

Statutes and Regulations **Social Workers**

May 2021



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

NOTE: The official version of the statutes in this document is printed in the Alaska Statutes, copyrighted by the State of Alaska. The official version of the regulations in this document is published in the Alaska Administrative Code, copyrighted by the State of Alaska. If any discrepancies are found between this document and the official versions, the official versions will apply.

TABLE OF CONTENTS

Section	Page
1. Social Work Statutes (AS 08.95).....	1
2. Social Work Regulations (12 AAC 18)	6

**CHAPTER 95.
SOCIAL WORKERS**

Articles

- 1. Board of Social Work Examiners (§§ 08.95.010 – 08.95.050)**
- 2. Licensing (§§ 08.95.100 – 08.95.130)**
- 3. General Provisions (§§ 08.95.900 – 08.95.990)**

**ARTICLE 1.
BOARD OF SOCIAL WORK EXAMINERS**

Section

- 10. Creation and membership of the board**
- 20. Board meetings**
- 30. Duties**
- 40. Continuing education requirement**
- 50. Disciplinary sanctions**

Sec. 08.95.010. Creation and membership of the board. (a) There is created the Board of Social Work Examiners composed of five members, as follows: one member licensed under this chapter as a baccalaureate social worker; one member licensed under this chapter as a master social worker; two members licensed under this chapter as clinical social workers; and one public member who has never been licensed under this chapter. At least one of the licensed members must be a person who is not an employee of a federal, state, or local government.

(b) Members of the board shall elect a member of the board as chair. The chair serves for a term of one year.

Sec. 08.95.020 Board meetings. The board shall hold at least two meetings each year. The board may hold additional meetings at the call of the chair or of a majority of the board members.

Sec. 08.95.030. Duties. The board shall

- (1) issue licenses to qualified applicants;
- (2) adopt regulations
 - (A) requiring that continuing education requirements be satisfied before a license is renewed;
 - (B) establishing a code of professional ethics that a licensee must observe;
 - (C) establishing standards of practice for social work performed by a licensee; and
 - (D) establishing standards for supervisors and for supervision that is required for licensure under AS 08.95.110 (a);
- (3) adopt regulations necessary to carry out the duties and purpose of this chapter.

Sec. 08.95.040. Continuing education requirement. (a) The board shall adopt continuing education requirements for persons licensed under this chapter. Continuing education requirements that must be satisfied before the first biennial renewal of a person's license must include a minimum of 45 hours of education or training with a minimum of three hours in professional ethics, six hours in substance abuse, and six hours in cross-cultural education that includes issues relating to Alaska Natives. After the first biennial renewal of a license, continuing education requirements for that person's license renewal must include three hours in professional ethics, six hours in substance abuse, and six hours in cross-cultural education, three hours of which must include issues relating to Alaska Natives.

(b) The board shall appoint three persons licensed under this chapter to serve as a continuing education committee. The committee shall advise the board on matters related to continuing education for social workers. One person appointed to the committee must be familiar with social problems in the rural areas of the state.

Sec. 08.95.050. Disciplinary sanctions. (a) The board may impose a disciplinary sanction under AS 08.01.075 if it finds that a licensee

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or in the course of professional activities;
- (3) advertised professional services in a false or misleading manner;
- (4) violated this chapter, a regulation adopted under this chapter, or an order issued by the board;
- (5) is the subject of a disciplinary sanction or other adverse licensing action in another jurisdiction relating to a social work license;
- (6) failed to report to the board that the licensee is or was the subject of a disciplinary proceeding or other adverse licensing action in another jurisdiction relating to a social work license;
- (7) has been convicted of a felony or has been convicted of a misdemeanor that reflects on the licensee's ability to practice competently and professionally;

- (8) intentionally or negligently engaged in, or permitted persons under the licensee's supervision to engage in, client care that did not conform to minimum professional standards or to the standards of practice adopted by the board regardless of whether actual injury to the client occurred;
 - (9) continued to practice after becoming unfit due to
 - (A) professional incompetence;
 - (B) failure to keep informed of current professional practices;
 - (C) addiction to or severe dependency on alcohol or other drugs that impairs the ability to practice safely;
 - or
 - (D) physical or mental disability;
 - (10) engaged in lewd, immoral, or unethical conduct in connection with the delivery of professional services to clients; or
 - (11) while licensed to practice social work, engaged in sexual contact with a person during the time period that the person was a client or within two years after termination of the licensee's professional relationship with the client.
- (b) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if
- (1) the licensee or another licensed health care provider is available to provide follow-up care;
 - (2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and
 - (3) the licensee meets the requirements established by the board in regulation.
- (c) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (b) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

ARTICLE 2. LICENSING

Section

- 100. License required**
- 110. License requirements**
- 120. Licensing by credentials**
- 125. Temporary license to practice social work**
- 130. Display of license**

Sec. 08.95.100. License required. (a) A person who practices clinical social work without obtaining a license under this chapter to practice clinical social work is guilty of a class B misdemeanor unless the person is

(1) licensed under a provision of this title that is outside this chapter, is practicing within the scope of that license, and is not representing to the public by title or description of service as being engaged in the practice of clinical social work; or

(2) practicing clinical social work as a student in a social work program approved by the board.

