



Alabama Department of Examiners of Public Accounts

Report on the **Board of Social Work Examiners** **Montgomery, Alabama**

October 1, 2018 through September 30, 2022

AUDEMUS JURA NOSTRA DEFENDERE
ALABAMA STATE HOUSE

Rachel Laurie Riddle, Chief Examiner



Rachel Laurie Riddle
Chief Examiner

State of Alabama
Department of
Examiners of Public Accounts

P.O. Box 302251, Montgomery, AL 36130-2251
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104-4338
Telephone (334) 242-9200
FAX (334) 242-1775

August 23, 2023

Senator Will Barfoot
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Senator Barfoot:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Social Work Examiners in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Social Work Examiners in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Gerald Dedon

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PROFILE

Purpose/Authority

The Board of Social Work Examiners was created by Act Number 1977-652, Acts of Alabama. The Board's purpose is to protect the public by setting standards of qualification, education, training, and experience for those who seek to engage in the practice of social work and to protect the public by promoting high standards of professional performance for those engaged in the profession of social work, holding themselves forth as social workers. The Board operates under the authority of the *Code of Alabama 1975*, Section 34-30-1 through 34-30-58.

The following legislation passed since the last Sunset Review of the Board:

Act Number 2021-315, Acts of Alabama, to amend Section 34-30-57, *Code of Alabama 1975*, relating to the duties of the Alabama Board of Social Work Examiners; to authorize the Board to charge and collect fees for verifying the existence of a current license, reactivating an inactive license, reinstating a lapsed license, making application to act as a continuing education provider; and registering a supervisor; to provide for exemptions; and to make technical corrections to reflect changes in license names. This Act has been codified in the current statutory authority of the Board.

Act Number 2023-100, Acts of Alabama, relating to the Alabama Board of Social Work Examiners; to amend Section 34-30-3, *Code of Alabama 1975*; and to add Section 34-30-34 to the *Code of Alabama 1975*; to provide further for the scope of practice of licensees. A copy of this Act is included in Appendix II of this report.

<u>Characteristics</u>	
Members and Selection	Seven members appointed by the Governor. Within 30 days following the expiration of a term of office, the Board shall notify each licensee in writing of the vacancy and shall solicit the nomination of not more than five licensed certified social workers, licensed graduate social workers, or licensed bachelor social workers for consideration for each position to be filled. The Board shall certify the names of not more than three persons receiving the highest number of nominations for each position to the Governor. If the Governor fails to make the appointment within the 30-day period, the person for each position receiving the highest number of nominations shall become the successor Board member for that respective position. <i>Code of Alabama 1975</i>, Section 34-30-50

Term	Members serve three-year staggered terms. Each member shall hold office until his or her successor is appointed and assumes office. Members shall be limited to two consecutive terms of office. <i>Code of Alabama 1975</i>, Section 34-30-50 and 34-30-51
Qualifications	Four members shall be licensed certified social workers. Two members shall be licensed graduate social workers. One member shall be a licensed bachelor social worker. <i>Code of Alabama 1975</i>, Section 34-30-50(a)
Consumer Representation	No statutory requirement
Racial Representation	At least one position on the board shall be represented by a person who is a member of a minority race. Three minority members serving. <i>Code of Alabama 1975</i>, Section 34-30-50(b)
Geographical Representation	Not more than one member from any United States Congressional District, as those districts exist as of March 20, 1992, shall be appointed to serve at the same time. <i>Code of Alabama 1975</i>, Section 34-30-50(b)
Other Representation	No person shall be excluded from serving on the board by reason of race, sex, or national origin. <i>Code of Alabama 1975</i>, Section 34-30-50
Compensation	Compensation for members of the Board of Social Work Examiners shall be limited to travel and per diem, not to exceed the prevailing rate paid state employees. <i>Code of Alabama 1975</i>, Section 34-30-54
Attended Board Member Training	One Board member.

<u>Operations</u>	
Administrator	The Executive Director is appointed by the Board and has their salary set by the Board. Rachel Dickinson serves as the Executive Director with a current annual salary of \$81,007.20.
Location	100 North Union Street, Suite 736 Montgomery, AL 36104 Office Hours: Monday – Thursday 7 a.m. to 4 p.m.
Employees	Three employees.
Legal Counsel	Ellen Leonard, Assistant Attorney General, Alabama Attorney General’s Office.
Subpoena Power	The Board does not have subpoena power except as provided for by the Alabama Administrative Procedure Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	www.socialwork.alabama.gov
<u>Financial</u>	
Source of Funds	Licensing fees and penalties.
State Treasury	Yes, Special Revenue Fund 0363 <i>Code of Alabama 1975</i> , Section 34-30-6
Required Distributions	There are no required distributions.
Unused Funds	Unused funds are retained at fiscal year-end.

<u>Licensure</u>															
Licensees	As of May 2, 2023: <table> <tr> <th>Type of License</th><th>Active</th></tr> <tr> <td>Supervisor</td><td>401</td></tr> <tr> <td>Private Independent Practice Certifications (PIP)</td><td>998</td></tr> <tr> <td>Licensed Bachelor Social Worker (LBSW)</td><td>1,542</td></tr> <tr> <td>Licensed Master Social Worker (LMSW)</td><td>2,431</td></tr> <tr> <td>Licensed Independent Clinical Social Worker (LICSW)</td><td>2,506</td></tr> <tr> <td>Total</td><td>7,878</td></tr> </table> <i>Source:</i> Executive Director	Type of License	Active	Supervisor	401	Private Independent Practice Certifications (PIP)	998	Licensed Bachelor Social Worker (LBSW)	1,542	Licensed Master Social Worker (LMSW)	2,431	Licensed Independent Clinical Social Worker (LICSW)	2,506	Total	7,878
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Licensure Qualifications	Applicants must meet the following requirements: • Must be at least 19 years of age • Must be a U. S. Citizen or a person who is legally present in the U.S. • Pass an examination prepared by the Board. • Must ascribe to a professional code of ethics developed and adopted by the Board. • Meets all the following additional requirements for the level at which they are applying to be licensed. Licensed Bachelor Social Worker • Has a baccalaureate degree from an accredited college or university including completion of a social work program. • Work under continuous supervision of a Board approved supervisor for two years obtaining a minimum of 96 hours of supervision. Licensed Master Social Worker • Has a Master of Social Work or a Doctor of Social Work from a college or university approved, accredited, or in candidacy granted by the Council on Social Work Education. • Work under continuing supervision for a Board approved supervisor for two years obtaining a minimum of 96 hours of supervision. Licensed Independent Clinical Social Worker • Has a Master of Social Work or a Doctor of Social Work from a college or university approved, accredited, or in candidacy granted by the Council on Social Work Education. • Has had at least two years of post-master or doctorate experience in the practice of social work under the supervision of a licensed independent clinical social worker.														

	Private Independent Practice Social Worker • Must present verifiable information regarding the appropriate degree, experience, and appropriate supervision. • Must have a current Independent Clinical Social Worker license. • Three years full-time or five years part-time postgraduate experience and legally practicing in the specified social work method of social casework, or • One full year or two years part-time postgraduate experience in the specified social work method of social casework after receiving the Independent Clinical Social Worker license. <i>Code of Alabama 1975</i>, Section 34-30-3 and 34-30-22 <i>Administrative Rule</i> 850-X-2-.02																
Examinations	Examinations are developed by the Association of Social Work Boards. The private testing firm, Pearson Vue, administers and grades the computer-based exam. Examinations are administered in Birmingham, Tuscaloosa, Dothan, Mobile, and Montgomery. Exam fees are paid directly to the Association. <table><tr><th>FY 2019 - 2022</th><th># Taken</th><th># Passed</th><th>% Passed</th></tr><tr><td>Bachelor</td><td>1,604</td><td>932</td><td>58%</td></tr><tr><td>Clinical</td><td>577</td><td>354</td><td>61%</td></tr><tr><td>Masters</td><td>1,480</td><td>840</td><td>57%</td></tr></table> <i>Source:</i> https://www.aswb.org/exam/contributing-to-the-conversation/aswb-exam-pass-rates-by-state-province/	FY 2019 - 2022	# Taken	# Passed	% Passed	Bachelor	1,604	932	58%	Clinical	577	354	61%	Masters	1,480	840	57%
FY 2019 - 2022	# Taken	# Passed	% Passed														
Bachelor	1,604	932	58%														
Clinical	577	354	61%														
Masters	1,480	840	57%														
Reciprocity	The Board shall issue a license to an applicant from another state which requires standards equivalent to Alabama's for licensing as a "licensed bachelor social worker," "licensed master social worker," or "licensed independent clinical social worker" <i>Code of Alabama 1975</i>, Section 34-30-24																

Renewals	All licenses and certificates issued by the Board shall expire on the last day of the month in the calendar year that is exactly two years from the calendar year and month in which the license or certificate is issued. Online renewal percentage for calendar year 2022 was 70%. <i>Code of Alabama 1975</i>, Section 34-30-26 <i>Source:</i> Executive Director
Licensee Demographics	Data is not collected by the Board. <i>Source:</i> Executive Director
Continuing Education	Licensed Bachelor Social Workers: • Must submit proof of 30 contact hours of continuing education of which 10 hours must be a live classroom event and 3 hours in ethics. Licensed Master Social Workers and Licensed Independent Clinical Social Workers: • Must submit proof of 30 contact hours of continuing education of which 10 hours must be a live classroom event, 3 hours in ethics and 3 hours in clinical. <i>Code of Alabama 1975</i>, Section 34-30-57(5) <i>Administrative Rule</i> Section 850-X-8-.01

SIGNIFICANT ISSUES

Significant Issue 2023-001: The Board has been charging a reinstatement fee in the wrong amount and has been improperly charging for a Supervision Certification fee since July 2021. In May 2021, the Board filed a notice of intended action with the Legislative Services Agency to change the fee for a lapsed license from \$500.00 to \$100.00 per lapsed cycle and to add a Supervision Certification fee of \$50.00. The final date for comment and completion of notice ended on July 5, 2021. The Board held a meeting August 3, 2021, where they voted to adopt the amended fees. However, the Board did not certify the approved amended fees through the Legislative Services Agency.

