17 15. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
18 as follows:

19 1. The provisions of this act shall apply to the following boards
20 and commissions: the New Jersey State Board of Accountancy,
21 the New Jersey State Board of Architects, the New Jersey State
22 Board of Cosmetology and Hairstyling, the Board of Examiners of
23 Electrical Contractors, the New Jersey State Board of Dentistry,
24 the State Board of Mortuary Science of New Jersey, the State
25 Board of Professional Engineers and Land Surveyors, the State
26 Board of Marriage Counselor Examiners, the State Board of
27 Medical Examiners, the New Jersey Board of Nursing, the New
28 Jersey State Board of Optometrists, the State Board of
29 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
30 the Board of Pharmacy, the State Board of Professional Planners,
31 the State Board of Psychological Examiners, the State Board of
32 Examiners of Master Plumbers, the New Jersey Real Estate
33 Commission, the State Board of Shorthand Reporting, the State
34 Board of Veterinary Medical Examiners, the Radiologic
35 Technology Board of Examiners, the Acupuncture Examining
36 Board, [and] the State Board of Chiropractic Examiners ⁴, the
37 State Board of Respiratory Care⁴ , and the State Board of Social
38 Work Examiners.

39 (cf: P.L.1991, c.31, s.16)

40 16. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read
41 as follows:

42 2. a. All members of the several professional boards and
43 commissions shall be appointed by the Governor in the manner
44 prescribed by law; except in appointing members other than those
45 appointed pursuant to subsection b. or subsection c., the Governor
46 shall give due consideration to, but shall not be bound by,
47 recommendations submitted by the appropriate professional
48 organizations of this State.

49 b. In addition to the membership otherwise prescribed by law,
50 the Governor shall appoint in the same manner as presently

1 prescribed by law for the appointment of members, two
2 additional members to represent the interests of the public, to be
3 known as public members, to each of the following boards and
4 commissions: the New Jersey State Board of Accountancy, the
5 New Jersey State Board of Architects, the New Jersey State
6 Board of Cosmetology and Hairstyling, the New Jersey State
7 Board of Dentistry, the State Board of Mortuary Science of New
8 Jersey, the State Board of Professional Engineers and Land
9 Surveyors, the State Board of Medical Examiners, the New Jersey
10 Board of Nursing, the New Jersey State Board of Optometrists,
11 the State Board of Examiners of Ophthalmic Dispensers and
12 Ophthalmic Technicians, the Board of Pharmacy, the State Board
13 of Professional Planners, the State Board of Psychological
14 Examiners, the New Jersey Real Estate Commission, the State
15 Board of Shorthand Reporting, the State Board of Social Work
16 Examiners, and the State Board of Veterinary Medical Examiners,
17 and one additional public member to each of the following boards:
18 the Board of Examiners of Electrical Contractors, the State
19 Board of Marriage Counselor Examiners and the State Board of
20 Examiners of Master Plumbers. Each public member shall be
21 appointed for the term prescribed for the other members of the
22 board or commission and until the appointment of his successor.
23 Vacancies shall be filled for the unexpired term only. The
24 Governor may remove any such public member after hearing, for
25 misconduct, incompetency, neglect of duty or for any other
26 sufficient cause.

27 No public member appointed pursuant to this section shall have
28 any association or relationship with the profession or a member
29 thereof regulated by the board of which he is a member, where
30 such association or relationship would prevent such public
31 member from representing the interest of the public. Such a
32 relationship includes a relationship with members of one's
33 immediate family; and such association includes membership in
34 the profession regulated by the board. To receive services
35 rendered in a customary client relationship will not preclude a
36 prospective public member from appointment. This paragraph
37 shall not apply to individuals who are public members of boards
38 on the effective date of this act.

39 It shall be the responsibility of the Attorney General to insure
40 that no person with the aforementioned association or
41 relationship or any other questionable or potential conflict of
42 interest shall be appointed to serve as a public member of any
43 board regulated by this section.

