

EXHIBIT 21
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HB 682

**MHA...An Association of Montana Health Care
Providers**

**Testimony Before the
House Human Services Committee**

**Pertaining to HB 682
An Act Providing For and Requiring Social Worker
Licensure**

February 18, 2005

MHA...An Association of Montana Health Care Providers Testimony in Opposition of HB 682

MHA opposes passage of HB 682, a bill that will require all health care facilities to use licensed and degreed social workers only. MHA's primary concern is how this bill will affect our provider members—in particular, our small, very rural facilities—and the communities they serve.

As an association that serves hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities, we observe the breadth and depth of current workforce shortages. Many of our facilities have attempted to hire BSWs, without success, because they are simply not available (or prefer not to live) in our rural and frontier communities. If they do need BSW or MSW skills for a particular resident, the nearest one (who is willing to travel) may be more than 100 miles away. Please keep in mind that 42 of Montana's 61 hospitals are now Critical Access Hospitals; by definition, this means they are small (currently may have no more than 15 beds) and rural. Many of them have attached skilled nursing facilities.

Medicare conditions of participation for skilled nursing facilities with less than 120 beds do not require a licensed or degreed social worker to provide social services (see attachment). In section 483.15(g) of the Centers for Medicare and Medicaid Services' State Operations Manual, Appendix PP, the interpretive guidelines state, "The facility must provide medically-related social services.... It is not required that a qualified social worker necessarily provide all of these services." The facility only needs to assure that resident needs are identified and that these needs are met.

Facilities with more than 120 beds must employ a "qualified social worker"; in Medicare language, this means someone with "a bachelor's degree in social work, or in a human services field including but not limited to sociology, special education, rehabilitation counseling, and psychology." While our providers would all love to have full-time BSWs on staff, it is just not a realistic option statewide. We have many facilities that do not have BSWs; some use trained high school graduates, some use psychology majors, others use those with less than a bachelor's in social work, etc. Some members are constantly looking/advertising for social workers. Our largest SNF has 1 BSW and 1 MSW; their other social services staff consists of individuals with degrees in human services, psychology, rehabilitation counseling.

Under the proposed statute, anyone who wishes to apply for a license in the practice of associate social work will need at least a bachelor's degree, and must be employed in a "human services agency" (Section 4(1)(b)&(c). What does this term actually define? Does a hospital or skilled nursing facility meet the definition of human services agency? Does a licensed/certified home health agency? These are not generally the kinds of places I think of when I hear that term, so this is an important point to clarify. It's confusing, as the description of the Act, on page 1, line 8, uses "...charitable institutions, and by health care facilities be licensed....." Human services agency is not used in the opening paragraph.

Along this line, the definition of "Practice of associate social work.....or who are employed in a social work position in an agency without a documented degree" (page 2, line 23) is again confusing. If a degree is needed to obtain a license, how can a person