The Alabama Administrative Procedure Act, specifically the *Code of Alabama 1975*, Section 41-22-6(b) requires that agencies file a certified copy of each rule adopted by it. Further, *Code of Alabama 1975*, Section 41-22-6(c) states that each rule adopted is effective 45 days after a notice is published in the Alabama Administrative Monthly. As a result of not certifying the rule as required, the rule did not take effect. At the time of our review, the Board had the reinstatement form showing the incorrect fee amount and the supervisor registration form requesting a fee published on its website.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

Prior Finding 2021-005: The Board did not notify the Secretary of State of the expiration of two board members' terms that expired on September 30, 2021, and for one board member who resigned in August 2021. As a result, this could cause potential candidates not to receive sufficient notice and cause the Board not to receive input from all interested candidates to fill the vacancy.

The *Code of Alabama 1975*, Section 36-14-17 (d)(1) states, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy scheduled to occur on the board as a result of the expiration of a term at least 45 days before the vacancy occurs."

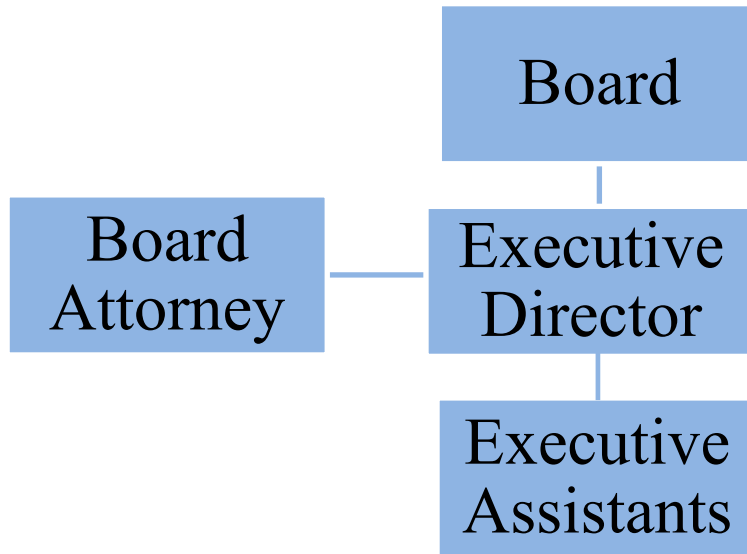
The *Code of Alabama 1975*, Section 36-14-17(d)(2) states, "The chair of an existing board shall give electronic notification to the Secretary of State of each vacancy occurring as a result of a newly created board position and of every other vacancy occurring for any reason other than the expiration of a term as soon as possible and in any case within 15 days after the occurrence of the vacancy."

Current Status: Unresolved. The Board did not notify the Secretary of State 45 days before the expiration of one member whose term expired September 30, 2022. The Board did not post the notice until August 31, 2022, only 30 days before the term expired.

Prior Significant Issue 2019-001: Complainants responding to our survey indicated dissatisfaction with the Board. Six of the seven complainants who responded to our survey (86%) stated they were not satisfied with their dealings with the Board, and all seven complainants do not believe the Board did everything it could to resolve their complaints.

Current Status: Unresolved. Five of the six complainants responding to our survey were not satisfied with their dealings with the Board. Additionally, three of the five complainants (60%) who responded to the survey indicated that it took the Board more than thirty days to respond to their complaint. However, testing of all eleven closed complaint files indicated that a letter of receipt and a letter of resolution of the complaint had been sent.

ORGANIZATION



PERSONNEL

Employees

	#	W/F	W/M	Salary
Unclassified Employee				
Executive Director	1	1		\$81,007.20
Exempt Employees				
Executive Assistants	2	1	1	\$67,972.82 - \$77,008.80
Total	3	2	1	

W/F = White Female W/M = White Male

Legal Counsel

Ellen Leonard, Assistant Attorney General, an employee of the Attorney General's office provides legal services for the Board. Under the current agreement, the Board pays the Attorney General's office \$150.00 per hour for all time spent providing legal services to the Board. The Board will compensate the Attorney General's office \$50.00 per hour for paralegal services to or on behalf of the Board. The Board will compensate the Attorney General's office for travel at the same rate state employees are reimbursed. The current agreement term is February 1, 2023 through January 31, 2025.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee (As of May 2, 2023) – 2,626

Number of Licenses for the Past Four Fiscal Years

Type of License	FY2019	FY2021	FY2022 ¹
Licensed Bachelor Social Worker	1,850	1,683	1,542
Licensed Master Social Worker	1,827	2,223	2,431
Independent Clinical Social Worker	1,748	2,147	2,506
Private Independent Practice Certifications	901	986	998
Supervisor Certifications ²			401
Total	6,326	7,039	7,878

Notes: The FY2020 license counts were not provided during our review.

¹According to the Executive Director, the new database cannot search by year end numbers, it only goes by current date. The numbers shown for FY2022 are as of May 2, 2023.

²Supervisor Certifications are new type of license for FY2022.

Operating Disbursements per Licensees (As of May 2, 2023) - \$41.94

Fines/Penalties as a Percentage of Operating Receipts

	FY 2022	FY 2021	FY 2020	FY 2019
Total Receipts	\$ 396,237.00	\$ 413,598.53	\$ 355,214.37	\$ 353,270.75
Total Fines	\$0.00	\$0.00	\$0.00	\$ 500.00
Percentage	0.00%	0.00%	0.00%	0.14%

Notification of Board Decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Notice is also posted on the Board's website. See *Significant Issue 2023-001* regarding the Board's failure to properly certify a rule through the Legislative Services Agency to amend fees in 2021.

COMPLAINT HANDLING

The Board's *Administrative Rules* 850-X-10-.01 through 850-X-10-.04 provides the procedures for documentation, receipt, and investigation of complaints against licensees.

Initial Contact/Documentation	Complaints may be initiated by the Board or by any person upon filing with the Board's Executive Director. A complaint shall contain the complainants and respondents address, a statement of the facts, and the relief, if sought. A complaint form is available for download on the Board's website or can be mailed to the complainant. Complaints must be in writing and signed by the complainant. The complainant is notified by letter within a week of the Board's receiving the complaint.
Anonymous Complaints Accepted	Not accepted.
Investigative Process / Probable Cause Determination	A complaint is reviewed by an Investigative Committee consisting of the Executive Director, Board attorney, and a Board member selected on a rotating basis, unless the complaint is first made to a Board member, then it shall be referred to that Board member. In the event probable cause is determined, the Board member who participates on the Investigative Committee investigating a licensee shall not sit as a member of the Board to consider the merits of the complaint at any disciplinary hearing.
Negotiated Settlements	Yes.
Notification of Resolution to the Complainant	The complainant is sent written notification of any action taken in response to the complaint.

Source: Executive Director

Complaint Data

Schedule3 of Complaints Resolved Fiscal Years 2019 through 2022					
Year/Number of Complaints Received	Year/Number Resolved				Pending
	2019	2020	2021	2022	
2019 / 5	2	3			
2020 / 3		3			
2021 / 2			1	1	
2022 / 1				1	
Source: Executive Director					

Average Time to Resolve Complaints – 104 business days.

Disposition of Resolved Complaints

# of Complaints	Resolution
5	Additional training classes
2	License suspension
1	Fine and suspension
1	License lapsed and will be required to appear before the Board prior to reissuance
1	License revoked and fine
1	License surrender

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The Board does not coordinate regulation, licensing, or permitting with any other state or federal agency. However, according to the *Code of Alabama 1975*, Section 34-30-21, qualified physicians, surgeons, psychologists, psychotherapists, attorneys, marriage counselors, family counselors, school counselors, or members of the clergy or other individuals, may lawfully perform work within the standards and ethics of their respective professions and callings provided, that they shall not hold themselves out to the public by any title or description of service as being engaged in the practice of social work.

FINANCIAL INFORMATION

Source of Funds – License fees and penalties are deposited into the Special Revenue Fund 0363, maintained in the State Treasury.

Schedule of Fees

The Board's fees are set in Administrative Rule 850-X-5-.02.