44 Where a board is required to examine the academic and
45 professional credentials of an applicant for licensure or to test
46 such applicant orally, no public member appointed pursuant to
47 this section shall participate in such examination process;
48 provided, however, that public members shall be given notice of
49 and may be present at all such examination processes and
50 deliberations concerning the results thereof, and, provided

1 further, that public members may participate in the development
2 and establishment of the procedures and criteria for such
3 examination processes.

4 c. The Governor shall designate a department in the Executive
5 Branch of the State Government which is closely related to the
6 profession or occupation regulated by each of the boards or
7 commissions designated in section 1 of P.L.1971 c.60 (C.45:1-2.1)
8 and shall appoint the head of such department, or the holder of a
9 designated office or position in such department, to serve without
10 compensation at the pleasure of the Governor as a member of
11 such board or commission.

12 d. A majority of the voting members of such boards or
13 commissions shall constitute a quorum thereof and no action of
14 any such board or commission shall be taken except upon the
15 affirmative vote of a majority of the members of the entire
16 board or commission.

17 (cf: P.L.1984, c.205, s.41)

18 17. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
19 as follows:

20 1. The provisions of this act shall apply to the following boards
21 and commissions: the New Jersey State Board of Accountancy,
22 the New Jersey State Board of Architects, the New Jersey State
23 Board of Cosmetology and Hairstyling, the Board of Examiners of
24 Electrical Contractors, the New Jersey State Board of Dentistry,
25 the State Board of Mortuary Science of New Jersey, the State
26 Board of Professional Engineers and Land Surveyors, the State
27 Board of Marriage Counselor Examiners, the State Board of
28 Medical Examiners, the New Jersey Board of Nursing, the New
29 Jersey State Board of Optometrists, the State Board of
30 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
31 the Board of Pharmacy, the State Board of Professional Planners,
32 the State Board of Psychological Examiners, the State Board of
33 Examiners of Master Plumbers, the State Board of Shorthand
34 Reporting, the State Board of Veterinary Medical Examiners, the
35 Radiologic Technology Board of Examiners, the Acupuncture
36 Examining Board, [and] the State Board of Chiropractic
37 Examiners, ⁴the State Board of Respiratory Care,⁴ and the State
38 Board of Social Work Examiners.

39 (cf: P.L.1991, c.31, s.17)

40 ¹[18. Section 1 of P.L.1985, c.236 (C.17:48E-1) is amended to
41 read as follows:

42 1. As used in this act:

43 a. "Commissioner" means the Commissioner of Insurance.

44 b. "Board" and "board of directors" means the board of
45 directors of the health service corporation.

46 c. "Elective surgical procedure" means any nonemergency
47 surgical procedure which may be scheduled at the convenience of
48 the patient or the surgeon without jeopardizing the patient's life
49 or causing serious impairment to the patient's bodily functions.

50 d. "Eligible physician" means a physician licensed to practice

1 medicine and surgery who holds the rank of Diplomate of an
2 American Board (M.D.) or Certified Specialist (D.O.) in the
3 surgical or medical specialty for which surgery is proposed.

4 e. "Health service corporation" means a health service
5 corporation established pursuant to the provisions of this act,
6 which is organized, without capital stock and not for profit, for
7 the purpose of (1) establishing, maintaining and operating a
8 nonprofit health service plan and (2) supplying services in
9 connection with (a) the providing of health care or (b) conducting
10 the business of insurance as provided for in this act.

11 f. "Health service plan" means a plan under which contracts
12 are issued providing complete or partial prepayment or
13 postpayment of health care services and supplies eligible under
14 the contracts for a given period to persons covered under the
15 contracts where arrangements are made for payment for health
16 care services and supplies directly to the provider thereof or to a
17 covered person under those contracts.

18 g. "Hospital service corporation" means a hospital service
19 corporation established pursuant to the provisions of P.L.1938,
20 c.366 (C.17:48-1 et seq.).

21 h. "Medical service corporation" means a medical service
22 corporation established pursuant to the provisions of P.L.1940,
23 c.74 (C.17:48A-1 et seq.).