(b) A person is guilty of a class B misdemeanor if the person is not licensed

(1) under this chapter and uses the title "social worker" unless the person is exempt from licensure under AS 08.95.911;

(2) as a clinical social worker under this chapter or has a clinical social worker license that is suspended, revoked, or lapsed, and the person

(A) uses in connection with the person's name the words or letter "L.C.S.W.," "Licensed Clinical Social Worker," or other letters, words, or insignia indicating or implying that the person is a licensed clinical social worker; or

(B) in any way, orally or in writing, directly or by implication, holds out as a licensed clinical social worker;

(3) as a master social worker under this chapter or has a master social worker license that is suspended, revoked, or lapsed, and the person

(A) uses in connection with the person's name the words or letters "L.M.S.W.," "Licensed Master Social Worker," or other letters, words, or insignia indicating or implying that the person is a licensed master social worker; or

(B) in any way, orally or in writing, directly or by implication, holds out as being a licensed master social worker; or

(4) as a baccalaureate social worker under this chapter or has a baccalaureate social worker license that is suspended, revoked, or lapsed, and the person

(A) uses in connections with the person's name the words or letters "L.B.S.W.," "License Baccalaureate Social Worker," or other letters, words, or insignia indicating or implying that the person is a license baccalaureate social worker; or

(B) in any way, orally or in writing, directly or by implication, holds out as being a licensed baccalaureate social worker.

(c) *[Repealed, Sec. 26 ch 118 SLA 1998.]*

Sec. 08.95.110. License requirements. (a) The board shall issue a license to practice clinical social work to a person who

(1) has received a master's degree or a doctoral degree in social work from a college or university approved by the board;

(2) has completed, within the 10 years before application for licensure and under the supervision of a licensed social worker, licensed psychologist, or licensed psychiatrist either

(A) a minimum of two years of continuous full-time employment in postgraduate clinical social work; or

(B) a minimum of 3,000 hours of less than full-time employment in a period of not less than two years in postgraduate clinical social work;

(3) is of good moral character;

(4) is in good professional standing and is fit to practice social work as determined by the board;

(5) has provided three professional references that are acceptable to the board, including, if the applicant

(A) was previously employed to practice social work, one reference from a person who was the applicant's employer while practicing social work unless the applicant demonstrates to the satisfaction of the board that the applicant is unable to satisfy the requirement of this subparagraph through no fault of the applicant; and

(B) is currently employed to practice social work, a reference from the applicant's current employer;

(6) has satisfactorily completed the examination given by the board for clinical social worker licensing; and

(7) has paid required fees.

(b) The board shall issue a license authorizing use of the title, "master social worker" to a person who

(1) satisfies the requirements of (a)(1), (3) - (5), and (7) of this section; and

(2) has satisfactorily completed the examination given by the board for master social worker licensing.

(c) The board shall issue a license authorizing use of the title, "baccalaureate social worker" to a person who

(1) satisfies the requirements of (a)(3) - (5) and (7) of this section;

(2) has received a bachelor's degree in social work from a college or university approved by the board; and

(3) has satisfactorily completed the examination given by the board for baccalaureate social worker licensing.

Sec. 08.95.120. Licensing by credentials. (a) The board shall issue a license to practice clinical social work if the applicant

(1) holds a current license to practice social work in another jurisdiction that, at the time of original issuance of the license had requirements for licensure equal to or more stringent than those of this state;

(2) is not the subject of an unresolved complaint or disciplinary action before a regulatory authority or a professional social work association;

(3) has provided three professional references that are acceptable to the board, including, if the applicant

(A) was previously employed to practice social work, one reference from a person who was the applicant's employer while practicing social work unless the applicant demonstrates to the satisfaction of the board that the applicant is unable to satisfy the requirement of this subparagraph through no fault of the applicant; and

(B) is currently employed to practice social work, a reference from the applicant's current employer.

(4) has not had a license to practice clinical social work revoked, suspended or surrendered in lieu of disciplinary action in this state or another jurisdiction;

(5) has submitted proof of continued competency satisfactory to the board; and

(6) has paid required fees.

(b) The board shall issue a license to use the title "master social worker" or "baccalaureate social worker," as applicable, to an applicant who

(1) holds a current similar license from another jurisdiction that, at the time of original issuance of the license, had requirements for the license that were equal to or more stringent than those of this state;

(2) is not the subject of an unresolved complaint or disciplinary action before a regulatory authority or a professional social work association;

(3) has provided three professional references that are acceptable to the board, including, if the applicant

(A) was previously employed to practice social work, one reference from a person who was the applicant's employer while practicing social work unless the applicant demonstrates to the satisfaction of the board that the applicant is unable to satisfy the requirement of this subparagraph through no fault of the applicant; and

(B) is currently employed to practice social work, a reference from the applicant's current employer;

(4) has not had a license to practice social work or to use the title "social worker" revoked, suspended, or surrendered in lieu of disciplinary action in this state or another jurisdiction;

(5) has submitted proof of continued competency satisfactory to the board; and

(6) has paid required fees.

