

## ELIMINATION OF EXEMPTIONS

### How to use this resource

The Association of Social Work Boards provides support and services to the social work regulatory community to advance safe, competent, and ethical practices to strengthen public protection. As part of that mission, ASWB has prepared talking points about the importance of eliminating licensing exemptions in social work regulation. Feel free to use and share this information to support your education and advocacy efforts.

### Licensure is governmental recognition that social work practice affects public health and safety.

The profession of social work is licensed in the United States and Canada. Licensure affords a privilege to practice in the state, territory, or province where the license is issued. To become licensed, an applicant must meet certain minimum standards, including: obtaining a degree from an accredited school of social work, passing a licensing exam as required by the jurisdiction, and completing supervised experience for some licensure categories.

- To hold a license, a practitioner has demonstrated the ability to perform safely, ethically, and competently.
- In jurisdictions with title and/or practice act protection, only licensed individuals are permitted to call themselves social workers and practice the profession.

### What are exemptions and why do they exist?

As U.S. states and territories introduced social work licensing laws, many also established exemptions allowing selected groups of individuals to practice without a license. Many exemptions are based on practice setting, such as government agencies and public service organizations.

- Exemptions in social work regulations include 164 instances in 40 states.
- On a positive note, three states have worked to eliminate exemptions in the past three years.

### What's the harm?

Social workers provide services and care to some of the most vulnerable populations, such as: abused and neglected children, people with mental illness and substance use disorders, individuals and families dealing with medical issues, survivors of crime and domestic violence, veterans and their families. When exemptions exist, those most at risk of being harmed are often society's most vulnerable citizens.

“Any person seeking mental health services, despite their socioeconomic strata, deserves access to educated, experienced, qualified licensed professionals, when warranted. We continue to maintain our position that the diagnosis and treatment of a mental illness should only be provided by qualified individuals, and that standards of care and professional enforcement mechanisms should be embedded in New York State Education Law for the protection of all New Yorkers.”

— Testimony submitted to New York State Education Department, July 30, 2018

<http://www.op.nysed.gov/surveys/mhpsw/naswtestimony.pdf>

- Exemptions allow unlicensed practice to occur without governmental enforcement of practice standards.
- Exemptions confuse consumers, who believe that social workers are licensed as are other health care providers.

## Eliminating exemptions empowers regulatory boards to do their job.

Social work regulatory boards establish and enforce standards of competency, safety, and ethical behavior for licensed practice. Practitioners exempted from licensure do not have to demonstrate initial or continuing competency to practice, nor can regulatory boards hold exempted practitioners accountable for unethical or unsafe practice. Eliminating exemptions ensures that practice standards apply uniformly to all individuals practicing as social workers.

- ASWB’s Model Social Work Practice Act provides social work regulators and state or provincial lawmakers a concrete example of what laws governing the practice of social work should look like.

ASWB’s vision is “All social workers are licensed in order to protect clients and client systems.” The model act says that only students are exempt from licensure and only while fulfilling experience requirements to get licensed. Licensing protects the public by setting a minimum standard of competence and by providing a mechanism for enforcement.

For more information about social work licensing and regulation, visit [aswb.org](http://aswb.org).

“Exemption from licensure not only risks the quality of care for many of our most vulnerable citizens but also exempts certain providers from compliance with the Rules of the Board of Regents, which oversees the licensed professions and holds the ability to enforce professional standards in this state. Without such proper and necessary supervision by a qualified supervisor who has met the extensive education and legal standards of professional conduct, mistakes can be made that have great impact on the individual client, as well as the greater system of provision.”

— Testimony submitted to New York State Education Department, July 30, 2018

<http://www.op.nysed.gov/surveys/mhpsw/naswtestimony.pdf>

State lawmakers passed a new state law requiring licensing for all social workers in the Department of Children and Families designed to ensure that social workers are qualified to serve in the field. The new law was passed in response to several tragedies, including the death of Jeremiah Oliver, a Fitchburg boy who was discovered missing after a DCF social worker skipped eight mandatory monthly visits to his home. His body was later found on the side of a highway.

— *Boston Globe* news story, December 17, 2015

<https://www.bostonglobe.com/metro/2015/12/17/dcf-fires-workers-who-failed-get-licenses/KMfgcEdkfEkHyD5yjNBw2M/story.html>