24 i. "Provider of health care services" shall include, but not be
25 limited to: (1) a health service corporation, a hospital service
26 corporation or medical service corporation; (2) a hospital or
27 health care facility under contract with a health service
28 corporation to provide health care services or supplies to persons
29 who become subscribers under contracts with the health service
30 corporation; (3) a hospital or health care facility which is
31 maintained by a state or any of its political subdivisions; (4) a
32 hospital or health care facility licensed by the Department of
33 Health; (5) other hospitals or health care facilities, as designated
34 by the Department of Health to provide health care services; (6)
35 a registered nursing home providing convalescent care; (7) a
36 nonprofit voluntary visiting nurse organization providing health
37 care services other than in a hospital; (8) hospitals or other health
38 care facilities located in other states, which are subject to the
39 supervision of those states, which if located in this State would
40 be eligible to be licensed or designated by the Department of
41 Health; (9) nonprofit hospital, medical or health service plans of
42 other states approved by the commissioner; (10) physicians
43 licensed to practice medicine and surgery; (11) licensed
44 chiropractors; (12) licensed dentists; (13) licensed optometrists;
45 (14) licensed pharmacists; (15) licensed chiropodists; (16)
46 registered bio-analytical laboratories; (17) licensed psychologists;
47 (18) registered physical therapists; (19) certified nurse-midwives;
48 (20) registered professional nurses; (21) licensed health
49 maintenance organizations; [and] (22) providers of other similar
50 health care services or supplies as are approved by the

1 commissioner; and (23) licensed clinical social workers.

2 j. "Second surgical opinion" means an opinion of an eligible
3 physician based on that physician's examination of a person for
4 the purpose of evaluating the medical advisability of that person
5 undergoing an elective surgical procedure, but prior to the
6 performance of the surgical procedure.

7 k. "Subscriber" means a person to whom a subscription
8 certificate is issued by a health service corporation, and the term
9 shall also include "policyholder," "member," or "employer" under
10 a group contract where the context requires.

11 (cf: P.L.1985, c.236, s.1)]¹

12 ¹[19. Section 12 of P.L.1985, c.236 (C.17:48E-12) is amended
13 to read as follows:

14 12. In any contract entered into by a health service
15 corporation, which includes coverage for health care services
16 provided by a physician, coverage shall be deemed to include
17 health care services provided by a registered bio-analytic
18 laboratory or physical therapist, a certified nurse-midwife, a
19 registered professional nurse, or a licensed chiropractor, dentist,
20 optometrist, psychologist [or] , chiropractor, or licensed clinical
21 social worker when the provider performs an eligible service
22 within the scope of his practice and for which he is not being
23 compensated by a hospital or other health care facility. The
24 practices of the providers of health care services shall be deemed
25 to be within the provisions of this act and the providers shall have
26 the privileges and benefits in the scope of their practices under
27 this act afforded hereunder to other approved providers of health
28 care services in the scope of their practices.

29 (cf: P.L.1985, c.236, s.12)]¹

30 ¹[20. (New section) Notwithstanding any other provision of
31 P.L.1940, c.74 (C.17:48A-1 et seq.), benefits shall not be denied
32 to any eligible individual for eligible services when the services
33 are performed or rendered to that individual by a licensed clinical
34 social worker within the scope of practice. The practice of social
35 work shall be deemed to be within the provisions of P.L.1940,
36 c.74 (C.17:48A-1 et seq.) and duly licensed clinical social workers
37 shall have such privileges and benefits in the scope of their
38 practice under that act as are afforded thereunder to licensed
39 physicians and surgeons in the scope of their practice.]¹

40 ¹[21. (New section) Notwithstanding any other provision of
41 chapter 26 of Title 17B of the New Jersey Statutes, benefits shall
42 not be denied to any eligible individual for eligible services when
43 the services are performed or rendered to that individual by a
44 licensed clinical social worker within the scope of practice. The
45 practice of social work shall be deemed to be within the
46 provisions of chapter 26 of Title 17B of the New Jersey Statutes
47 and duly licensed clinical social workers shall have such privileges
48 and benefits in the scope of their practice under that act as are
49 afforded thereunder to licensed physicians and surgeons in the
50 scope of their practice.]¹

