

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: SB 766

VERSION: AMENDED MARCH 20, 2023

AUTHOR: EGGMAN

SPONSOR: National Association of Social Workers - California Chapter (NASW-CA)

RECOMMENDED POSITION: NONE

SUBJECT: SOCIAL WORKERS

Summary:

This bill would limit the use of the title “social worker” to only those who hold a degree from an accredited school of social work.

Existing Law:

- 1) Sets forth the Clinical Social Worker Practice Act and provides that only individuals issued a license by the Board of Behavioral Sciences (Board) may call themselves “Licensed Clinical Social Workers” or engage in the practice of clinical social work. (Business and Professions Code (BPC) §§4991, 4996)
- 2) Defines the term “accredited school of social work” as a school that is accredited by the Commission on Accreditation of the Council on Social Work Education. (BPC §4991.2)
- 3) Defines the practice of clinical social work as a service in which special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior, is directed at helping people achieve more adequate, satisfying, and productive social adjustments. (BPC §4996.9)
- 4) States the application of social work methods include the following (BPC §4996.9):
 - a) Counseling and using applied psychotherapy;
 - b) Providing information and referral services;
 - c) Arranging for social services;
 - d) Explaining/interpreting psychosocial aspects of individuals, families, or groups;

- e) Helping communities organize, provide, or improve social or health services; and
 - f) Research related to social work.
- 5) Requires the Board of Behavioral Sciences (Board) to issue a clinical social worker license to an applicant who qualifies under the Clinical Social Worker Practice Act, and who passes the required examinations. (BPC §§4991, 4996.1)
- 6) States that the clinical social worker licensing requirements do not apply to an unlicensed or unregistered employee or volunteer working in one of the following settings under the oversight and direction of the entity (BPC §4996.14(b)):
- a) A government entity;
 - b) A school, college, or university; or
 - c) An institution that is both nonprofit and charitable.
- 7) Provides that a violation of the Clinical Social Worker Practice Act is a misdemeanor punishable by imprisonment in county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both of these. (BPC §4996.12)

This Bill:

For Individuals

- 1) Only a person to represent themselves as a “social worker” if they have a degree from an accredited school of social work. (BPC §4998.70(a))
- 2) Prohibits a graduate of a school in candidacy status for social work accreditation from representing themselves as a social worker if the school does not obtain accreditation. (BPC §4998.70(b))
- 3) States that a social worker shall not use the titles “Licensed Clinical Social Worker” or “Associate Clinical Social Worker” unless they hold the appropriate license or registration with the Board. (BPC §4998.70(c))
- 4) Provides that the use of any other health care or social service title is not limited by this law. (BPC §4998.70(d))
- 5) Provides that before January 1, 2029, the above does not apply to an individual classified by their employer or principal as a social worker, if that classification was held by the individual prior to January 1, 2024. (BPC §4998.70(e))

For Employers

- 6) Provides that an employer or principal shall not represent their employee or agent as a social worker unless they have a degree from an accredited school of social work. (BPC §4998.71(a))
- 7) Prohibits an employer or principal from representing their employee or agent as a social worker if that employee or agent is a graduate of a school in candidacy status for social work accreditation, until that school has obtained accreditation. (BPC §4998.71(b))
- 8) States that an employer or principal shall not represent their employee or agent by the titles “Licensed Clinical Social Worker” or “Associate Clinical Social Worker” unless the employee or agent holds the appropriate license or registration with the Board. (BPC §4998.71(c))
- 9) States that an employer or principal who hires someone without a degree in social work from an accredited school of social work to perform duties similar to a social worker, the employer or principal must represent them with a different title than “social worker” or any other term that implies they possess a degree from an accredited school of social work. (BPC §4998.71(d))
- 10) Provides that the use of any other health care or social service title is not limited by this law. (BPC §4998.71(e))
- 11) Provides that before January 1, 2029, the above does not apply to an individual classified by their employer or principal as a social worker if that classification was held by the individual prior to January 1, 2024. (BPC §4998.71(f))
- 12) Applies this protection of the “social worker” title to all individuals, even those who are employed or volunteer in exempt settings (a governmental entity, school, college, or university, and an institution that is both nonprofit and charitable). (BPC §4996.14(b))
- 13) States that use of the title “social worker” without the appropriate degree is considered an unfair business practice and is also a misdemeanor punishable by imprisonment in county jail for up to six months, and/or a fine of up to \$1,000. (BPC §§4998.72(a), 4996.12)
- 14) States that in addition to other allowable causes of action, the Board may bring an action for injunction or other appropriate relief restraining the conduct of a person for a violation before the superior court in the county where the conduct takes place. (BPC §4998.72(b))

Comments:

- 1) **Author’s Intent.** In their fact sheet for the bill, the author’s office states the following:

“California has 25 CSWE accredited colleges and universities that offer professional social work degrees; approximately 9,600 students are currently enrolled in CSWE accredited social work programs in California. These institutions provide a combination of coursework and training based on social work policy, theory, and research along with practical experience in a variety of placement settings. All students complete at least 400 hours of supervised internships. Placement settings include aging services, child welfare departments, community substance use and treatment centers, schools, hospitals, corrections and many more.”