Sec. 08.95.125. Temporary license to practice social work. (a) On receipt of a completed application for a social worker license, a request for a temporary license, and payment of the application fee and temporary license fee determined under AS 08.01.065(c), the board, a member of the board, or an employee of the department designated by the board may issue a temporary license

- (1) to use the title "master social worker" to an individual who
 - (A) satisfies the requirements of AS 08.95.110(a)(1) and (3); or
 - (B) satisfies the requirements of AS 08.95.120(a)(2) and (4) and provides a photocopy, together with a sworn statement as to the copy's veracity, of the applicant's current license as a master social worker in another jurisdiction;
- (2) to use the title "baccalaureate social worker" to an individual who
 - (A) satisfies the requirements of AS 08.95.110(a)(3) and (c)(2); or
 - (B) satisfies the requirements of AS 08.95.120(a)(2) and (4) and provides a photocopy, together with a sworn statement as to the copy's veracity, of the applicant's current license as a baccalaureate social worker in another jurisdiction;
- (b) A temporary license provided to an applicant under (a)(1)(A) or (a)(2)(A) of this section is valid for one year and is valid notwithstanding the applicant's failure to satisfactorily complete the examination required under AS 08.95.110(a)(6) during the period that the license is valid.
- (c) A temporary license issued under (a)(1)(B) or (a)(2)(B) of this section is valid for one year.
- (d) An individual's temporary license becomes invalid, notwithstanding (b) and (c) of this section, if the individual's application for a permanent license under AS 08.95.110 or 08.95.120 is rejected by the board. The temporary license becomes invalid on the date of board action rejecting the license application.
- (e) The board
 - (1) may impose by regulation additional limitations that it determines appropriate on a temporary license issued under this section;
 - (2) may not, under this section, issue more than one temporary license to an applicant;
 - (3) may not renew a temporary license.

Sec. 08.95.130. Display of license. A person licensed under this chapter shall display the license in a conspicuous place where the licensee practices.

ARTICLE 3. GENERAL PROVISIONS

Section

- 900. Confidentiality of communication**
- 905. Immunity relating to certain reports**
- 911. Exemption**
- 990. Definitions**

Sec. 08.95.900. Confidentiality of communication. (a) A licensed social worker, and the social worker's employees or other persons who have access to the social worker's records, may not reveal to another person a communication made to the licensee by a client about a matter concerning which the client has employed the licensee in a professional capacity. This section does not apply to

- (1) a case conference with other licensed social workers or with other licensed practitioners of the healing arts;
- (2) the release of information which the client in writing authorized the licensee to reveal;
- (3) information released to the board as part of a disciplinary or other proceeding by the board;
- (4) information revealed as part of the discovery of evidence related to a court proceeding or introduced in evidence in a court proceeding;
- (5) communications relevant to the physical, mental, or emotional condition of the client in a proceeding in which the condition of the client is an element of the claim or defense of the client, of a party claiming through or under the client, or of a person raising the client's condition as an element of the person's own case, or of a person claiming as a beneficiary of the client through a contract to which the client is or was a party; or, after the client's death, in a proceeding in which a party puts the condition of the client in issue;
- (6) a communication to a potential victim or to law enforcement officers where a threat of imminent serious physical harm to an identified victim has been made by a client; or
- (7) a communication that indicates that another licensed practitioner of the healing arts has committed an act of unprofessional or unlawful conduct in the provision of health or mental health services if the communication is disclosed by the social worker only to the licensing board with jurisdiction over the type of person who allegedly committed the unprofessional or unlawful conduct and the disclosure is made in good faith.

(b) Notwithstanding (a) of this section, a licensed social worker shall report incidents of child abuse or neglect as required by AS 47.17.020 and incidents of harm to vulnerable adults as required by AS 47.24.010.

(c) Information obtained by the board under (a)(3) and (7) of this section is confidential and is not a public record for the purposes of AS 40.25.110 – 40.25.140.

Sec. 08.95.905. Immunity relating to certain reports. A person licensed under this chapter who, in good faith and without malice, discloses to the appropriate licensing board that another licensed practitioner of the healing arts

has allegedly committed an act of unprofessional or unlawful conduct in the provision of health or mental health services is immune from civil liability arising out of the disclosure.

Sec. 08.95.911. Exemption. (a) Notwithstanding AS 08.95.100(b)(1), a person who, on June 30, 2001, was employed or providing services under the title "social worker" may, without obtaining a license under this chapter, continue to use the title "social worker" while the person is employed by the same employer or, if self-employed, while providing the same scope of services, as on June 30, 2001.

(b) The exemption under (a) of this section does not authorize use of the title "social worker" outside the context of the person's employment or self-employment, as applicable.