1 ¹[22. (New section) Notwithstanding any other provision of
2 chapter 27 of Title 17B of the New Jersey Statutes, benefits shall
3 not be denied to any eligible individual for eligible services when
4 the services are performed or rendered to that individual by a
5 licensed clinical social worker within the scope of practice. The
6 practice of social work shall be deemed to be within the
7 provisions of chapter 27 of Title 17B of the New Jersey Statutes
8 and duly licensed clinical social workers shall have such privileges
9 and benefits in the scope of their practice under that act as are
10 afforded thereunder to licensed physicians and surgeons in the
11 scope of their practice.]¹

12 ³[¹[23.] 18.¹ There shall be appropriated from the General
13 Fund to the Department of Law and Public Safety \$95,000 for the
14 use of the board to implement and effectuate the provisions of
15 this act.]³

16 ¹[24.] ³[^{19.}¹] 18.³ This act shall take effect immediately,
17 except that section 4 of this act shall take effect on the 360th
18 day after the date of enactment ⁴[, and, in the case of an
19 employee of the State or a political subdivision thereof which is
20 subject to the provisions of Title 11A, Civil Service, of the New
21 Jersey Statutes, the provisions of subsection b. of section 4 of
22 this act shall take effect two years after the date of enactment]⁴.

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REGULATED PROFESSIONS

Establishes the "Social Workers' Licensing Act of 1991."

1 scope of their practice.

2 23. There shall be appropriated from the General Fund to the
3 Department of Law and Public Safety \$95,000 for the use of the
4 board to implement and effectuate the provisions of this act.

5 24. This act shall take effect immediately, except that section
6 4 of this act shall take effect on the 360th day after the date of
7 enactment, and, in the case of an employee of the State or a
8 political subdivision thereof which is subject to the provisions of
9 Title 11A, Civil Service, of the New Jersey Statutes, the
10 provisions of subsection b. of section 4 of this act shall take
11 effect two years after the date of enactment.

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Sponsor's

STATEMENT

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This bill provides for the certification and licensure of social workers and establishes a nine-member State Board of Social Work Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety to administer the provisions of the bill.

REGULATED PROFESSIONS

The "Social Workers' Licensing Act of 1990."

ASSEMBLY COMMERCE AND REGULATED PROFESSIONS
COMMITTEE

STATEMENT TO

[THIRD REPRINT]

SENATE, No. 2583

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 1990

The Assembly Commerce and Regulated Professions Committee reports favorably Senate, No. 2583(3R).

This bill provides for the licensure of social workers and establishes a nine-member State Board of Social Work Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety to administer the licensing provisions of the bill.

The bill establishes a three-tiered licensing system:

(1) A person with a master's or doctorate degree in social work (MSW or DSW), with at least two years of full-time experience in the practice of clinical social work under the supervision of a licensed clinical social worker and who has satisfactorily completed minimum course requirements established by the board to ensure adequate training in methods of clinical social work practice, is eligible for licensure as a "licensed clinical social worker" if the person successfully completes an examination provided by the board;

(2) A person with a MSW or DSW degree who does not meet the experiential requirements of paragraph (1) is eligible for licensure as a "licensed social worker" if the person successfully completes an examination provided by the board;

(3) A person with a baccalaureate degree in social work is eligible to be certified by the board.

The bill provides that only a licensed clinical social worker may engage in the independent practice of social work for a fee.

The bill "grandfathers in" as a "licensed clinical social worker" any person currently in social work practice who meets the educational and experiential requirements of a licensed clinical social worker, without sitting for a board approved examination, if the person has been engaged in social work practice for three of the last five years and the person applies for licensure within 180 days of enactment of the bill. Further, a person can be "grandfathered in" as a "licensed social worker," without taking the board approved examination, if the person has a MSW or DSW degree.