Fee Type/Purpose	Statutory Authority	Amount Authorized	Amount Set in Administrative Rule	Amount Collected
Examination/Re-Examination	34-30-22	Set by Board	\$75.00	\$75.00
Private Independent Practice	34-30-25	≥ \$50.00	\$75.00	\$75.00
Renewal of License	34-30-25	≥ \$25.00	\$100.00	\$100.00
Inactive Registration	34-30-26	Set by Board	\$25.00	\$25.00
Reinstatement of License ¹	34-30-57	Set by Board	\$500.00	\$100.00 per lapsed cycle
Supervision Certification ¹	34-30-57	Set by Board	N/A	\$50.00
Reciprocity	34-30-24	Set by Board	\$75.00	\$75.00
Processing Verification Form	34-30-57	Set by Board	\$15.00	\$15.00
Application for Continuing Education Provider	34-30-57	Set by Board	\$150.00	\$150.00
Printing for Replacement License	Cost Recovery	N/A	\$10.00	\$10.00
Documentation Copying Fee	Cost Recovery	N/A	\$1.00 per page	\$1.00 per page
Replacement Identification Card	Cost Recovery	N/A	\$5.00	\$5.00
Replacement of Gold Seal	Cost Recovery	N/A	\$5.00	\$5.00

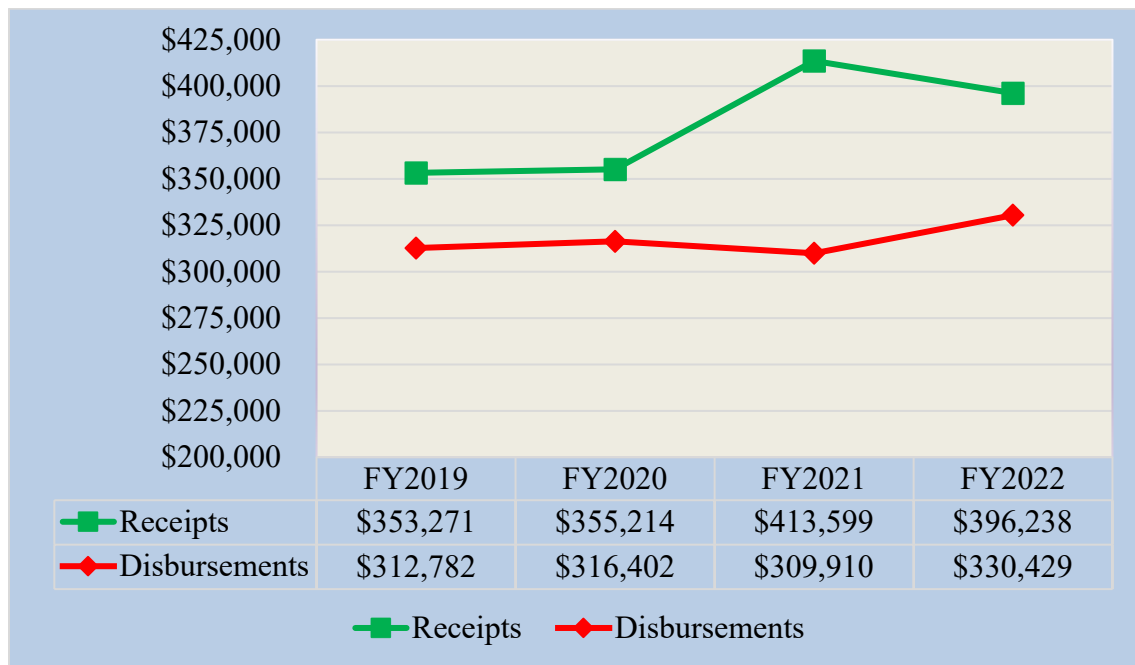
¹See *Significant Issue 2023-001*

Schedule of Receipts, Disbursements and Balances

October 1, 2018 through September 30, 2022

	2021-2022	2020-2021	2019-2020	2018-2019
<u>Receipts</u>				
License Fees	\$396,237.50	\$413,567.50	\$354,999.00	\$352,759.50
Penalties				500.00
Prior Year Refunds		31.03	215.37	11.25
Total	<u>396,237.50</u>	<u>413,598.53</u>	<u>355,214.37</u>	<u>353,270.75</u>
<u>Disbursements</u>				
Personnel Costs	149,517.79	166,961.27	161,440.21	157,406.33
Employee Benefits	52,217.95	60,862.83	59,638.02	59,546.79
Travel, In-State	6,171.18	988.27	4,945.88	6,465.16
Travel, Out-of-State				2,920.51
Repairs & Maintenance	1,290.07	1,082.15	927.23	1,996.78
Rentals & Leases	50,313.72	44,876.09	47,593.60	45,643.51
Utilities & Communications	8,979.20	9,914.15	9,464.90	8,937.85
Professional Services	47,902.70	16,759.98	26,818.79	17,583.70
Supplies, Materials, & Operating Expenses	5,902.28	4,935.21	5,573.24	5,180.29
Other Equipment Purchases	8,134.58	3,529.82		7,101.45
Total	<u>330,429.47</u>	<u>309,909.77</u>	<u>316,401.87</u>	<u>312,782.37</u>
Excess of Receipts over Disbursements	65,808.03	103,688.76	38,812.50	40,488.38
Cash Balance at Beginning of Year	<u>867,056.40</u>	<u>763,367.64</u>	<u>724,555.14</u>	<u>684,066.76</u>
Cash Balance at End of Year	932,864.43	867,056.40	763,367.64	724,555.14
Reserved for Year-End Obligations	<u>(33,554.66)</u>	<u>(31,240.36)</u>	<u>(20,819.85)</u>	<u>(25,162.09)</u>
Unobligated Cash Balance at End of Year	<u>\$899,309.77</u>	<u>\$835,816.04</u>	<u>\$742,547.79</u>	<u>\$699,393.05</u>

Operating Receipts vs. Operating Disbursements

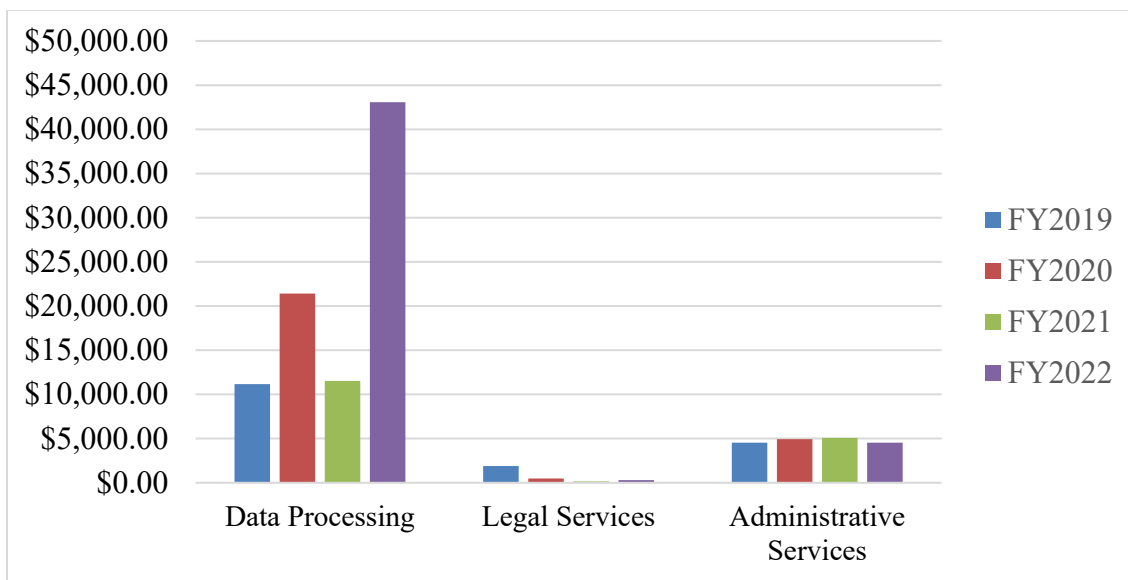


Summary Schedule of Professional Services Disbursements

As of September 30 th				
Type of Service	FY2019	FY2020	FY2021	FY2022
Data Processing	\$ 11,164.08	\$ 21,412.75	\$ 11,511.25	\$ 43,066.09
Legal Services	1,887.75	469.15	150.00	300.00
Administrative Services	4,531.87	4,936.89	5,098.73	4,536.61
Total	\$ 17,583.70	\$ 26,818.79	\$ 16,759.98	\$ 47,902.70

Detailed information presented in Appendix III of this report.

Professional Services Disbursements Chart



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all seven members of the Board of Social Work Examiners requesting participation in our survey. Five participated in our survey. The percentages shown are based on the number who responded to the question.

1. What are the most significant issues currently facing the Board and how is the Board addressing these issues?

Board Member #1 – “The Board is in need of defining Clinical Social work but cannot do so because of the current Executive Order. The Board also needs to address telehealth in the Administrative Code. Again, the freeze hinders our ability to move forward on important topics that protect the public.”

Board Member #2 – “Licensing regulations for clinical social workers. There has been a statute change and now the code needs to come into alignment with the statute as well as in alignment with practice standards to ensure practice within appropriate scope of practice, adjusting the makeup of the board to allow for flexibility in representation of licensed. We have a great mix of licenses but it is confined to regions so the goal is to allow for flexibility so board members aren’t lost due to accomplishments.”

Board Member #3 – “Making sure that the changes the board make are in the best interest of the population we serve. This is addressed by inviting our constituents to weigh in on the changes and be apart of the process.”

Board Member #4 – “Attempting to make changes so that we align with other states. We have researched several different states to see what policies and procedures they have in place, so the professionals are more continuous throughout the United States.”

Board Member #5 – “The members of the board, and its administration, are concerned about efforts by outside entities (mostly in other jurisdictions, but also Alabama) to eliminate the requirement of the successful passing of a national, legally defensible, reliable and valid entrance examination, such as that administered by the Association of Social Work Boards. It is our belief that abolishing this requirement would allow unqualified persons into the field and put citizens at undue risk.”

2. What, if any, changes to the Board’s laws are needed?

Board Member #1 – “None that I am aware.”

Board Member #2 – “Definition of clinical, allowing non-clinical advance practice LMSW to be able to go into private practice within their scope of practice, make-up of board.”

Board Member #3 – “None that I can identify at this time.”