“...The growing number of families and children with complex needs, combined with the extensive documentation and reporting requirements of some noble, but unfunded and under-funded federal mandates, such as the Child Abuse Prevention and Treatment Act (CAPTA) of 1974, have created great need for caseworker or case managers to meet the demand. Many private organizations and public agencies, such as child welfare and adult protective services agencies, refer to, classify, or both refer to and classify some caseworkers as “social workers,” leading the public to believe they are receiving services from a professional social worker – someone with a degree from a CSWE accredited school of social work abiding by the code of conduct and ethics required of the profession.

This bill protects the public from misrepresentation by ensuring only social workers, with a degree from an accredited school of social work, have the right to represent themselves as social workers.”

- 2) Accredited Degrees in Social Work.** This bill states that an individual who uses the “social worker” title must have a degree from an accredited school of social work, which means that the school must be accredited by the CSWE. The sponsor states that in addition to master’s of social work degrees, this could also be a bachelor’s of social work degree, doctorate of social work degree, or Ph.D. in social work.
- 3) Five Year Transition Period.** This bill contains a provision that allows a person who held a “social worker” title or job classification prior to January 1, 2024, but who does not hold a degree from an accredited school of social work, to continue to use that title until January 1, 2029, in order to ensure a smooth transition and to allow employers and affected workers time to adjust to the new title requirements.
- 4) Title Act Versus Practice Act.** This bill offers title protection only; it is not a practice act. Title protection only restricts use of a certain title. A practice act restricts the practice of a designated profession unless certain requirements are met. The Board’s four current license types each originate from a practice act.

This bill would not prohibit unlicensed individuals from working as social workers. It would simply prohibit the use of the title unless they held an accredited degree in social work.

5) Anticipated Role of the Board This bill appears to give the board the authority to enforce title protection for social workers, because it is written under a code that is within the Board’s jurisdiction. However, the language is permissive – it states that the Board may bring action for an injunction or other appropriate relief with the superior court. As written, the bill does not require any enforcement of the social work title by the Board.

6) Fiscal Impact. The bill gives the Board the authority to enforce title protection for social workers but does not require it to do so.

The sponsors of the bill estimate that there would be approximately 20-30 violations of this act per year. They believe most agencies will comply and that the 5-year grace period gives them time to do so.

The Attorney General’s (AG’s) office estimates that the cost to the Board for their office to bring an injunction would be approximately \$5,000 - \$10,000 per case.

The Board would likely need one half-time analyst position in order to review complaints, and work with agencies for compliance. Staff believes that most complaints would likely be resolved with outreach and education. Staff estimates that approximately 3 complaints per year might ultimately result in an injunction, at a cost of (3 x \$10,000) = \$30,000 per year in AG costs.

7) Previous Legislation. AB 252 (Yamada and Eggman, 2013) similarly also proposed limiting the use of the title “social worker” to those who hold a degree from an accredited school of social work. AB 252 died in the Assembly Appropriations Committee.

The Board had taken a “support if amended” position on AB 252 but had requested some amendments. Requests that may still be relevant included the following:

1. Employer Subject to Discipline. The Board had requested language to clarify that an employer who gives an employee a prohibited job title would be the one subject to disciplinary action. The rationale was that the employee should not be subject to any adverse action because they did not choose the job title.
2. Enforcement. The Board had requested that it be removed from the enforcement element of the bill, due to the Board having limited enforcement resources.

8) Support and Opposition.

Support:

- National Association of Social Workers – California Chapter (Sponsor)

Oppose:

- None at this time.

9) History

04/11/23 Set for hearing April 24.

04/10/23 April 17 set for first hearing canceled at the request of author.

04/03/23 Set for hearing April 17.

03/29/23 Re-referred to Com. on B., P. & E. D.

03/20/23 From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

03/01/23 Referred to Com. on RLS.

02/21/23 From printer. May be acted upon on or after March 20.

02/17/23 Introduced. Read first time. To Com. on RLS. for assignment. To print.

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 766

Introduced by Senator Eggman

February 17, 2023

~~An act to amend Section 4996.2 of the Business and Professions Code, relating to social workers. An act to amend Section 4996.14 of, and to add Article 6 (commencing with Section 4998.70) to Chapter 14 of Division 2 of, the Business and Professions Code, relating to social workers.~~

legislative counsel's digest

SB 766, as amended, Eggman. ~~Clinical social workers: licensure requirements. Social workers.~~

Existing law, the Clinical Social Worker Practice Act, provides for the regulation of licensed clinical social workers. That law makes an individual who styles themselves 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.