The bill also "grandfathers in" as a "licensed clinical social worker" any person who does not meet the educational and experiential requirements, without sitting for a board approved examination, if the applicant meets all of the following requirements: (1) has a baccalaureate degree in social work or in a closely related field from an accredited institution of higher education; (2) has at least 20 years of professional experience of which at least 10 have been in the full-time practice of social work; and (3) is a certified school social worker and a certified instructor

in parent effectiveness training, has a background and experience in medical social work, has worked for the State as a caseworker dealing with youth and family services, has experience and training in crisis intervention, and is recognized by the courts in the State as a qualified expert witness as a social worker. The committee specifically noted that all of the abovementioned conditions must be met for an individual to be so "grandfathered in" as a "licensed clinical social worker."

Any person who is not licensed under the bill is prohibited from using the words "social work," "licensed clinical social worker," or "licensed social worker" in any title or similarly represent himself to the public as a social worker. The bill's provisions, however, do not apply to a person licensed in the State as a health care professional, social work intern, school social worker or clergyman practicing under the auspices of his church. Also, the provisions of the bill do not apply to any alcohol or drug abuse counselor in the course of this employment and as long as the counselor does not use any title, name or description which is prohibited by the bill. Furthermore, the provisions of the bill do not apply to any employee of the State or a political subdivision thereof which is subject to the provisions of Title 11A (Civil Service) of the New Jersey Statutes in the course of this employment.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

SENATE, No. 2583

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 7, 1990

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 2583 with committee amendments.

As amended by committee, this bill provides for the licensure of social workers and establishes a nine-member State Board of Social Work Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety to administer the licensing provisions of the bill.

The bill establishes a three-tiered licensing system:

(1) A person with a master's or doctorate degree in social work (MSW or DSW), at least two years of full-time experience in the practice of clinical social work under the supervision of a licensed clinical social worker and who has satisfactorily completed minimum course requirements established by the board to ensure adequate training in methods of clinical social work practice, is eligible for licensure as a "licensed clinical social worker" if the person successfully completes an examination provided by the board;

(2) A person with a MSW or DSW degree who does not meet the experiential requirements of paragraph (1) is eligible for licensure as a "licensed social worker" if the person successfully completes an examination provided by the board;

(3) A person with a baccalaureate degree in social work is eligible to be certified by the board.

The bill provides that only a licensed clinical social worker may engage in the independent practice of social work for a fee.

The bill "grandfathers in" as a "licensed clinical social worker" any person currently in social work practice who meets the educational and experiential requirements of a licensed clinical social worker, without sitting for a board approved examination, if the person has been engaged in social work practice for three of the last five years and the person applies for licensure within 180 days of enactment of the bill. Further, a person can be "grandfathered in" as a "licensed social worker," without taking the board approved examination, if the person has a MSW or DSW degree.

The bill also "grandfathers in" as a "licensed clinical social worker" any person who does not meet the educational and experiential requirements, without sitting for a board approved examination, if the applicant: (1) has a baccalaureate degree in social work or in a closely related field from an accredited institution of higher education; (2) has at least 20 years of

professional experience of which at least 10 have been in the full-time practice of social work; and (3) is a certified school social worker and a certified instructor in parent effectiveness training, has a background and experience in medical social work, has worked for the State as a caseworker dealing with youth and family services, has experience and training in crisis intervention, and is recognized by the courts in the State as a qualified expert witness as a social worker.

Any person who is not licensed under the bill is prohibited from using the words "social work," "licensed clinical social worker," or "licensed social worker" in any title or similarly represent himself to the public as a social worker. The bill's provisions, however, do not apply to a person licensed in the State as a health care professional, social work intern, school social worker or clergyman practicing under the auspices of his church. Also, the provisions of the bill do not apply to any alcohol or drug abuse counselor in the course of this employment and as long as the counselor does not use any title, name or description which is prohibited by the bill. Also, the provisions of the bill do not apply to any employee of the State or a political subdivision thereof which is subject to the provisions of Title 11A (Civil Service) of the New Jersey Statutes in the course of this employment.