Board Member #4 – “The board needs less people from the education side and more people that actually work in the field of practice. Also, the way people are appointed by districts and degrees continues to stay the same and it never give an opportunity for diversity.”

Board Member #5 – “The current laws require licensure at the LICSW level in order to be eligible for the PIP. It is the believe of many board members, and that his is unnecessary, as the LICSW is primarily for clinical social work, while the PIP is only for licensees who conduct pre-adoption home investigations, which does not require the same skills as clinical social work. We also believe that opening the PIP to LMSWs or LBSWs would help to meet a tremendous need in the state.”

3. Is the Board adequately funded?

Yes	5	100%
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4. Is the Board adequately staffed?

Yes	5	100%
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5. Does the Board receive regular reports on its operations from the Administrator?

Yes	5	100%
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6. Has the Board experienced any significant changes to its operations?

No	5	100%
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7. What, if any, changes do the Board plan to make to its operations?

Board Member #1 – “None, of which I’m aware.”

Board Member #2 – “We have updated website and are working on an app for use by SWs and constituents. We hope to offer some virtual meetings and review our statutes as well as code.”

Board Member #3 – “None that I am aware of at this time.”

Board Member #4 – “None that I am aware of at this time.”

Board Member #5 – “We will soon be allowing citizens to watch our meetings via video link.”

Licensee Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Twenty-one participated in the survey. The percentages shown are based on the number who responded to the question.

- 1. Do you think regulation of your profession by the Alabama Board of Social Work Examiners is necessary to protect the public welfare?**

Yes	21	100%
-----	----	------

- 2. Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?**

Yes	1	5%
No	20	95%

- 3. How are you informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and law?**

Respondent #1 – "I'm not."

Respondent #2 – "I receive emails from the board when there are updates and changes. If I have questions beyond what is emailed, I call the board directly."

Respondent #3 – "Online"

Respondent #4 – "Via emails."

Respondent #5 – "Email"

Respondent #7 – "I am usually made aware through a Facebook group or my supervisor, but these updates are generally just on the controversial changes."

Respondent #8 – "I look them up myself if I am interested."

Respondent #9 – "I receive emails"

Respondent #10 – "Yes, I was very relieved to hear we are now allowed to diagnose under the LMSW, as my position with the VA was in jeopardy."

Respondent #11 – "By mail or email"

Respondent #12 – "By email"

Respondent #13 – "Not sure"

Respondent #14 – "I wish we were informed better. I believe we need to be explained more through emails, zooms, etc. what is expected of us regarding our profession and any changes to positions, policies, rules, and laws."

Respondent #15 – "I have to take initiative and seek information or following a social work group on Facebook."

Respondent #16 – "Email &/or mail"

Respondent #17 – "Email"

Respondent #18 – "I'm not. I think I have received on email. Otherwise from colleagues on Facebook or trainings I or my job pays for."

Respondent #19 – "No answer"

Respondent #20 – "Policies on the website."

Respondents #6 and #18 did not respond to this question.

4. Has the Board performed your licensing and renewal in a timely manner?

Yes	20	95%
No	1	5%

5. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue?

Respondent #1 – “After completing my education, and achieving an LMSW license in the State of Alabama, I believe the field of Social Work with specific employers has a very grey line, as far as their monetary value. I have been on many job interviews and even though I have my LMSW license, and am fully qualified, certain employers want to begin your employment at the BSW level, at a much lower pay rate. Is it because they can get away with it.”

Respondent #2 – “Clinicians being able to provide an actual diagnosis versus a clinical impression. I am unsure about what the board is doing to resolve this issue. Increased competitive wages for all levels of social work. I am unsure of the board’s position on this issue as well.”

Respondent #3 – “Low pay and I don’t know.”

Respondent #4 – “Access to care and making it easier for dual license providers who live out of state to provide Telehealth services across state lines which would add more provider options to people in rural areas.”

Respondent #5 – “-

Respondent #7 – “The pass fail rate is quite problematic. I understand the exam questions are under review.”

Respondent #8 – “N/a”

Respondent #9 – “Lack of staffing and resources. The board providing high quality care while searching for valuable assets to add to staff.”

Respondent #10 – “A”

Respondent #11 - “Social workers are not appreciated and many are no longer choosing the profession. I do not know how the board is addressing this.”

Respondent #12 – “Overworked and underpaid – I think all social workers can agree on that. We need more advocacy for the welfare of us in the profession.”

Respondent #15 – “The length of time between masters level and independent level.”

Respondent #16 – “Need to give this question more thought. I am retired so not currently in the workplace on a full-time basis BUT still maintain an active license.”

Respondent #17 – “NA”

Respondent #18 - “I do think it’s important to have checks and balances to ensure quality and oversight of good qualified workers. I have worked very hard to earn and get to where I’m at. Doing away with licenses is not good. However we are in a mental health crisis. We need to support social workers going into clinical work and private practice but still hold high quality of standards. The website and proposed changes need to be easier to use, follow, and more transparent.”

Respondent #19 – “Attending in person CEUs is extremely difficult for those of us who are in the field and work daily. During the epidemic, participating in live CEU counts towards an in-person credit. I hope that this does not change as the epidemic comes to an end.”

Respondent #20 – “The biggest issue I feel in Alabama is low salaries for our profession. Where I live in Mobile, two of our largest agencies cannot keep licensed qualified employees therefore hurting our entire community.”

Respondent #21 – “Increase in standards.”

Respondents #6, #13 and #14 did not respond to this question.

6. Has any member of the Board or its staff asked for money (other than normal fees), services or any other thing of value in return for performing a Board service for you?

No	21	100%
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Complainant Questionnaire

A letter was sent to eleven complainants requesting participation in our survey. Six participated in the survey. The percentages shown are based on the number who responded to the question.

1. How was your complaint filed with the Alabama Board of Social Work Examiners?

Mail	6	100%
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2. Was your complaint promptly acknowledged?

Yes	5	83%
No	1	17%

3. Approximately how long after you filed your complaint were you contacted by the board?

Within 14 Days	2	40%
More than 30 Days	3	60%

One complainant did not respond to this question.

4. Was the employee who contacted you concerning your complaint knowledgeable and courteous?

Yes	1	17%
Both	1	17%
Neither	4	66%

5. Did the board communicate the results of the investigation to you?

Yes	4	67%
No	2	33%

6. Were you satisfied with your dealings with the Board?

Yes	1	17%
No	5	83%

7. Do you have any other comments regarding your experience?

Complainant #1 – “This Board should be disbanded entirely and replaced with an oversight Board of professionals of a higher caliber profession to oversee Social Workers. Like possibly fully qualified psychiatrists. As medical doctors oversee nurses, professional with higher levels of education and professionalism should oversee social workers to insure they do not go outside their level of education and knowledge.”

Complainant #2 - “I was told at the time that someone had hacked the person’s Facebook page. No other information was given as to who and how would that not happening to another person be rectified. There was a hateful, insensitive, and inexcusable response to me using my child photos to hurt me using this person’s page. It’s seems like a false conclusion because the page went private during the interaction. Why would someone who hacks Facebook pages go private if they need the page. I believe it was her.”

Complainant #3 – “I was never contracted by anyone. I only got notifications of receive and complaint ended.”

Complainant #4 - “I’m deeply concerned about the ALBSWEs handling of a serious HIPAA violation complaint against [REDACTED] [REDACTED]. The allegations include theft of patient data and unauthorized sharing of EMR access. Despite providing evidence, the complaint that was reported on 1/8/22 was dismissed without investigation. The 6/8/22 response was dismissive given the severity of the violation. This is about patient trust and safety. I urge you to reconsider and conduct an investigation.”

Complainant #5 - “I think the board was courteous and handled the complaint to the best of their ability, given the information available. However, I was still concerned how quickly the ruling was made, particularly given the person I filed a complaint about was found guilty of the same allegations I had been informed of by a patient on at least 3 counts by another entity.”

Complainant #6 - “The insensitive response to numerous complaints that I submitted led me to believe that the board of examiners was protecting one of its own and simply cast my petition to the side.”

APPENDICES

Appendix I: Applicable Statutes

Section 34-30-1 Definitions.

As used in this chapter, the following words and terms shall have the following meanings:

- (1) BOARD. The State Board of Social Work Examiners established under this chapter.
- (2) SOCIAL WORK. The professional activity of helping individuals, groups, or communities enhance or restore their capacity for social functioning, and of preventing or controlling social problems altering societal conditions as a means towards enabling people to attain their maximum potential.
- (3) SOCIAL WORK PRACTICE. The professional application of social work values, principles, and techniques to one or more of the following ends: Helping people obtain tangible services, assessment and opinions, counseling with individuals, families, and groups, helping communities or groups provide or improve social and health services, engaging in research related to those ends and principles, and administering organizations and agencies engaging in such practice. The practice of social work requires knowledge of human development and behavior, of social, economic, and cultural institutions and of the interaction of all these factors.
- (4) SOCIAL WORK SPECIALTY. A defined area of social work practice recognized and approved by the Board of Social Work Examiners.
- (5) SOCIAL WORK METHOD. An orderly, systematic mode of practice and procedure recognized and approved by the Board of Social Work Examiners. This includes but is not limited to social casework, social group work, and community organization.
- (6) FULL-TIME SOCIAL WORK. Thirty-five hours per week.
- (7) PART-TIME SOCIAL WORK. At least 10 hours per week or more and will be considered equivalent to full-time social work on a pro rata basis as determined by the board.
(*Acts 1977, No. 652, p. 1102, §2; Act 2016-313, §1.*)

Section 34-30-2 Declaration of policy; purpose of chapter.

