

ACT 213

S.B. NO. 424

A Bill for an Act Relating to Social Workers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
SOCIAL WORKERS**

§ -1 **Definitions.** As used in this chapter:

“Department” means the department of commerce and consumer affairs.

“Director” means the director of commerce and consumer affairs.

§ -2 **Applicability.** A person engages in the practice of social work when that person performs services that involve the application of social work principles, techniques and methods to treat and prevent psychosocial dysfunction, disability, or impairment, including emotional and mental disorders. Social work services include consultation; assessment; diagnosis; treatment; client-centered advocacy; and case work management.

§ -3 **Registered social worker; use of title restricted.** Any person who meets the requirements of section -4 may register with the director as a registered

social worker and shall have the right to use the title "Registered Social Worker." No other person shall use the title "Registered Social Worker" or use any other words, letters, signs or devices to indicate that the person is a registered social worker.

§ -4 **Registration requirements.** An applicant for registration as a registered social worker shall submit to the department written evidence, verified by oath or affirmation, that the applicant has received a master's degree in social work from a school of social work accredited by the Council on Social Work Education.

§ -5 **Denial of registration; hearing.** (a) No applicant shall be registered as a registered social worker if:

- (1) The applicant has been convicted of a crime and the basis of denial of registration falls within the exceptions provided in section 831-3.1;
 - (2) The applicant has been declared mentally incompetent by any court and the decree has not since been dismissed; or
 - (3) Proceedings brought against the applicant pursuant to section -6 resulted in findings of any of the causes listed in subsection -6(b).
- (b) Any person whose application for registration has been denied shall be given notice and the opportunity for a hearing pursuant to chapter 91.

§ -6 **Discipline; complaints; grounds; proceedings; hearings.** (a) The director shall have the power to revoke, limit, condition or suspend any registration as a registered social worker and to fine or otherwise discipline a registered social worker for any violation of section -6(b).

(b) The department shall have the power to accept, investigate, prosecute, and hear complaints regarding any person, whether registered or not, who engages in the practice of social work or who uses the words "social work," or any variation or abbreviation thereof, in the person's title; regarding the following allegations:

- (1) Unfitness or incompetence by reason of negligence, habits, or other causes regardless of whether actual damage or damage to the public is established;
- (2) Habitual intemperance, addiction or dependency on alcohol or other habit-forming substances;
- (3) Mental incompetence resulting in an inability to practice social work;
- (4) Submitting to or filing with the department any application, notice, statement, or other document in procuring or attempting to procure registration as a registered social worker, which is false or untrue or contains any material misstatement of fact;
- (5) Using the title "registered social worker" or any designation tending to imply that the person is a registered social worker when the person is not in fact registered or the person's registration has been suspended or revoked;
- (6) Violation of the conditions or limitations upon which registration occurs;
- (7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm an individual or the public in the course of professional services or activities;
- (8) Having disciplinary action taken against the social worker in another state;
- (9) Aiding or abetting an unregistered person, knowingly combining or conspiring with an unregistered person, allowing one's registration to be used by an unregistered person, or acting as agent or associate of an unregistered person to evade the use of title restrictions of this chapter;

- (10) Engaging in false or misleading advertising;
- (11) Engaging in sexual conduct in connection with professional services or activities; or
- (12) Revealing confidential information except as may be required by law.

(c) In any proceeding under this section the person subject to the proceeding shall be given notice and the opportunity for a hearing in conformity with chapter 91.

§ -7 Penalties. (a) Any person against whom proceedings have been brought pursuant to section -6 which resulted in findings of any of the causes listed in subsection -6(b) may be assessed a fine of not less than \$100 nor more than \$5,000 for each offense.

(b) The director may bring civil proceedings to enjoin any person for any actions in violation of section -6(b).

§ -8 Exemptions. This chapter shall not apply to:

- (1) Licensed, registered, or certified professionals such as physicians, teachers, nurses, psychologists, and attorneys engaging in the practices of social work within the scope of their respective practices, provided they do not hold themselves out to the public as being social workers.
- (2) Any officer or employee of the United States while the officer or employee is engaged in the practice of social work, provided the practice falls within the course and scope of the officer or employee's official duties.
- (3) Any minister, priest, rabbi, or officer of any religious denomination who has been ordained or is authorized to perform official acts according to the practices of such denomination.
- (4) Any student pursuing a course of professional education accredited by the Council on Social Work Education."

SECTION 2. Section 26H-4, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) The following chapters are hereby repealed effective December 31, 1992:

- (1) Chapter 448H (Elevator Mechanics Licensing Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (4) Chapter 460 (Board of Osteopathic Examiners)
- (5) Chapter 461 (Board of Pharmacy)
- (6) Chapter 461J (Board of Physical Therapy)
- (7) Chapter 463E (Podiatry)
- (8) Chapter _____ (Social Workers)."

SECTION 3. This Act shall take effect on January 1, 1990.

(Approved June 7, 1989.)