

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 252

Introduced by Assembly Members Yamada and Eggman

February 6, 2013

An act to amend Section 4996.14 of, and to add Article 6 (commencing with Section 4998.90) to Chapter 14 of Division 2 of, the Business and Professions Code, relating to social workers.

LEGISLATIVE COUNSEL'S DIGEST

AB 252, as amended, Yamada. Social workers.

Existing law provides for the regulation of licensed clinical social workers. Existing law makes an individual who styles himself or herself as a licensed clinical social worker, without holding a license in good standing, guilty of a misdemeanor. Existing law exempts an individual employed by a government entity, certain academic institutions, an institution that is both nonprofit and charitable, and other specified individuals from that prohibition.

Existing law defines an approved school of social work to mean a school that is accredited by the Commission on Accreditation of the Council on Social Work Education.

This bill would prohibit an individual from representing himself or herself as a social worker, unless he or she possesses certain academic ~~qualifications~~. *qualifications from an accredited school, as specified.* This bill would prohibit an employer from representing his or her employee as a social worker, unless that employee possesses certain academic qualifications. This bill would apply ~~that prohibition~~ those prohibitions to an individual employed by a governmental entity, certain

academic institutions, an institution that is both nonprofit and charitable, and other individuals.

~~Existing law defines an approved school of social work to mean a school that is accredited by the Commission on Accreditation of the Council on Social Work Education.~~

Because a violation of the bill would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares as follows:
- 2 (a) The profession of social work is over 100 years old and is
- 3 practiced worldwide. Its mission is to enhance and meet the basic
- 4 needs of all people, with particular attention to the state’s most
- 5 vulnerable consumers, including families; adults and children
- 6 suffering from abuse, addiction, mental illness, and disabilities;
- 7 veterans; the elderly; and all people living in poverty and
- 8 experiencing oppression who have the right to expect that a person
- 9 with the title of social worker has the appropriate education,
- 10 experience, and training.
- 11 (b) A social worker possesses a specific body of professional
- 12 knowledge, training, and experience that is gained when the social
- 13 worker acquires his or her social work degree from a school
- 14 accredited by the Commission on Accreditation of the Council on
- 15 Social Work Education.
- 16 (c) A social work degree is based on scientific theory and
- 17 evidence-based practice.
- 18 (d) While this act protects the title of social worker, it does not
- 19 limit any other health care or social service title.
- 20 (e) The public confidence and the consumer’s security are
- 21 paramount, and protecting the social worker title is critical to
- 22 successful social work for individuals, families, and communities.

1 SEC. 2. Section 4996.14 of the Business and Professions Code
2 is amended to read:

3 4996.14. (a) This chapter, except for Article 6 (commencing
4 with Section 4998.90), shall not apply to an employee who is
5 working in any of the following settings if his or her work is
6 performed solely under the supervision of the employer:

- 7 (1) A governmental entity.
- 8 (2) A school, college, or university.
- 9 (3) An institution that is both nonprofit and charitable.

10 (b) This chapter shall not apply to a volunteer who is working
11 in any of the settings described in subdivision (a) if his or her work
12 is performed solely under the supervision of the entity, school,
13 college, university, or institution.

14 (c) This chapter shall not apply to a person using hypnotic
15 techniques by referral from any of the following persons if his or
16 her practice is performed solely under the supervision of the
17 employer:

- 18 (1) A person licensed to practice medicine.
- 19 (2) A person licensed to practice dentistry.
- 20 (3) A person licensed to practice psychology.

21 (d) This chapter shall not apply to a person using hypnotic
22 techniques that offer vocational self-improvement, and the person
23 is not performing therapy for emotional or mental disorders.

24 SEC. 3. Article 6 (commencing with Section 4998.90) is added
25 to Chapter 14 of Division 2 of the Business and Professions Code,
26 to read:

27

28 Article 6. Use of the Designation Social Worker

29

30 4998.90. (a) Except as provided in subdivisions (b), (c), and
31 (d), on or after January 1, 2014, only an individual who possesses
32 a degree from an accredited school of social work, as defined in
33 Section 4991.2, may represent himself or herself as a social worker.

34 (b) This article shall not be construed to apply to an individual
35 who is classified by his or her employer as a social worker if the
36 individual held that classification prior to January 1, 2014.

37 (c) A graduate of a school in candidacy status, as determined
38 by the Commission on Accreditation of the Council on Social
39 Work Education, or that was in candidacy status at the time the
40 graduate began attending the school, ~~may~~ shall not represent

1 himself or herself as a social worker if the school does not obtain
2 accreditation from the council.

3 (d) A social worker shall not use the title “Licensed Clinical
4 Social Worker” or “Associate Clinical Social Worker” unless the
5 individual meets the criteria specified under Article 4 (commencing
6 with Section 4996).

7 (e) It is not the intent of this section to limit the use of any other
8 health care or social service title.

9 (f) A violation of this ~~chapter~~ *section* is an unfair business
10 practice and is subject to Section 4996.12.

11 *4998.95. (a) Except as provided in subdivisions (b), (c), and*
12 *(d), on or after January 1, 2014, an employer or principal may*
13 *only represent his or her employee or agent as a social worker if*
14 *that employee or agent possesses a degree from an accredited*
15 *school of social work, as defined in Section 4991.2.*

16 *(b) This article shall not be construed to apply to an individual*
17 *who is classified by his or her employer or principal as a social*
18 *worker if the individual held that classification prior to January*
19 *1, 2014.*

20 *(c) An employer or principal shall not represent an employee*
21 *or agent as a social worker if that employee or agent is a graduate*
22 *of a school in candidacy status, as determined by the Commission*
23 *on Accreditation of the Council on Social Work Education, or a*
24 *graduate of a school that was in candidacy status at the time the*
25 *graduate began attending the school, until the school has obtained*
26 *accreditation from the council.*

27 *(d) (1) An employer or principal shall not represent an*
28 *employee or agent by the title “Licensed Clinical Social Worker”*
29 *or “Associate Clinical Social Worker” unless the employee or*
30 *agent meets the criteria specified under Article 4 (commencing*
31 *with Section 4996).*

32 *(2) An employer or principal, who hires an individual who does*
33 *not possess a degree from an accredited school of social work to*
34 *perform similar duties to that of a social worker, shall represent*
35 *that employee or agent with a title other than “social worker” or*
36 *any other term that implies or suggests that the individual possesses*
37 *a degree from an accredited school of social work.*

38 *(e) It is not the intent of this section to limit the use of any other*
39 *health care or social services title.*

1 (f) (1) *A violation of this section is an unfair business practice*
2 *and is subject to Section 4996.12.*

3 (2) *In addition to other proceedings provided in this section, if*
4 *an employer or principal has engaged, or is about to engage, in*
5 *an act that constitutes an offense against this section, the superior*
6 *court in and for the county where the act takes place, or is about*
7 *to take place, may issue an injunction, or other appropriate order,*
8 *restraining that conduct on application of the board, Attorney*
9 *General, or the district attorney of the county.*

10 (g) *The proceedings under this section shall be governed by*
11 *Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of*
12 *the Code of Civil Procedure.*

13 SEC. 4. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.