It is hereby declared to be the public policy of this state and the purpose of this chapter to protect the public by setting standards of qualification, education, training, and experience for those who seek to engage in the practice of social work and to protect the public by promoting high standards of professional performance for those engaged in the profession of social work, holding themselves forth as social workers.

(*Acts 1977, No. 652, p. 1102, §1.*)

Section 34-30-3 Private independent practice of social work.

No person may engage in the independent clinical practice of social work unless he or she is:

- (1) Licensed under this chapter as a licensed independent clinical social worker; and
- (2) Has a doctorate or master's degree from a school of social work approved, accredited, or in candidacy granted by the Council on Social Work Education; and
- (3) Has had two years' full-time or three years' part-time postgraduate experience under appropriate supervision in the specified social work method or four years' full-time or five years' part-time postgraduate experience under appropriate supervision in the speciality in which the applicant will practice.
- (4) Has passed an examination prepared by the board for this purpose; except, that prior to the time that an examination is prepared by the board for this purpose, no person who otherwise meets the requirements of this section will be prohibited from engaging in the private independent practice of social work; and

(5) Has been issued by mail a certified letter of certification stating his or her qualification for private independent practice by the board; and

(6) Has paid an initial certification fee set by the board.

(Acts 1977, No. 652, p. 1102, §7; Act 2008-136, p. 204, §3; Act 2016-313, §1.)

Section 34-30-4 Disciplinary proceedings - Grounds for suspension, revocation, etc., of license; administrative fines.

(a) The State Board of Social Work Examiners may deny an application or, after a hearing, may refuse to renew, may suspend, or may revoke any license issued under this chapter upon proof that the person has engaged in unprofessional conduct within the last five years, including, but not limited to:

(1) Conviction of a felony;

(2) Habituation or addiction to habit-forming drugs, either of which impairs the ability to perform his or her work;

(3) Conviction of fraud or deceit in connection with services rendered as a social worker licensed under this chapter or in establishing qualifications under this chapter;

(4) Aiding or abetting a person not licensed under this chapter who is falsely representing himself or herself as a social worker licensed under this chapter;

(5) Failing to be relicensed and continuing to represent himself or herself as licensed after the expiration of his or her license; or

(6) Being found guilty of unprofessional conduct by the rules established by the Board of Social Work Examiners.

(b) In addition to the disciplinary powers provided in subsection (a), the board may levy and collect administrative fines for serious violations of this chapter or the rules and regulations of the board of not more than \$500 for each violation.

(Acts 1977, No. 652, p. 1102, §9; Acts 1992, No. 92-121, p. 204, §3; Act 2009-727, p. 2176, §1.)

Section 34-30-5 Disciplinary proceedings - Procedure.

The following procedure will apply to revocation and suspension hearings and to judicial review of these hearings:

(1) Hearings are to be conducted by a five-person panel of the Board of Social Work Examiners with recommended decisions to be by majority vote of the panel.

(2) Reasonable notice (20 days' minimum) of charges to be served personally or by registered mail.

(3) Stenographic record of proceedings.

(4) A person licensed under this chapter whose license is subject to suspension or revocation is entitled to:

a. The presence of counsel at the hearing at his expense;

b. The right to cross-examination of witnesses;

c. The right to call witnesses on his or her own behalf; and

d. The right to subpoena witnesses and documents.

(5) Any person affected by the action of the board in refusing his or her application or suspending or revoking his or her license, or any other action of the board, may appeal the action of the board by filing a petition within 30 days thereafter in the circuit court in the county where the person resides or in the Circuit Court of Montgomery County, Alabama, and the court is vested with jurisdiction and it shall be the duty of the court to set the matter for hearing upon 10 days' written notice to the board and the attorney representing the board. The court in which the petition of appeal is filed shall determine whether or not a cancellation or suspension of a license shall be abated until the hearing shall have been consummated with final judgment thereof or whether any other action of the board should be suspended pending hearing, and enter its order accordingly, which shall be operative when served upon the board, and the court shall provide the attorney representing the board with a copy of the petition and order. The board shall be represented in such appeals by the district attorney of the county or the Attorney General, or any of their assistants. The board shall initially determine all facts, but the court, upon appeal, shall set aside the determination of the board if the board's determination:

- a. Is not based upon substantial evidence upon the entire record;
- b. Is arbitrary or capricious;
- c. Is in violation of statutory requirements; or
- d. Was made without affording the licensee or applicant due process of law.

(6) The board may, in its discretion, seek an injunction against any person engaged in violation of this chapter.

(Acts 1977, No. 652, p. 1102, §10; Act 2016-313, §1.)

Section 34-30-6 Disposition of fees; separate fund created; disbursements from fund by board.

(a) All fees collected pursuant to this chapter shall be nonrefundable and shall be deposited in the State Treasury to the credit of the Board of Social Work Examiners and shall constitute a separate fund to be disbursed as prescribed in subsection (b) of this section.

(b) For the purpose of carrying out the objects of this chapter, and for the exercise of the powers herein granted, the Board of Social Work Examiners shall have power to direct the disbursement of the separate fund created by subsection (a) of this section, which shall be paid on warrant of the state Comptroller upon certificate or voucher of the secretary of the board, approved by the president or vice-president of the board. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Article 4 of Chapter 4 of Title 41, and only in amounts as stipulated in the general appropriation bill. Such amounts shall not exceed the amount in the separate fund established by subsection (a) of this section.

(Acts 1977, No. 652, p. 1102, §12.)

Article 2 Licenses

Section 34-30-20 License requirements.

(a) Except as otherwise provided in subsection (b), no person may engage in the practice of social work, holding himself or herself forth as a "social worker," a "licensed bachelor social worker," a "licensed master social worker," or a "licensed independent clinical social worker," unless that person is so licensed under this chapter or excluded according to its provisions.

(b) The board shall reissue the appropriate redesignated license to any person licensed on August 1, 2016, as a graduate social worker or a certified social worker. Notwithstanding the foregoing, any license issued to a graduate social worker or a certified social worker prior to that date shall continue to be valid for the duration of the license or until the appropriate redesignated license is issued by the board. Any person licensed by the board as a graduate social worker or a certified social worker on that date may continue to use the prior designated licensure titles for a period of two years or as otherwise provided by the board. It is the intent of Act 2016-313 to only change the licensure titles unless expressly otherwise provided herein and to provide for an orderly transition in the use of the prior licensure titles by any person licensed on that date.

(Acts 1977, No. 652, p. 1102, §3; Act 2016-313, §1.)

Section 34-30-21 Exemptions from licensing requirements.

(a) Nothing in this chapter shall be construed to prevent qualified physicians, surgeons, psychologists, psychotherapists, attorneys, marriage counselors, family counselors, school counselors, or members of the clergy or any other individual from doing work within the standards and ethics of their respective professions and calling; provided, that they shall not hold themselves out to the public by any title or description of service as being engaged in the practice of social work.

(b) Any group already licensed under state law shall be exempt from the provisions of this chapter.

(c) Students enrolled in recognized programs of study leading to social work degrees shall not be prevented from practicing social work; provided, that their practice shall be performed under the supervision of a licensed certified social worker, or one who meets the qualifications for licensing as a certified social worker as defined in this chapter.

(Acts 1977, No. 652, p. 1102, §3.)

Section 34-30-22 Qualifications of applicants.

The State Board of Social Work Examiners shall issue a license as a "licensed bachelor social worker," a "licensed master social worker," or a "licensed independent clinical social worker" to an applicant who satisfies all of the following requirements:

(1) Is at least 19 years of age.

(2) Has paid an initial examination fee established by the board.

(3) Has passed an examination prepared by the state board for that purpose.

(4) Has ascribed to a professional code of ethics developed and adopted by the board.

(5) Meets all of the following additional requirements for the level at which they are applying to be licensed:

a. Bachelor social worker:

1. Has a baccalaureate degree from an accredited college or university including completion of a social work program. At the end of five years from June 8, 1984, applicants who then apply shall have a baccalaureate degree from an accredited college or university, including completion of a social work program approved, accredited, or in candidacy granted by the Council on Social Work Education.

2. For a period of six years from May 23, 1977, an applicant may be licensed who has a baccalaureate degree from an accredited college or university and has successfully completed two years of full-time continuous employment in a social work position under supervision approved by the board; or
3. Until March 1, 1996, an applicant may be licensed who has a bachelor's degree in social work or a bachelor's degree in a human services field such as sociology, rehabilitation counseling, psychology, and guidance counseling.

b. Master social worker: Has a Master of Social Work or a Doctor of Social Work from a college or university approved, accredited, or in candidacy granted by the Council on Social Work Education.

c. Independent clinical social worker:

1. Has a Master of Social Work or a Doctor of Social Work from a college or university approved, accredited, or in candidacy granted by the Council on Social Work Education.

2. Has had at least two years of post-master or doctorate experience in the practice of social work under the supervision of a licensed independent clinical social worker.

(6) Is a United States citizen or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(Acts 1977, No. 652, p. 1102, §5; Acts 1984, 1st Ex. Sess., No. 84-730, p. 65, §1; Acts 1992, No. 92-121, p. 204, §3; Acts 1994, No. 94-639, p. 1199, §1; Acts 1995, No. 95-768, p. 1815, §1; Act 2008-136, p. 204, §3; Act 2016-313, §1.)

Section 34-30-23 Application; initial fee; issuance.