The bill appropriates \$95,000 to the Department of Law and Public Safety to carry out the purposes of the bill.

The committee amended section 3 of the bill to revise the definition of the term "clinical social work," to state that the term includes the assessment and psychotherapeutic counseling of individuals, families or groups, rather than the diagnosis and treatment of mental and emotional disorders.

Section 4 was amended to delete the restriction of the use of the letters "MSW," since a person with a master's degree in social work, who may not be licensed, may chose to use that designation.

The committee amended section 5 of the bill to delete the restriction on public employees from using any title, name or description which is prohibited by the bill, since these employees have no control over the Civil Service title in which they work.

Section 6 was amended to require any person seeking licensure as a "licensed clinical social worker" to satisfactorily complete course requirements established by the board to ensure adequate training in methods of clinical social work practice.

Section 8 of the bill was amended to restrict the "grandfather" provisions concerning licensed clinical social workers to persons who have a MSW or DSW degree and at least two years of clinical experience. However, the amendments also provide that a person who does not meet these educational and experiential requirements can be "grandfathered in," without sitting for a board approved examination, if the person meets certain other specific educational and experiential requirements. The amendments restrict the "grandfather" provision concerning licensed social workers to persons who have a MSW or DSW degree.

Amendments to section 10 of the bill delete the requirement for geographical representation of members of the State Board of Social Work Examiners.

Finally, the amendments delete the sections of the bill which would amend various provisions of Titles 17 and 17B (Insurance) covering private group and individual health care policies and Blue Cross and Blue Shield of New Jersey, Inc., to provide that licensed clinical social workers shall be considered as providers of health care services (along with physicians, psychologists, etc.) and, therefore, eligible for insurance reimbursement.

Other committee amendments are technical.

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OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001
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Release:

Monday
May 6, 1991

GOVERNOR FLORIO SIGNS SOCIAL WORKER LICENSING LEGISLATION

Social workers in New Jersey will now be required to be licensed by a newly created Board of Social Work under legislation signed today by Governor Jim Florio.

"This bill has been a long time coming and I am very pleased to finally put New Jersey on the right course when it comes to social workers and the people they serve," Governor Florio said. "I want to commend all the people who have worked so hard to get this legislation passed. That includes the many social workers and professionals who argued and lobbied for many years. Their persistence is admirable and I'm glad it's paid off."

"I can remember this fight being waged when I was in Congress. People would come into my office, frustrated that New Jersey was only one of eight, then seven, then six states not to license social workers. I supported the fight back then and I'm very glad to be able to do something about it today."

S 2583/A 3640, sponsored by Senator Matthew Feldman/Assemblymen Neil Cohen and Anthony Impreveduto, makes New Jersey the 49th state to license social workers. The legislation established a Board of Social Work, composed of nine members including the Commissioner of Human Services, who will be responsible for issuing licensure exams, setting fees and issuing regulations. The board will be located within the Division of Consumer Affairs.

The legislation creates three categories of social workers:

- "Licensed Clinical Social Worker": a person who has a Master's or Doctoral degree from an accredited school, at least two years of supervised experience in clinical social work, has completed the minimum course requirements prescribed by the board and who has passed the licensing exam.

- "Licensed Social Worker": a person who has received a Master's or Doctoral degree from an accredited institution and has passed the licensing exam.
- "Certified Social Worker": a person with a Baccalaureate degree in social works whose social work program is recognized by the Council on Social Work Education.

"Social work is a special area in this state. So many people rely on the services of these dedicated people; the opportunities for abuse must be limited," said Governor Florio. "Before today, anyone who wanted to call themselves a social worker could hand out a card or hang up a sign. That's just not acceptable, and after today, it will be illegal."

"I think we all know how fragile human beings can be in times of trouble or in times of need. And when they turn to social workers, they deserve to know that they're being helped by people who know what they're doing; by people who are competent and have a proven level of expertise. This bill is a great step forward for our social workers and it's a commitment to all the people they serve."

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