(c) For purposes of this section, a person who is employed by

(1) the federal government is not considered to have changed employers if the person begins employment with a different agency of the federal government;

(2) the state is not considered to have changed employers if the person begins employment with a different agency of the state;

(3) a municipality is not considered to have changed employers if the person begins employment with a different agency of the municipality.

Sec. 08.95.990. Definitions. In this chapter,

(1) "board" means the Board of Social Work Examiners;

(2) "clinical social work" means the diagnosis of psychiatric disorders and the use of techniques of applied psychotherapy of a nonmedical nature while practicing social work;

(3) "clinical social worker" means a person who practices clinical social work;

(4) "department" means the Department of Commerce, Community, and Economic Development;

(5) "practitioner of the healing arts" has the meaning given in AS 47.17.290;

(6) "social work" means a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior is directed, through the application of social work principles and methods, at helping individuals to achieve more adequate, satisfying, and productive social adjustments;

(7) "social work principles and methods" include counseling of a nonmedical nature to assist in the treatment of mental and emotional conditions of individuals, families, and groups; providing information and referral services; providing or arranging for the provision of social services; explaining and interpreting the psychosocial aspects in the situations of individuals, families, or groups; helping communities to organize, provide, or improve social and health services; and doing research related to social work.

**CHAPTER 18.
BOARD OF SOCIAL WORK EXAMINERS.**

Article

- 1. Application and Employment Requirements (12 AAC 18.050 – 12 AAC 18.160)**
- 2. License Renewal and Continuing Education (12 AAC 18.200 – 12 AAC 18.230)**
- 3. Teletherapy Practice (12 AAC 18.300 – 12 AAC 18.330)**
- 4. General Provisions (12 AAC 18.930 – 12 AAC 18.990)**

**ARTICLE 1.
APPLICATION AND EMPLOYMENT REQUIREMENTS.**

Section

- 050. (Repealed)**
- 100. Application for license by examination**
- 105. Examination**
- 110. Application for license by credentials**
- 111. Emergency courtesy license**
- 112. Continued competency**
- 115. Supervision of experience for clinical social work license**
- 120. Employment requirement**
- 130. Professional references**
- 140. Reasons for application denial**
- 150. Social worker code of ethics**
- 160. Standards of practice**

12 AAC 18.050. TRANSITIONAL LICENSE FOR BACCALAUREATE SOCIAL WORKERS. Repealed 8/29/2003.

12 AAC 18.100. APPLICATION FOR LICENSE BY EXAMINATION. (a) An applicant for licensure under this chapter by examination shall submit

- (1) a completed and sworn application on a form provided by the department;
- (2) the fees required in 12 AAC 02.155;
- (3) certified college transcripts documenting all education in social work from a college or university approved by the board;
- (4) if applying for licensure as a clinical social worker, verification of having completed the employment and supervision requirements of AS 08.95.110(a)(2) and 12 AAC 18.120;
- (5) three professional references as described in AS 08.95.110 and 12 AAC 18.130; and
- (6) a sworn statement regarding whether the applicant has ever been convicted of a felony, or has been convicted of a misdemeanor within the five years before the date of application, including a detailed explanation of the circumstances of any conviction.

(b) After the applicant has submitted the application, documents, and fees required in (a) of this section, the board will review the application to determine if the applicant meets the requirements of AS 08.95.110 and (a) of this section.

(c) Once an application is approved by the board, the applicant must sit for the examination within one year from the date of board approval. For good cause shown, the board will, in its discretion, grant a written request from an applicant for an extension of time to sit for the examination.

Authority: AS 08.95.030 AS 08.95.110

12 AAC 18.105. EXAMINATION. (a) The examination required for licensure by examination under this chapter is the Association of Social Work Boards Examination, sponsored by the Association of Social Work Boards. The examination required for licensure as a

- (1) clinical social worker is the clinical examination;
- (2) master social worker is the intermediate examination; and
- (3) baccalaureate social worker is the basic examination.

(b) To pass the examination, the applicant must achieve at least the minimum scaled score determined by the Association of Social Work Boards as the passing point for that version of the examination.

(c) Repealed 10/14/99.

Authority: AS 08.95.030 AS 08.95.110

12 AAC 18.110. APPLICATION FOR LICENSE BY CREDENTIALS. An applicant for licensure under this chapter by acceptance of credentials shall submit

- (1) a completed and sworn application on a form provided by the department;
- (2) the fees required in 12 AAC 02.155;
- (3) verification of having completed the continuing competency requirements established in 12 AAC 18.112;
- (4) three professional references as described in AS 08.95.120 and 12 AAC 18.130; and
- (5) verification of a current similar license in good standing from another licensing jurisdiction, that meets the requirements of AS 08.95.120, including a description of any disciplinary actions taken or pending; the license must be of the same type as that for which the applicant is applying.

Authority: AS 08.95.030 AS 08.95.120

12 AAC 18.111. EMERGENCY COURTESY LICENSE. (a) In an urgent situation, the board may issue an emergency courtesy license to practice clinical social work to an applicant who has a license in good standing to practice clinical social work in another jurisdiction with licensing requirements at least equivalent to those of this state, and who meets the requirements of this section. The board may limit the scope of a license issued under this section, as appropriate to respond to the urgent situation.