From May 23, 1977, until November 24, 1978, the Board of Social Work Examiners shall receive applications from individuals, such applications being duly notarized and sworn, which outline the applicant's eligibility for licensure under the criteria specified in either subdivision (1), (2), or (3) of this section, accompanied by an initial application fee of \$50 in the form of a certified check made payable to the Alabama State Board of Social Work Examiners, and upon review and necessary verification of the applicant's sworn statement, said board shall issue a license as a "licensed bachelor social worker," a "licensed graduate social worker," or a "licensed certified social worker" to an applicant who meets the following requirements for a level of licensure; provided, that any person seeking licensure under this section shall make application within four months of the date he or she first becomes eligible for licensing under this section; and provided further, that such application is received by the board and such eligibility occurred within 18 months from May 23, 1977:

(1) Bachelor social worker: An applicant who holds a baccalaureate degree from an accredited college or university and who satisfies the board that he or she is presently employed in a full-time social work position.

(2) Graduate social worker:

a. An applicant who holds a Master of Social Work or a Doctor of Social Work from a college or university approved or accredited by the Council on Social Work Education; or

b. An applicant who has successfully completed one semester of social work education in a graduate school of social work approved or accredited by the Council on Social Work Education and who satisfies the board that he or she is and has been actively engaged, for at least five consecutive years of full-time employment, in the practice of social work.

(3) Certified social worker: An applicant who holds a Master of Social Work or a Doctor of Social Work from a college or university approved or accredited by the Council on Social Work Education and who is and has been actively engaged, for at least two consecutive years of full-time post-master or doctorate employment, in the practice of social work.

(Acts 1977, No. 652, p. 1102, §6.)

Section 34-30-24 Issuance of license to persons licensed in other states.

Upon receipt of an application from a person who holds a valid social workers' license from another state of the United States which requires standards equivalent to Alabama's for licensing and who possesses all the qualifications prescribed in Section 34-30-22, except that he or she has not paid the examination fee or passed the examination prepared by the board, accompanied by the initial license fee, the board shall issue a license as a "licensed bachelor social worker," "licensed master social worker," or "licensed independent clinical social worker" to the applicant therefor.

(Acts 1977, No. 652, p. 1102, §6; Act 2016-313, §1.)

Section 34-30-25 Fees.

After November 24, 1978, the initial fee for a license shall be at least \$50 and the fee for renewal thereof shall be at least \$25.

(Acts 1977, No. 652, p. 1102, §12.)

Section 34-30-26 Term; expiration date; renewal; inactive status.

(a) All licenses and certificates under this chapter shall be effective when issued by the State Board of Social Work Examiners.

(b) All licenses and certificates issued by the board shall expire on the last day of the month in the calendar year that is exactly two years from the calendar year and month in which the license or certificate is issued.

(c) A license or certificate may be renewed by the payment of the renewal fee set by the board and by the execution and submission on a form provided by the board of a sworn statement by the applicant that his or her license or certificate has been neither revoked nor currently suspended.

(d) At the time of license renewal, each applicant shall present satisfactory evidence that in the period since the license was issued, such applicant has completed the continuing education requirements specified by the board. At the time of license renewal, the board may, in its discretion, waive the continuing education requirement upon a showing by an applicant that prolonged illness or other extenuating circumstances prevented completion of such requirements. A waiver shall not be granted to any applicant twice in succession.

(e) The application for renewal must be made within 60 days after the expiration of the license or the termination of the period of suspension.

(f) No licensee shall be denied a license renewal based on the fact that such licensee has not actively practiced social work for the previous licensing period, provided that all licensing renewal fees have been paid to the board by the licensee.

(g) A licensee under this chapter who is not engaged in the practice of social work or who does not live in the state may request, in writing, that the board place his or her name on the board's inactive roll, thereby granting him or her inactive status and protecting his or her right to obtain a license to practice pursuant to subsection (a) at a later time if he or she wishes to become actively engaged in the practice.

(h) If, upon receipt of the request as provided in subsection (g), the board determines that the social worker shall be permitted to retain his or her initial registration or certification, the social worker shall pay a biennial registration fee in such amount as the board, from time to time, shall determine. If a social worker who has elected inactive status wishes to reenter the practice, he or she shall make application to the board for licensure to practice. To ensure competency to practice, the board, in its rules, shall specify the number of hours of continuing education the applicant shall obtain before regaining active status.

(Acts 1977, No. 652, p. 1102, §11; Acts 1981, No. 81-221, p. 291, §4; Act 2009-727, p. 2176, §1.)

Section 34-30-27 Certain persons exempt from examination.

(a) Individuals licensed under Section 34-30-23 or Section 34-30-24 shall be exempt from any examination provided for in Section 34-30-22, subdivision (3).

(b) Any person who meets the following listed conditions shall be issued a certification as a "licensed certified social worker" without a written examination by the State Board of Social Work Examiners; provided, however, that any person seeking licensure under this section must do so within one year from April 4, 1988. The conditions to be met are as follows:

(1) Possess a baccalaureate degree from an accredited college or university.

(2) Have completed a minimum of six quarter-hours at an approved graduate school of social work on or before January 1, 1960.

(3) Completed a minimum of six years of full, continuous employment in a social work position under supervision approved by the board or seven years of full, continuous employment with a public or quasi-public agency in the State of Alabama on or before May 1, 1977.

Any person meeting the above conditions shall, upon application to the State Board of Social Work Examiners and the payment of \$50, be issued certification as a "licensed certified social worker"; provided, however, that any person seeking licensure under this section must do so within one year from the passage of this amendment.

(c) Any person who holds a Master of Social Work degree or a master's degree in vocational education from an approved college or university, plus one year experience or its equivalent, shall be granted the title of "graduate social worker" if the person has completed the requirements mentioned in this subsection on or before December 30, 1977, upon application to the State Board of Social Work Examiners and the payment of the fee of \$50; provided, however, that any person seeking licensure under this section must do so within one year from the passage of this amendment.

(d) Notwithstanding the aforementioned provisions of this chapter, any person who has been previously licensed under subsection (b) or (c) of this section and who allows his or her license to expire and does not renew his or her license during the time period provided in Section 34-30-26, shall no longer be exempt from any examination provided for in Section 34-30-22(3); but instead must take the examination in order to be licensed under Section 34-30-23 or Section 34-30-24.

(Acts 1977, No. 652, p. 1102, §6; Acts 1988, No. 88-141, p. 210, §3.)

Section 34-30-28 Display; effect.

The license issued pursuant to this chapter shall be displayed in the licensee's principal place of practice and shall entitle the licensee to hold himself or herself forth to the public as providing services as authorized by this chapter.

(Acts 1977, No. 652, p. 1102, §5.)

Section 34-30-29 Supervision of licensed bachelor social workers.

Effective January 1, 1984, and thereafter, each person licensed under this chapter as a licensed bachelor social worker who has received two years or more of continuing supervision from a licensed graduate social worker or a licensed certified social worker may engage in the practice of social work without further supervision as long as this person remains in their same type of social work practice.

(Acts 1977, No. 652, p. 1102, §3; Acts 1984, No. 84-93, p. 124, §2.)

Section 34-30-30 Practice of social work in partnerships, groups, etc.

Nothing contained in this chapter shall prohibit licensed independent clinical social workers from practicing social work as partners or in groups, or from pooling fees and money received either by the partnerships or groups or by the individual members thereof for professional services furnished by any individual licensed independent clinical social worker, member or employee of such partnership or group, nor shall those constituting the partnership or groups be prohibited from sharing, dividing, or apportioning the fees and moneys received by them or by the partnership or group in accordance with partnership or other agreements, provided the certificate for doing business shall have been filed pursuant to law.

(Acts 1977, No. 652, p. 1102, §3; Act 2016-313, §1.)

Section 34-30-31 Professional associations.

Licensed independent clinical social workers shall be permitted to form professional associations to operate in the practice of social work according to Alabama law.

(Acts 1977, No. 652, p. 1102, §3; Act 2016-313, §1.)

Section 34-30-32 Merit System or Civil Service employees.

Nothing contained in this chapter shall prohibit a Merit System or Civil Service employee who is employed in a social work position whose qualifications are established or determined by a regulatory board, pursuant to state or federal law, from engaging in the practice of social work.

(Acts 1977, No. 652, p. 1102, §3.)

Section 34-30-33 Representation to public as social worker.

(a) No person may represent himself or herself as a social worker by using the title "social worker," "licensed bachelor social worker," "licensed master social worker," or "licensed independent clinical social worker," or any other title that includes such words, or by adding the letters "SW," "LBSW," "LMSW," or "LICSW," unless licensed under this chapter or excluded according to its provisions.

(b) No public or private agency, organization, or health facility may use the term "social worker," "licensed bachelor social worker," "licensed master social worker," or "licensed independent clinical social worker" to apply to a person unless that person is so licensed under this chapter or excluded according to its provisions.

(c) After November 24, 1978, nothing contained in this chapter shall prohibit a Merit System or Civil Service employee who is employed in a social work position whose qualifications are established or determined by a regulatory board, pursuant to state or federal law, from representing himself or herself as a social worker by using the title "social worker."

(d)(1) A person who knowingly, willfully, or intentionally violates any provision of this section is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). The board and its members shall assist prosecuting officers in the enforcement of this chapter, and it shall be the duty of this board and its members to furnish the proper prosecuting officers with such evidence as it or they may ascertain to assist them in the prosecution of any violation of this article, and the board is authorized for such purposes to make such reasonable expenditures from the funds of the board which it may deem necessary to ascertain and furnish such evidence.

(2) When it appears to the board that any person is in violation of any provisions of this section, the board may in its own name bring an action in the circuit court for any injunction, and the court may enjoin any person from violating this section regardless of whether criminal proceedings have been or may be instituted. Upon a proper showing, a permanent or temporary injunction, or restraining order, shall be granted.