This bill would prohibit an individual from representing themselves as a social worker, unless they possess certain academic qualifications. The bill would apply that prohibition to an individual employed by a governmental entity, certain academic institutions, an institution that is both nonprofit and charitable, and other individuals. The bill would also prohibit an employer or principal from representing their employee or agent as a social worker unless the employee or agent possesses certain academic qualifications. The bill would state that, prior to January 1, 2029, these provisions do not apply to an individual that is

classified as a social worker by their employer or principal if the individual held that classification prior to January 1, 2024. The bill would make a violation of these provisions an unfair business practice as well as a misdemeanor. By making a violation of these provisions a crime, the bill 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.

~~Existing law provides for the licensure and regulation of clinical social workers by the Board of Behavioral Sciences. Under existing law, an applicant for a clinical social worker license is required to furnish to the board evidence that the applicant has, among other things, received a master’s degree from an accredited school of social work.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-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 their social work degree from a school accredited*
- 14 *by the Commission on Accreditation of the Council on Social Work*
- 15 *Education.*
- 16 (c) *A social work degree is based on scientific theory and*
- 17 *evidence-based practice.*

1 (d) While this act protects the title of social worker, it does not
2 limit any other health care or social service title.

3 (e) The public confidence and the consumer’s security are
4 paramount, and protecting the social worker title is critical to
5 successful social work for individuals, families, and communities.

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

8 4996.14. (a) This chapter shall not be construed to constrict,
9 limit, or withdraw the Medical Practice Act, the Licensed Marriage
10 and Family Therapist Act, the Nursing Practice Act, the Licensed
11 Professional Clinical Counselor Act, or the Psychology Licensing
12 Law.

13 (b) This ~~chapter~~ chapter, except for Article 6 (commencing with
14 Section 4998.90), shall not apply to an unlicensed or unregistered
15 employee or volunteer working in a governmental entity, a school,
16 a college, a university, or an institution that is both nonprofit and
17 charitable if both of the following apply:

18 (1) The work of the employee or volunteer is performed under
19 the oversight and direction of the entity.

20 (2) (A) On and after July 1, 2020, the employee or volunteer
21 provides a client, prior to initiating psychotherapy services or as
22 soon as practicably possible thereafter, a notice written in at least
23 12-point type that is in substantially the following form:

24

25 NOTICE TO CLIENTS

26 The (Name of office or unit) of the (Name of agency) receives
27 and responds to complaints regarding the practice of psychotherapy
28 by any unlicensed or unregistered practitioner providing services
29 at (Name of agency). To file a complaint, contact (Telephone
30 number, email address, internet website, or mailing address of
31 agency).

32 The Board of Behavioral Sciences receives and responds to
33 complaints regarding services provided by individuals licensed
34 and registered by the board. If you have a complaint and are unsure
35 if your practitioner is licensed or registered, please contact the
36 Board of Behavioral Sciences at 916-574-7830 for assistance or
37 utilize the board’s online license verification feature by visiting
38 www.bbs.ca.gov.

39

1 (B) The delivery of the notice described in subparagraph (A)
2 to the client shall be documented.

3 (c) This chapter shall not apply to a person using hypnotic
4 techniques if their client was referred by a physician and surgeon,
5 dentist, or psychologist.

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

9 (e) Notwithstanding subdivisions (b) and (c) or Section 4996.13,
10 all persons registered as associates or licensed under this chapter
11 shall not be exempt from this chapter or the jurisdiction of the
12 board.

13 *SEC. 3. Article 6 (commencing with Section 4998.70) is added*
14 *to Chapter 14 of Division 2 of the Business and Professions Code,*
15 *to read:*

16

17 *Article 6. Use of the Designation Social Worker*

18

19 *4998.70. (a) Except as provided in subdivisions (b) and (c),*
20 *only an individual who possesses a degree from an accredited*
21 *school of social work, as defined in Section 4991.2, may represent*
22 *themselves as a social worker.*

23 *(b) A graduate of a school in candidacy status, as determined*
24 *by the Commission on Accreditation of the Council on Social Work*
25 *Education, or that was in candidacy status at the time the graduate*
26 *began attending the school, shall not represent themselves as a*
27 *social worker if the school does not obtain accreditation from the*
28 *council.*

29 *(c) A social worker shall not use the title “Licensed Clinical*
30 *Social Worker” or “Associate Clinical Social Worker” unless the*
31 *individual meets the criteria specified under Article 4 (commencing*
32 *with Section 4996).*

33 *(d) This section shall not limit the use of any other health care*
34 *or social service title.*

35 *(e) Prior to January 1, 2029, this section shall not apply to an*
36 *individual that is classified by their employer or principal as a*
37 *social worker if the individual held that classification prior to*
38 *January 1, 2024.*

39 *4998.71. (a) Except as provided in subdivisions (b) and (c),*
40 *an employer or principal shall not represent their employee or*

1 agent as a social worker unless that employee or agent possesses
2 a degree from an accredited school of social work, as defined in
3 Section 4991.2.