(b) An applicant for an emergency courtesy license under this section must submit to the department a completed application on a form provided by the department. A complete application includes the applicable application and licensing fees established in 12 AAC 02.155, verification of a current license in good standing to practice clinical social work in another state or other jurisdiction, and certification that the applicant is not under investigation in the state or other jurisdiction in which the applicant is licensed.

(c) An emergency courtesy license issued under this section is valid for the period specified by the board and may not exceed 90 consecutive days. An emergency courtesy license may be renewed for one additional period specified by the board, not to exceed 90 consecutive days.

(d) While practicing under an emergency courtesy license issued under this section, the holder of the license must comply with the standards of practice set out in AS 08.95 and this chapter and is subject to discipline for actions taken or omitted while practicing under the emergency courtesy license.

(e) The board may refuse to issue an emergency courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.95.050.

(f) In this section, "urgent situation" means a health crisis that requires increased availability of clinical social workers.

Authority: AS 08.01.062 AS 08.95.030 AS 08.95.110

12 AAC 18.112. CONTINUED COMPETENCY. Proof of continued competency satisfactory to the board includes

- (1) successful passage of the applicable examination in 12 AAC 18.105 within the two years immediately before the application; or
- (2) verification of completion within the five years immediately preceding application of
 - (A) 1,500 hours of work as a social worker while holding a license similar to that for which application has been made; and
 - (B) the continuing education requirements described in 12 AAC 18.210(a)(1) and (3).

Authority: AS 08.95.030 AS 08.95.120

12 AAC 18.115. SUPERVISION OF EXPERIENCE FOR CLINICAL SOCIAL WORK LICENSE. (a) To meet the requirements of AS 08.95.110(a)(2), an applicant for a clinical social work license must document at least 100 hours of direct clinical supervision equitably distributed throughout the supervised period. No more than 50 hours required by this subsection may be in group supervision. For good cause shown, the board will, in its discretion, grant a written request from an applicant for an exception to the limitation on the number of group supervision hours.

(b) The board will, in its discretion, approve the supervision of experience of an applicant for a clinical social work license to satisfy the requirements of AS 08.95.110(a)(2) if the clinical supervisor

- (1) documents the applicant's supervised experience on a form provided by the department; and
- (2) is a clinical social worker, psychologist, or psychiatrist who holds an unrestricted license to practice that profession in this state or other licensing jurisdiction during the period of supervision.

(c) To be accepted by the board,

(1) direct clinical supervision must be provided in face-to-face meetings between the supervisor and the applicant unless the board, for good cause shown, has granted an exception allowing for an alternate form of supervision.

(2) if direct clinical supervision is not provided to the applicant within the applicant's agency of employment, the applicant must provide the board with a written release from the administrator of the applicant's agency for the applicant to be supervised outside the applicant's agency setting; and

(3) the clinical supervisor must be responsible for direct clinical supervision of the applicant within the following content areas:

- (A) clinical skills;

- (B) practice management skills;
- (C) skills required for continuing competence;
- (D) development of professional identity;
- (E) ethical practice;
- (F) legal and regulatory requirements.

(d) To receive the exception in (c)(1) of this section, an applicant who practices in a remote location must, before the supervision begins, submit a written request to the board to allow supervision by telephonic or electronic means. The board will approve a request for telephonic or electronic supervision of an applicant who practices in a remote location if the board determines that

- (1) approved clinical supervisors are not practicing at, or within a reasonable distance of, that location; or
- (2) the approved clinical supervisors practicing at that location cannot provide appropriate supervision because of the supervisor's relationship to the applicant, a possible conflict of interest, or other good cause shown.

(e) For good cause shown to the board's satisfaction, the board will accept an alternate plan of supervision that varies from the requirement of this section, if the applicant

- (1) submits the alternate plan in writing to the board; and
- (2) receives approval of the alternate plan by the board before the applicant begins the alternate supervised experience.

Authority: AS 08.95.030 AS 08.95.110

12 AAC 18.120. EMPLOYMENT REQUIREMENT. (a) The employment required for licensure under AS 08.95.110 must be employment in postgraduate clinical social work as an intern in a social work program approved by the board that requires the use of social work principles and methods, as defined in AS 08.95.990, including

- (1) intervention directed at interpersonal interactions;
- (2) intrapsychic dynamics;
- (3) life-support and management issues;
- (4) assessment;
- (5) diagnosis;
- (6) treatment, including psychotherapy and counseling;
- (7) client-centered advocacy;
- (8) consultation; and
- (9) evaluation.

(b) For the purposes of this section, "intern in a social work program" means a person with a master or doctorate degree in social work who is practicing clinical social work for the purpose of satisfying the employment in postgraduate clinical social work requirements of AS 08.95.110(a)(2) under the supervision of a person who meets the requirements of AS 08.95.110(a)(2).