(Acts 1977, No. 652, p. 1102, §4; Acts 1988, No. 88-141, p. 210, §3; Act 2016-313, §1.)

Article 3 Board of Social Work Examiners

Section 34-30-50 Creation; composition.

(a) There is created an Alabama Board of Social Work Examiners, which shall consist of seven members who are citizens of this state and appointed by the Governor. No person shall be excluded from serving on the board by reason of race, sex, or national origin. Four members shall be "licensed certified social workers" under the provisions of this chapter, who have rendered service, education, or research in social work. Two members shall be "licensed graduate social workers" under the provisions of this chapter, who shall have rendered service, education, or research in social work. One member shall be a "licensed bachelor social worker" under the provisions of this chapter who has rendered service, education, or research in social work. Initial members shall be persons eligible for licensing as provided by this chapter. Members shall be appointed within 90 days after May 23, 1977, from a list of names of qualified persons submitted by any interested parties. The Governor may request the submission of additional names.

(b) After March 20, 1992, successor members of the board shall be appointed by the Governor as provided in this subsection. At least one position on the board shall be represented by a person who is a member of a minority race. Within 30 days following the expiration of a term or terms of office, the board shall notify each licensee in writing of the vacancy and shall solicit the nomination of not more than five licensed certified social workers, licensed graduate social workers, or licensed bachelor social workers, as the case may be, for consideration for each position to be filled. The board shall certify the names of not more than three persons receiving the highest number of nominations for each position to the Governor. The Governor shall appoint one of the nominated persons for the position or positions within 30 days following receipt of the list. If the Governor fails to make the appointment within the 30-day period, the person for each position receiving the highest number of nominations shall become the successor board member for that respective position. The first successor member appointed after March 20, 1992, shall be a member of a minority race who meets all other qualifications of this article. Beginning with the seventh appointment following March 20, 1992, not more than one member from any United States Congressional District, as those districts exist as of March 20, 1992, shall be appointed to serve at the same time.

(c) Any other provision of law notwithstanding, successors to the three terms that expire in October 2004 shall be appointed as follows: Two members shall be appointed for terms of two years and one member shall be appointed for a term of three years, with all terms expiring on September 30 of the final year of the term. Any other provision of law notwithstanding, successors to the four terms that expire in December 2005 shall be appointed as follows: One member shall be appointed for a term of two years and three members shall be appointed for terms of three years, with all terms expiring on September 30 of the final year of the term. Thereafter, subsequent appointments shall be for a term of three years, expiring on September 30 of the final year of the term. Each member shall hold office until his or her successor is appointed and assumes office. A two-year appointment to fill an expired term pursuant to this subsection shall be considered a consecutive term of office for determining the two consecutive terms of office limitation provided in Section 34-30-51. Any vacancy occurring other than by expiration of a term shall be filled for the remainder of the unexpired term by appointment of the Governor. An appointment to fill an unexpired term may not be considered a consecutive term of office for determining the two consecutive terms of office limitation provided in Section 34-30-51.

(Acts 1977, No. 652, p. 1102, §8; Acts 1988, No. 88-141, p. 210, §3; Acts 1992, No. 92-121, p. 204, §3; Act 2004-77, p. 103, §3; Act 2008-136, p. 204, §3.)

Section 34-30-51 Terms of members.

Members shall be limited to two consecutive terms of office.

(Acts 1977, No. 652, p. 1102, §8; Acts 1988, No. 88-141, p. 210, §3; Act 2004-77, p. 103, §3.)

Section 34-30-52 Filling of vacancies.

Appointments to fill vacancies on the Board of Social Work Examiners caused by a reason other than the expiration of a member's term shall be for the duration of the unexpired term and shall be made by the Governor from a list as described in Section 34-30-50.

(Acts 1977, No. 652, p. 1102, §8; Acts 1992, No. 92-121, p. 204, §3.)

Section 34-30-53 Persons employed by state eligible for appointment to board.

Persons who are employed by the State of Alabama and who are subject to the Merit System shall not be prohibited from serving on the Board of Social Work Examiners, provided such person meets all other qualifications as a member of the board.

(Acts 1977, No. 652, p. 1102, §8.)

Section 34-30-54 Compensation of members.

Compensation for members of the Board of Social Work Examiners shall be limited to travel and per diem, not to exceed the prevailing rate paid state employees, but the expense is not to exceed the amount derived in fees for licenses and fines.

(Acts 1977, No. 652, p. 1102, §8.)

Section 34-30-55 Removal of members.

Members of the Board of Social Work Examiners can be removed from office for cause in the manner provided by the statutes of Alabama for removal of public officials who are not subject to impeachment.

(Acts 1977, No. 652, p. 1102, §8.)

Section 34-30-56 Organization; annual election of officers; meetings; quorum; notice of meetings; public meetings required.

The Board of Social Work Examiners shall organize upon appointment and qualification of its members, and shall elect annually from its membership a chairman, a vice-chairman, and a secretary. The board shall meet twice each year and as frequently as it deems necessary at such times and places as the board designates. Additional meetings may be held upon call of the chairman or upon the written request of four members of the board. Four members of the board shall constitute a quorum. All members of the board must be notified in writing at least five days prior to all meeting dates. All such board meetings shall be open to the public and appropriate public notice shall be made.

(Acts 1977, No. 652, p. 1102, §8; Acts 1984, No. 84-93, p. 124, §3.)

Section 34-30-57 Duties generally.

In addition to the duties set forth elsewhere in this chapter, the Board of Social Work Examiners shall do all of the following:

- (1) Recommend modifications and amendments to this chapter.
- (2) Recommend to the appropriate district attorneys prosecutions for the violations of this chapter, after and only after the alleged violator has been notified of the violation or violations and having been given 90 days to disclaim, amend, and rectify the allegation.
- (3) Annually publish a list of the names and addresses of all persons who are:
 - a. Licensed bachelor social workers, licensed master social workers, and licensed independent clinical social workers under this chapter.
 - b. Eligible to engage in the private independent practice of social work under this chapter.

(4) Establish fees for initial examination, licensure, certification, and renewal thereof; fees for verifying the existence of a current license, reactivating an inactive license, and reinstating a lapsed license; fees for making application to the board to act as a continuing education provider; and fees for registering a supervisor. Nothing in this subdivision shall be interpreted as requiring a state agency to pay any fees for the purposes of verifying the licensure status of current or prospective employees, registering any employee as a supervisor, or providing continuing education to current or prospective employees.

(5) Establish requirements and standards for continuing education. In establishing requirements, the board shall consult with those groups and organizations which represent both the levels of practice specified in this chapter and the various settings in which social work is practiced. Furthermore, in developing requirements, the board shall consider, but shall not be limited in its consideration to, agency recognized staff development programs under the auspices of public agencies, continuing education programs offered by colleges and universities having social work programs approved or accredited by the Council on Social Work Education, and continuing education programs offered by recognized state and national social work bodies.

(6) Adopt rules pursuant to the Alabama Administrative Procedure Act that set forth professional standards for licensed bachelor social workers, licensed master social workers, and licensed independent clinical social workers who are certified for the private independent practice of social work. Those proposed rules shall be published at least 30 days before the public hearing relative to the proposed rules, and at least 15 days before the hearing, the board shall publish notice of the date, time, and place where the public hearings of the board shall be held for the purpose of adopting or amending rules pertaining to this chapter.

(Acts 1977, No. 652, p. 1102, §8; Acts 1988, No. 88-141, p. 210, §3; Act 2021-315, §1.)

Section 34-30-58 Acceptance of contributions and bequests.

The Board of Social Work Examiners may accept contributions and bequests from individuals, organizations, and corporations and must expend these funds to carry out the purposes of this chapter. Records of receipts and expenditures of such funds shall be made available to Examiners of Public Accounts upon request.

(Acts 1977, No. 652, p. 1102, §12.)



ACT #2023 - 100

- 1 L646YA-2
- 2 By Representative Holk-Jones
- 3 RFD: Boards, Agencies and Commissions
- 4 First Read: 07-Mar-23
- 5 PFD: 06-Mar-23
- 6 2023 Regular Session





HB56 Enrolled

Enrolled, An Act,

Relating to the Alabama Board of Social Work Examiners;
to amend Section 34-30-3, Code of Alabama 1975, and to add
Section 34-30-34 to the Code of Alabama 1975; to provide
further for the scope of practice of licensees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-30-3 of the Code of Alabama 1975,
is amended to read as follows:

"§34-30-3

(a) No-person individual may engage in the independent
clinical practice of social work unless he or she ~~is~~ satisfies
all of the following:

(1) ~~Licensed~~ Is licensed under this chapter as ~~a~~
~~licensed~~ an independent clinical social worker, ~~and.~~

(2) Has a doctorate or master's degree from a school of
social work approved, accredited, or in candidacy granted by
the Council on Social Work Education, ~~and.~~

(3) Has had two years' full-time or three years'
part-time postgraduate experience under appropriate
supervision in the specified social work method or four years'
full-time or five years' part-time postgraduate experience
under appropriate supervision in the speciality in which the
applicant will practice.

(4) Has passed an examination prepared by the board for
this purpose; except, that prior to the time that an
examination is prepared by the board for this purpose, no
person individual who otherwise meets the requirements of this



section will be prohibited from engaging in the private independent practice of social work~~and~~.

(5) Has been issued by mail a certified letter of certification stating his or her qualification for private independent practice by the board~~and~~.

(6) Has paid an initial certification fee set by the board.