4 (b) If an employee or agent is a graduate of a school in
5 candidacy status, as determined by the Commission on
6 Accreditation of the Council on Social Work Education, or is a
7 graduate of a school that was in candidacy status at the time the
8 graduate began attending the school, an employer or principal
9 shall not represent the employee or agent as a social worker until
10 the school has obtained accreditation from the council.

11 (c) An employer or principal shall not represent an employee
12 or agent by the title “Licensed Clinical Social Worker” or
13 “Associate Clinical Social Worker” unless the employee or agent
14 meets the criteria specified under Article 4 (commencing with
15 Section 4996).

16 (d) If an employee or agent who does not possess a degree from
17 an accredited school of social work performs similar duties to that
18 of a social worker, the employer or principal shall represent that
19 employee or agent with a title other than “social worker” or any
20 other term that implies or suggests that the individual possesses
21 a degree from an accredited school of social work.

22 (e) This section shall not limit the use of any other health care
23 or social service title.

24 (f) Prior to January 1, 2029, this section shall not apply to an
25 individual that is classified by their employer or principal as a
26 social worker if the individual held that classification prior to
27 January 1, 2024.

28 4998.72. (a) A violation of this article is an unfair business
29 practice within the meaning of Chapter 5 (commencing with Section
30 17200) of Part 2 of Division 7, and is also subject to Section
31 4996.12.

32 (b) In addition to the causes of action and remedies established
33 in subdivision (a), the board may bring an action for injunction
34 or other appropriate relief restraining the conduct of any person
35 for the violation of this article before the superior court in and for
36 the county in which the conduct takes place.

37 SEC. 4. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 *infraction, eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section 17556 of*
3 *the Government Code, or changes the definition of a crime within*
4 *the meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

6 ~~SECTION 1. Section 4996.2 of the Business and Professions~~
7 ~~Code is amended to read:~~

8 ~~4996.2. Each applicant for a license shall furnish evidence~~
9 ~~satisfactory to the board that the applicant complies with all of the~~
10 ~~following requirements:~~

11 ~~(a) Is 21 years of age or older.~~

12 ~~(b) Has received a master's degree from an accredited school~~
13 ~~of social work.~~

14 ~~(c) Has had two years of supervised post-master's degree~~
15 ~~experience, as specified in Section 4996.23.~~

16 ~~(d) Not be subject to denial of licensure pursuant to Section~~
17 ~~480. The board shall not issue a registration or license to any person~~
18 ~~who has been convicted of any crime in this or another state or in~~
19 ~~a territory of the United States that involves sexual abuse of~~
20 ~~children or who is required to register pursuant to Section 290 of~~
21 ~~the Penal Code or the equivalent in another state or territory, in~~
22 ~~accordance with Section 480.~~

23 ~~(e) Has completed adequate instruction and training in the~~
24 ~~subject of alcoholism and other chemical substance dependency.~~
25 ~~This requirement applies only to applicants who matriculate on or~~
26 ~~after January 1, 1986.~~

27 ~~(f) Has completed instruction and training in spousal or partner~~
28 ~~abuse assessment, detection, and intervention. This requirement~~
29 ~~applies to an applicant who began graduate training during the~~
30 ~~period commencing on January 1, 1995, and ending on December~~
31 ~~31, 2003. An applicant who began graduate training on or after~~
32 ~~January 1, 2004, shall complete a minimum of 15 contact hours~~
33 ~~of coursework in spousal or partner abuse assessment, detection,~~
34 ~~and intervention strategies, including knowledge of community~~
35 ~~resources, cultural factors, and same gender abuse dynamics.~~
36 ~~Coursework required under this subdivision may be satisfactory~~
37 ~~if taken either in fulfillment of other educational requirements for~~
38 ~~licensure or in a separate course.~~

39 ~~(g) Has completed a minimum of 10 contact hours of training~~
40 ~~or coursework in human sexuality as specified in Section 1807 of~~

1 ~~Title 16 of the California Code of Regulations. This training or~~
2 ~~coursework may be satisfactory if taken either in fulfillment of~~
3 ~~other educational requirements for licensure or in a separate course.~~
4 ~~(h) Has completed a minimum of seven contact hours of training~~
5 ~~or coursework in child abuse assessment and reporting as specified~~
6 ~~in Section 1807.2 of Title 16 of the California Code of Regulations.~~
7 ~~This training or coursework may be satisfactory if taken either in~~
8 ~~fulfillment of other educational requirements for licensure or in a~~
9 ~~separate course.~~

O