Authority: AS 08.95.030 AS 08.95.110

12 AAC 18.130. PROFESSIONAL REFERENCES. (a) Except for references from current or former employers required under AS 08.95.110 or AS 08.95.120, an applicant for licensure under this chapter must submit references that meet the requirements in(b) of this section.

(b) A letter of professional reference required for licensure under this chapter will be considered by the board only if the person providing the reference is a

- (1) master's or doctorate degree social worker;
- (2) licensed psychological associate, clinical psychologist, or physician specializing in psychiatry;
- (3) repealed 10/15/99;
- (4) licensed medical or osteopathic physician;
- (5) licensed advanced nurse practitioner with a specialty area of practice in mental health;
- (6) licensed registered nurse with a master's degree in psychiatric nursing;
- (7) licensed marriage and family therapist; or
- (8) licensed professional counselor.

Authority: AS 08.95.030 AS 08.95.110

12 AAC 18.140. REASONS FOR APPLICATION DENIAL. (a) The board will, in its discretion, deny an application for a license under AS 08.95.110 if the board finds that the applicant's history of felony or misdemeanor convictions make the applicant unfit for the license. The board will consider the number and recency of any convictions and the relationship those convictions may have to licensure under AS 08.95.110.

(b) Notwithstanding (a) of this section, a person who has been convicted of a felony crime against a person described in AS 11.41 within the ten years before the date of application, is unfit for licensure under AS 08.95.110, and that person's application for licensure under AS 08.95.110 will be denied.

(c) The board will deny an application for licensure under AS 08.95 if the board determines that the applicant provided false or misleading statements or information on the application that relates to the applicant's qualifications for licensure under AS 08.95.

Authority: AS 08.95.030 AS 08.95.110

12 AAC 18.150. SOCIAL WORKER CODE OF ETHICS. A social worker licensed in this state shall adhere to the code of ethics adopted by the board under this section. The board adopts by reference the *Code of Ethics of the National Association of Social Workers, Inc.*, 2008 edition, as the code of ethics for social workers licensed in this state.

Authority: AS 08.95.030 AS 08.95.110

Editor's note: A copy of the *Code of Ethics* adopted in 12 AAC 18.150 is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Juneau, Alaska, or may be obtained from the National Association of Social Workers, Inc., 750 1st Street, NE, Washington, DC 20002-4241; Phone: (800) 638-8799; website: www.socialworkers.org; or from the Alaska Chapter of the National Association of Social Workers at its website at www.naswak.org.

12 AAC 18.160. STANDARDS OF PRACTICE. A social worker licensed in this state shall adhere to the standards of practice adopted by the board under this section. The board adopts by reference the *Model Social Work Practice Act Model Law Task Force, 1996 – 1997, with amendments, 1998 – 2012, with amendments, 2013 – 2015, with amendments, 2018, and the Model Regulatory Standards for Technology and Social Work Practice ASWB International Technology Task Force, 2013 – 2014* published by the Association of Social Work Boards, as the standards of practice for social workers licensed in this state.

Authority: AS 08.95.030

Editor's note: A copy of the *Model Social Work Practice Act* and the *Model Regulatory Standards for Technology and Social Work Practice* adopted in 12 AAC 18.160 is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Juneau, Alaska, or may be obtained from the Association of Social Work Boards, 400 Southridge Parkway, Suite B, Culpeper, VA 22701-3791, phone: (800) 225-6880, fax: (540) 829-0562, or websites at https://www.aswb.org/wp-content/uploads/2013/10/Model_law.pdf and <https://www.aswb.org/wp-content/uploads/2015/03/ASWB-Model-Regulatory-Standards-for-Technology-and-Social-Work-Practice.pdf>.

ARTICLE 2. LICENSE RENEWAL AND CONTINUING EDUCATION.

Section

- 200. License renewal requirements**
- 210. Continuing education requirement**
- 220. Approved continuing education activities**
- 230. Audit of continuing education requirements**

12 AAC 18.200. LICENSE RENEWAL REQUIREMENTS. An applicant for renewal of a license under this chapter shall

- (1) complete a sworn renewal application on a form provided by the department;
- (2) pay the license renewal fee established in 12 AAC 02.155; and
- (3) submit a sworn statement of the continuing education contact hours completed during the concluding licensing period, which must include the following information, if applicable, for each course, seminar, or workshop:
 - (A) the name of the sponsoring organization;
 - (B) the location of the course, seminar, or workshop;
 - (C) the title or a brief description of the course, seminar, or workshop;
 - (D) the principal instructor;
 - (E) the dates of attendance;
 - (F) the titles, issues, and dates of publications or presentations; and
 - (G) the number of continuing education contact hours claimed.

Authority: AS 08.95.030 AS 08.95.040

12 AAC 18.210. CONTINUING EDUCATION REQUIREMENT. (a) For the first biennial renewal of a person's social worker license, an applicant for renewal shall document completion of 45 contact hours of continuing education activities acceptable to the board that were earned during the two years before the expiration date of the person's license that included a minimum of

- (1) six contact hours in substance abuse education;

- (2) six contact hours in cross-cultural education relating to Alaska Natives;
- (3) three contact hours in professional ethics; and
- (4) three contact hours in teletherapy practice.