(b) The scope of practice of a licensed independent clinical social worker includes the authority to diagnose and develop treatment plans. The scope of practice does not include the diagnosis, treatment, or provision of advice to a client for problems or complaints relating to conditions outside the boundaries of the practice of social work.

(c) For the purposes of this section, the terms diagnose and treatment, whether considered in isolation or in conjunction with the rules of the board, may not be construed to permit the performance of any act which a licensed clinical social worker is not educated or trained to perform including, but not limited to, any of the following:

(1) Administering and interpreting psychological tests or intellectual, neuropsychological, personality, or projective instruments.

(2) Admitting any individual to a hospital for treatment of any condition that is outside the boundaries of the practice of social work, as provided in subsection (b).

(3) Treating any individual in a hospital setting without medical supervision.

(4) Prescribing medicinal drugs.



57 (5) Authorizing clinical laboratory procedures or
58 radiological procedures.

59 (6) Using electroconvulsive therapy.

60 (d) Nothing in this section shall be construed to
61 create a requirement that any health benefit plan, group
62 insurance plan, policy, or contract for health care services
63 that covers hospital, medical, or surgical expenses, health
64 maintenance organizations, preferred provider organizations,
65 medical service organizations, physician-hospital
66 organizations, or any other individual, firm, corporation,
67 joint venture, or other similar business entity that pays for,
68 purchases, or furnishes group health care services to
69 patients, insureds, or beneficiaries in this state, including
70 entities created pursuant to Article 6, commencing with
71 Section 10A-20-6.01 of Chapter 20, Title 10A, Code of Alabama
72 1975, provide coverage or reimbursement for the services
73 described or authorized in this section."

74 Section 2. Section 34-30-34 is added to the Code of
75 Alabama 1975, to read as follows:

76 §34-30-34.

77 Nothing in this chapter shall be construed to authorize
78 any individual licensed under this chapter to practice
79 medicine or to describe or label any test, report, or
80 procedure as psychological or as a psychological evaluation.

81 Section 3. This act shall become effective on the first
82 day of the third month following its passage and approval by
83 the Governor, or its otherwise becoming law.



HB56 Enrolled

[Signature]

Speaker of the House of Representatives

[Signature]

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 11-Apr-23.

John Treadwell
Clerk

Senate 25-Apr-23 Passed

APPROVED

5-3-2023

TIME

2:10 pm

Kay Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2023-100
Bill Num....: H-56

Recv'd 05/04/23 08:55amSLF

CO-SPONSORS

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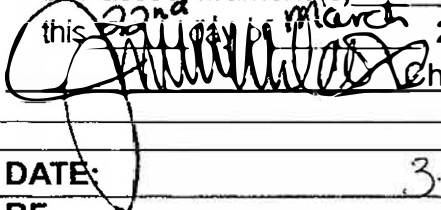
RD 1 RFD

BAFC

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on

BAFC was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub

this 22nd day of March 2023
 Chair

DATE: 3.22.2023
 RF RD 2 CAL

DATE: 20
 RE-REFERRED ☐ RE-COMMITTED ☐
 Committee _____

DATE: 20
 RE-REFERRED ☐ RE-COMMITTED ☐
 Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 56

YEAS 103 NAYS 1

JOHN TREADWELL,
Clerk

FURTHER HOUSE ACTION (OVER)

RD 1 RFD

This Bill was referred to the Standing Committee of the Senate on SGA

and was acted upon by such Committee session and is by order of the Committee returned therefrom with a favorable report w/amd(s) _____ w/sub _____ w/eng sub _____ by a vote of

yeas 11 nays 0 abstain 0
 this 19 day of April 2023
TOM Chair

DATE: 4-19 2023
 RF FAU RD 2 ☒ CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 56
 YEAS 32 NAYS 0

PATRICK HARRIS
Secretary

DATE: 4-25-23 RD 3 at len
 PASSED ☒ PASSED AS AMENDED

YEAS 32 NAYS 0
 And was ordered returned forthwith to the House
 PATRICK HARRIS
Secretary

DATE: _____ 20____
 INDEFINITELY POSTPONED YEAS NAYS

DATE: _____ 20____
 RECONSIDERED YEAS NAYS

FURTHER SENATE ACTION (OVER)

Appendix III: Professional Services by Vendor

	FY 2019	FY 2020	FY 2021	FY 2022
Data Processing				
<i>Office of Information Technology</i>				
Data Processing	\$9,726.07	\$19,185.40	\$8,890.99	\$39,210.68
Finance and IT Planning/Oversight	239.80	295.28	257.40	185.90
<i>Department of Finance</i>				
SBS Billing	1,198.21	1,932.07	2,362.86	3,669.51
Total Data Processing	11,164.08	21,412.75	11,511.25	43,066.09
Legal Services				
Attorney General's Office	1,887.75	150.00	150.00	300.00
<i>Court Reporting</i>				
Mobile Bay Reporting		319.15		
Total Legal Services	1,887.75	469.15	150.00	300.00
Administrative Services				
<i>Legislative Services Agency</i>				
Advertising	1,070.00	720.00	740.00	
<i>Inter-Departmental Professional Services</i>				
Legislative Reference Service	100.00	100.00	100.00	
<i>Department of Finance</i>				
Mailing Services	234.75	305.90	228.60	242.60
Comptroller Services	985.36	1,724.23	1,832.13	1,902.01
<i>Sanitation Services</i>				
Waste Recycling Inc.		210.00	315.00	350.00
Gilmore Moving and Storage	19.76	19.76		
<i>Moving Services</i>				
Industrial Revolving Fund	650.00			
<i>Personnel Department Services</i>	1,472.00	1,857.00	1,883.00	2,042.00
Total Administrative Services	4,531.87	4,936.89	5,098.73	4,536.61
Total Professional Services	\$17,583.70	\$26,818.79	\$16,759.98	\$47,902.70

Appendix IV: Board Members



Rachel Dickinson
Executive Director

Alabama State Board of Social Work Examiners
100 North Union Street Suite 736
Montgomery Alabama 36104
Post Office Box 301620
Montgomery Alabama 36130-1620
334-242-5860 or 1-888-879-3672
<https://socialwork.alabama.gov>

May 2, 2023

Gerald Dedon
Examiner of Public Accounts
401 Adams Avenue
Montgomery, AL 36104

Re: A second letter which lists the name, expiration of term, city of each current Board/Commission member. Letter must be on agency letterhead and signed by the agency head.

Mr. Dedon:

Please find the requested info below. Should you have any questions about this procedure you may reach me at the telephone number or address listed above.

Ukawia Johnson, District 1, Expires 09/30/24, Mobile
Kai Mumpfield, District 2, Expires 09/30/25, Montgomery
Jamie Nicole DeLee, District 3, Expires 09/30/23, Opelika
Dwan Madden, District 4, Expires 09/30/23, Fayette
Dr. Shalunda Sherrod, District 5, Expires 09/30/25, Madison
Wendy Peek, District 6, Expires 09/30/24, Pelham
Dr. Robert McKinney, Jr. District 7, Expires 09/30/23

Sincerely,

A handwritten signature in blue ink, appearing to read "Rachel Dickinson", with a long horizontal flourish extending to the right.

Rachel Dickinson
Executive Director

Appendix V: Board's Response



Rachel Dickinson
Executive Director

Alabama State Board of Social Work Examiners
100 North Union Street Suite 736
Montgomery Alabama 36104
Post Office Box 301620
Montgomery Alabama 36130-1620
334-242-5860 or 1-888-879-3672
<https://socialwork.alabama.gov>

August 4, 2023

Ms. Dixie Thomas
Director of Operational Audits
Examiners of Public Accounts
401 Adams Avenue Ste. 280
Montgomery, Alabama 36104

Dear Ms. Thomas:

Please find my responses to the significant issues/prior findings from the most recent review of the Board.

Significant Issue 2023-001: The Board passed legislation in 2021 that made changes to our Code 34-30-57 allowing them to charge fees for applications that were not currently covered in our Code. This legislation was passed in response to a prior significant issue from 2015. As Director, it is my responsibility to submit the proper documents to the Alabama Legislative Authority for notice of intended action and certification. In this instance, I did not submit the approved fees to be certified. All rule changes prior to and since, have been submitted correctly. I apologize for my lack of attention to this one. It has been resubmitted as of this week to the Alabama Legislative Authority.

Prior Finding 2021-005: As Director, it is my responsibility to submit vacancy notices that occur according to the rules set forth. I was under the impression that only 30 days were required. As of August 2nd, I have posted the three most recent vacancies with the Secretary of State, which should correct this finding at our next review.

Prior Significant Issue 2019-001: Our Board currently has almost 7000 licensees. For the year so far, we have only had 13 complaints, that is less than 1% of our licensees. Four of those complaints are current and open. The Board takes every complaint submitted under serious consideration, as it is our duty to protect the public. As per our rules all social workers have 15 days to respond, all complainants are notified of this by letter, the complaint and response are then reviewed by a Board Member, our Board Attorney and myself. The review process can easily take two to four weeks or more depending on the amount of information submitted by the complainant and the social worker. Taking the time to review all information submitted is essential in deciding the outcome. Once a decision is made the complainant and the social worker are notified of the committee's decision. Our complaint process has also been used a model for other states – Alaska, Idaho, Arkansas and Puerto Rico. Finding in favor of the complainant every time would be the only way to resolve this prior issue and that is simply not a fair process for our licensees or the public.

Thank you for allowing me the opportunity to respond to these issues/findings. Should you have further questions do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Dickinson", is written over a horizontal line.

Rachel Dickinson
Executive Director