

By the Committee on Health, Aging and Long-Term Care; and
Senator Meek

317-2203-99

1 A bill to be entitled
2 An act relating to regulation of certain social
3 work services; establishing the Nonclinical
4 Social Work Study Committee to review the need
5 to regulate nonclinical social workers;
6 specifying study committee membership
7 appointments and staffing; providing for issues
8 to be reviewed by the study committee;
9 requiring a report of findings and
10 recommendations; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. (1) There is established the Nonclinical
15 Social Work Study Committee to review the need to regulate
16 nonclinical social workers. The 15-member study committee
17 shall consist of the secretary, or his or her designee, from
18 each of the following departments:

- 19 (a) The Department of Health;
20 (b) The Department of Elderly Affairs;
21 (c) The Department of Children and Family Services;
22 and
23 (d) The Department of Juvenile Justice.

24 (2) In addition, the Secretary of the Department of
25 Health shall appoint a person from each of the following
26 associations or organizations:

- 27 (a) The Florida Chapter of the National Association of
28 Social Workers;
29 (b) The Florida Association of Deans and Directors;
30 (c) The American Association of State Social Work
31 Boards;

- 1 (d) The Children's Home Society;
2 (e) The Florida Society of Clinical Social Work;
3 (f) The Florida Association for Marriage and Family
4 Therapy;
5 (g) The Florida Mental Health Counselors Association;
6 (h) The Florida Counseling Association;
7 (i) The Florida Psychological Association;
8 (j) The Florida Association of Counties;
9 (k) The Florida Council of Community Mental Health,
10 Inc.; and
11 (l) The Certification Board of Addiction Professionals
12 of Florida.
13 (3) The Secretary of the Department of Health, or his
14 or her designee, shall serve as the chair of the study
15 committee. The Department of Health shall provide the
16 necessary staff support and technical assistance to the study
17 committee.
18 (4) In order to determine if the lack of regulation of
19 an unlicensed activity poses a significant harm or damage to
20 the health, safety, and welfare of the public, the Nonclinical
21 Social Work Study Committee shall review the following issues:
22 (a) Whether the potential for harm exists, is
23 recognizable, and is imminent because of the unregulated
24 practice of nonclinical social work;
25 (b) Whether the practice of nonclinical social work
26 requires special skills or training, and whether that skill or
27 training is readily measurable or quantifiable so that
28 examination or training requirements would reasonably assure
29 initial and continuing professional or occupational ability;
30 (c) Whether regulation has an unreasonable effect on
31 job creation or job retention in the state or whether

1 regulation places unreasonable restrictions on the employment
2 prospects of individuals who seek to practice or who are
3 practicing nonclinical social work;

4 (d) Whether the public is effectively protected by
5 means other than regulation; and

6 (e) Whether the overall cost-effectiveness and
7 economic impact of regulation, including the indirect cost to
8 consumers, is favorable.

9 (5) The findings and recommendations of the study
10 committee, including any proposed legislation, shall be
11 submitted to the President of the Senate, the Speaker of the
12 House of Representatives, and the appropriate substantive
13 legislative committees by December 31, 1999, and shall
14 include, but need not be limited to, the following
15 information:

16 (a) The number of individuals that would be subject to
17 the regulation, including the number of unlicensed, trained
18 social workers and the number of untrained, but practicing
19 social workers;

20 (b) Documentation of the nature and extent of the harm
21 to the public caused by the unregulated practice of
22 nonclinical social work, including a description of any
23 complaints that have been lodged against persons who have
24 practiced in this state during the preceding 3 years;

25 (c) A list of states that regulate nonclinical social
26 workers, the dates of enactment of the regulatory law, and a
27 copy of each law;

28 (d) A list and description of state and federal laws
29 that have been enacted to protect the public with respect to
30 nonclinical social work and a statement of the reasons why
31 these laws have not proven adequate to protect the public;

1 (e) A description of the voluntary efforts made by
2 nonclinical social workers to protect the public and a
3 statement of the reasons why these efforts are not adequate to
4 protect the public;

5 (f) An explanation of the reasons why other types of
6 less restrictive regulation would not effectively protect the
7 public;

8 (g) The cost, availability, and appropriateness of
9 training and examination requirements;

10 (h) The cost of regulation, including the indirect
11 cost to consumers, and the method proposed to finance the
12 regulation;

13 (i) The cost imposed on applicants or practitioners or
14 on employers of applicants or practitioners as a result of the
15 regulation; and

16 (j) The details of any previous efforts in this state
17 to implement regulation of nonclinical social workers.

18 Section 2. Members of the study committee shall not be
19 reimbursed for expenses associated with participation on the
20 study committee except for expenses as provided by law.

21 Section 3. This act shall take effect upon becoming a
22 law.

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24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 Senate Bill 1726

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28 The Committee Substitute no longer creates the initial
29 regulation of nonclinical social work but instead creates a
30 15-member Nonclinical Social Work Study Committee to review
31 the need to regulate nonclinical social workers. The bill
provides requirements for appointment to the study committee
and requires the Department of Health to provide staff support
and technical assistance to the committee. The bill requires
the study committee to report its findings to the Legislature
by December 31, 1999.