(b) After a person's first biennial renewal of a social worker license, an applicant for renewal shall document completion of 45 contact hours of continuing education activities acceptable to the board that were earned during that licensing period and included a minimum of

- (1) six contact hours in substance abuse education;
- (2) six contact hours in cross-cultural education, of which three hours include issues relating to Alaska Natives;
- (3) three contact hours in professional ethics; and
- (4) three contact hours in teletherapy practice.

(c) For purposes of this section,

(1) one "contact hour" equals a minimum of 50 minutes of classroom instruction between instructor and participant;

(2) one academic semester credit equals 15 contact hours;

(3) one academic quarter credit equals 10 contact hours;

(4) "relating to Alaska Natives" means a structured educational experience such as a course, lecture, workshop, or other organized training that focuses on the indigenous peoples of Alaska as it applies to social work practices; and

(5) "teletherapy practice" means the use of audio, video, or data communications to perform functions or practices within the training required for licensure under AS 08.95 and this chapter and while physically separated from a client.

(d) Only hours of actual attendance during which instruction was given will be accepted as continuing education contact hours earned from an academic course that is audited by the licensee, and the total number of contact hours earned may not exceed the academic credit hours offered for that course.

(e) Not more than 12 contact hours of continuing education activities required under this section may be completed in one day.

(f) An applicant for renewal under this section may receive up to three hours of professional ethics continuing education credit under (a)(3) or (b)(3) of this section once every biennial licensing period for each 150 minutes of attendance at a regularly scheduled board meeting.

Authority: AS 08.95.030 AS 08.95.040

12 AAC 18.220. APPROVED CONTINUING EDUCATION ACTIVITIES. (a) To be accepted by the board, continuing education must contribute directly to the professional competency of a social worker and must be directly related to the skills and knowledge required to implement social work principles and methods as defined in AS 08.95.990.

(b) The following continuing education activities are acceptable if they are related to social work in accordance with (a) of this section:

(1) postgraduate courses in social work given by an academic institution, either audited or for credit;

(2) courses offered by or certified by the Association of Social Work Boards;

(3) courses offered by or certified by the National Association of Social Workers or any state chapter of the National Association of Social Workers;

(4) courses offered by a program accredited by the Council on Social Work Education;

(5) seminars, workshops, or mini-courses offered by professional organizations;

(6) cross-disciplinary courses, seminars, or workshops in the fields of medicine, law, behavioral sciences, or other disciplines;

(7) other courses not covered under (1) - (6) of this subsection that are specifically preapproved by the board, up to a maximum of 15 contact hours;

(8) first-time preparation and presentation of a social work course, seminar, or workshop, up to a maximum of 10 contact hours allocated among all social workers and other professionals involved; and

(9) first-time presentation or publication of an article or book chapter related to the practice of social work that was presented at a state or national association meeting or published by a publisher recognized by the profession, up to a maximum of 10 contact hours allocated among all social workers and other professionals involved.

(c) Hours spent in job orientation may not be accepted as continuing education contact hours.

Authority: AS 08.95.030 AS 08.95.040

12 AAC 18.230. AUDIT OF CONTINUING EDUCATION REQUIREMENTS. (a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing education requirements of this chapter.

(b) A licensee selected for audit shall, within 30 days from the date of notification, submit documentation to verify completion of the contact hours claimed under 12 AAC 18.210.

(c) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make them available to the board upon request under this section. Records must be retained for three years after the date the continuing education hours were earned.

Authority: AS 08.95.030 AS 08.95.040

ARTICLE 3. TELETHERAPY PRACTICE.

Section

- 300. Requirements to practice teletherapy**
- 310. Scope of teletherapy practice**
- 320. Providing teletherapy**
- 330. Safety and confidentiality of communications**

12 AAC 18.300. REQUIREMENTS TO PRACTICE TELETHERAPY. A licensee may provide professional services under AS 08.95 through audio, video, or data communications when physically separated from the client, if the licensee is licensed under AS 08.95 and in good standing with the board.

Authority: AS 08.95.030 AS 08.95.050

12 AAC 18.310. SCOPE OF TELETHERAPY PRACTICE. The practice of teletherapy under this chapter includes functions or practices that are within the training required for licensure under AS 08.95 and this chapter.

Authority: AS 08.95.030 AS 08.95.050

12 AAC 18.320. PROVIDING TELETHERAPY. (a) Before providing teletherapy, a licensee shall determine that the client is intellectually, emotionally, and physically capable of using the technology and that the technology is appropriate for the needs of the client.

(b) If a licensee or client determines teletherapy is not appropriate, the licensee shall refer the client to a clinician local to the client for in-person services if available. If the client refuses referral, the licensee shall document the reasons for continuing to provide teletherapy.

(c) For each teletherapy session, a licensee shall verify the client's identity and record the client's identity in the client's file.

