

CHAPTER 224
FORMERLY
HOUSE BILL NO. 184
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

WHEREAS, Delaware is one of only five states that does not regulate the independent practice of clinical social work; and

WHEREAS, Delaware law currently only restricts the use of the title of licensed clinical social worker, or LCSW; and

WHEREAS, the majority of Delaware's other professional licensing boards license practice in addition to title; and

WHEREAS, unlicensed independent clinical social work practitioners are not bound by any State regulations governing clinical social work, including regulations requiring them to maintain records, privacy or a certain level of continuing education; and

WHEREAS, many members of the public assume that every independent clinical social worker is licensed, and have no recourse if they are harmed by unlicensed clinical social work.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (2/3 of all of the members elected to each House thereof concurring therein):

Section 1. Amend § 3901, Title 24 of the Delaware Code by inserting the following after the words "regulated by this chapter)": "through the effective control and regulation of the practice of clinical social work; the licensure, control and regulation of persons who practice clinical social work within Delaware,".

Section 2. Amend § 3902, Title 24 of the Delaware Code by striking the words "a licensed clinical social worker" as they appear in subsection (4) and inserting the following in their place: "any individual engaged in the practice of clinical social work".

Section 3. Amend § 3902, Title 24 of the Delaware Code by renumbering the existing subsections (3), (4) and (5) as subsections (4), (5) and (6), respectively, and by inserting a new subsection (3), as follows: "(3) 'Independent Practice', means the practice of clinical social work services by a clinical social work Practitioner who assumes responsibility for the nature and quality of the services provided to the client in exchange for direct payment or third party payment.".

Section 4. Amend § 3903, Title 24, by striking said Section in its entirety and inserting the following in lieu thereof:

"§ 3903. License Required.

(a) No person shall engage in the Independent Practice of clinical social work or hold himself or herself out to the public in this State as being qualified to practice the same; or use in connection with that person's name, or otherwise assume or use, any title or description conveying or tending to convey the impression that the person is qualified to practice clinical social work, unless such person has been duly licensed under this chapter. A person who provides the Board with proof, to the Board's satisfaction, no later than the effective date of this bill, that he or she has practiced clinical social work for at least twenty years and is currently practicing clinical social work, shall be exempted from this provision, except that such person shall be required to show successful completion of the Association of Social Work Boards (ASWB) clinical examination.

(b) Whenever a license to practice clinical social work in this state has expired or has been suspended or revoked, it shall be unlawful for the person to practice clinical social work in this State."

Section 5. Amend § 3907, Title 24 of the Delaware Code by striking the word "and" at the end of paragraph (a)(2), and by renumbering paragraph (a)(3) as paragraph (a)(4) and inserting a new paragraph (a)(3), to read as follows:

“(3) Shall not have any impairment related to drugs or alcohol or a finding of mental incompetence by a physician that would limit the applicant’s ability to undertake the practice of clinical social work in a manner consistent with the safety of the public; and”.

Section 6. This bill shall take effect one year after the date of its enactment.

Approved February 01, 2010