Authority: AS 08.95.030 AS 08.95.050

12 AAC 18.330. SAFETY AND CONFIDENTIALITY OF COMMUNICATIONS. (a) A licensee shall advise each client about the risks of exchanging information by electronic communication and provide a disclaimer of the need to maintain confidentiality when communicating through electronic communication. Electronic communications are part of the client record; copies must be kept in a file maintained by the licensee in independent practices or within the licensee's agency record keeping policies.

(b) A licensee shall discourage a client from texting personal information. A licensee shall provide a disclaimer about the confidentiality risks when exchanging text messages. Text messages are considered a part of the client record; copies must be kept in a file maintained by the licensee.

(c) A licensee's online scheduling and billing software must be encrypted and secure.

(d) A licensee shall avoid unwanted interruptions during synchronous teletherapy sessions.

Authority: AS 08.95.030 AS 08.95.050

ARTICLE 4. GENERAL PROVISIONS.

Section

- 930. Student in a social work program under AS 08.95.100(a)(2)**
- 940. Board member absences**
- 990. Definitions**

12 AAC 18.930. STUDENT IN A SOCIAL WORK PROGRAM UNDER AS 08.95.100(a)(2). (a) For the purposes of AS 08.95.100(a)(2), "student in a social work program approved by the board" includes

- (1) a student enrolled in a social work degree program at a college or university approved by the board; and
- (2) an "intern in a social work program" as defined in 12 AAC 18.120.

(b) Notwithstanding the provisions of this section, an intern in a social work program is not a student in a social work program approved by the board under this section if more than 10 years have passed since the person first became an intern in a social work program.

Authority: AS 08.95.030 AS 08.95.100 AS 08.95.110

12 AAC 18.940. BOARD MEMBER ABSENCES. (a) The board may recommend to the governor that a member be removed from the board if that member has had three or more unexcused absences from regularly scheduled board meeting during the member's term on the board.

(b) Before the close of each regularly scheduled board meeting from which a member has been absent, the board will determine on the record whether the member's absence from that meeting was excused or unexcused. The board will excuse an absence if the absence was approved by the chairperson of the board 30 days before the scheduled meeting date or was due to an emergency.

Authority: AS 08.01.020 AS 08.95.030

12 AAC 18.990. DEFINITIONS. In this chapter and in AS 08.95

(1) "college or university approved by the board" includes

(A) college or university social work degree programs that are accredited by the Council on Social Work Education; or

(B) social work degree programs from the University of Alaska;

(2) "conviction" means an adjudication that a person is guilty of a crime based upon a verdict or upon a plea of guilty or nolo contendere;

(3) "cross-cultural education" means a structured educational experience such as a course, lecture, workshop, or other organized training that focuses on characteristics of and differences among cultures or groups; cross-cultural education is not limited to clinical applications but should be relevant to the practice of social work; topics may include cross-cultural communications, contemporary anthropology, or Alaska Native cultures;

(4) "felony" means a crime classified as a felony in this state at the time the crime was committed; "felony" includes

(A) a conviction in another jurisdiction by a civilian or military court if the crime has elements similar to those of a felony under the law of this state at the time the offense was committed; and

(B) a completed suspended imposition of sentence, expungement of record, or a pardon of a felony conviction regardless of whether the conviction has been removed from a person's record;

(5) "professional incompetence" means lacking sufficient knowledge and skills in a field of practice in which a licensed social worker engages, to a degree likely to endanger the mental health or well-being of clients;

(6) "sexual contact" means sexual contact by a licensed social worker with a client; "sexual contact" includes

(A) behavior, gestures, or an expression that is seductive, sexually suggestive, or sexually demeaning to the client;

(B) engaging in, or attempting to engage in, sexual penetration with a client; "sexual penetration" has the meaning given in AS 11.81.900(b), as amended as of July 16, 1999, adopted by reference;

(C) the meaning given in AS 11.81.900(b), as amended as of July 16, 1999, adopted by reference;

(7) "substance abuse education" means a structured educational experience such as a course, lecture, workshop, or other organized training that focuses on a misuse of psychoactive substances, as it applies to social work practices; "substance abuse education" does not include an educational experience that focuses on behavior addiction; for the purposes of this paragraph,

(A) "psychoactive substance" means a chemical substance that changes brain function and results in alterations in perception, mood, consciousness, cognition, or behavior, and includes alcohol, marijuana, prescription drugs, pharmaceuticals, or illegal substances;

(B) "behavior addiction" means a behavior that produces short-term reward that may create persistent behavior despite knowledge of adverse consequences and diminished control over the behavior;

(8) repealed 5/11/2012;

(9) "synchronous" means a real-time interaction between a licensee and a client occurring at exactly the same time, during which the licensee and client are able to communicate using real time;

(10) "teletherapy" means the use of audio, video, or data communications to perform functions or practices within the training required for licensure under AS 08.95 and this chapter and while physically separated from a client.

Authority: AS 08.95.030 AS 08.95.050 AS 08.95.100
AS 08.95.040