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Child & Family Svcs
DPHHS

EXHIBIT 23
DATE 2-18-05
HS 682

HB 682

Respectfully Oppose on behalf of the Department

Issues:

1. Title Protection for social workers:
Would not oppose legislation which said that the only people who can call themselves social workers are those with a social work degree.

2. Practice Protection:

Definition of social work (pg. 4, line 10): Anyone who engages in this very broad definition of social work would have to be licensed.

In our opinion, this broad definition would apply to most, if not all, the individuals in the state who currently work in the human services field

One of the problems we have with this bill is that we are not sure what it means--if it means what we think it means, here are the issues.

Within the Department, this bill impacts the following divisions:

Addictive and Mental Disorders

Child and Family Services

Disability Services

Health Resources

Human and Community Services

Senior and Long-term Care

Also impacts those private providers with whom the above-named divisions contract for the provision of services

This bill will have both short-term and long-term implications for the Department; however, difficult to define those implications in terms of \$\$--the fiscal note reflects this

The broad definition encompasses department staff and contracted staff

who:

Are in positions with other titles than social worker

May be in positions that currently do not required a degree, much less a social work degree such as

Case aide

Social service technician

Case Manager

Job-training coordinator

After 12/31/05, everyone doing this work will have to have a degree

This definition also encompasses Division Administrators and would require the Director of DPHHS to be licensed as a social worker

An example of the broad brush with which this bill paints: The Child and Family Services Division's Management Team establishes policies for the Division. The Fiscal and Operations Bureau Chief serves on this Team. Even though he is an accountant, under this definition, he would have to be licensed.

The practice protection in HB 682 and the broad definition of social work raises the following concerns:

1. Will seriously restrict the applicant pools for positions that are already difficult to fill.

After 2010, the only people we would be able to hire would be those with social work degrees.

We believe one of the strengths of the department's programs is the diversity of the staff. After 2010, it would be "one size fits all". Is it legitimate to say that everyone doing this work needs a social work

degree--particularly considering social work is build on the theories of sociology, psychology, and other disciplines?

After 12/21/05, a person with a related degree, if not grandfather in, would have to take the exam--this would delay our ability to hire and fill positions in a timely manner.

Given how the bill is drafted, after 12/31/05, we would not be able to hire individuals moving into Montana with a related degree because they will not be licensable.

Impact on Child and Family Services--just one Division within the department:

Currently 69% of the degree staff have a degree in a related area--this in spite of the fact that applicants with social work degrees have a hiring preference.

We also have a very high turnover rate:

2002: 39/172 social workers; 61/330 total staff

2003: 33/172 social workers; 41/330 total staff

2004: 44/176 social workers; 56/340 total staff

We do not have confidence that the higher education system will be able to supply the demand--particularly since we must consider other factors than just the individuals degree when hiring--work experience, criminal background, CPS/APS history

The department believes that the entire department will experience what the Montana Developmental Center is currently experiencing--MDC must hire degreed social workers to maintain its accreditation. The facility has had a vacant social worker position for over six months and cannot recruit someone for it. They have had inquiries from two out-of-state individuals but when informed of the salary, the individuals chose not to apply.

Under HB 682, this could become common in Montana's human services system--particularly in rural areas. Consider your own communities and the definition of social workⁱⁿ the bill and the impact that will have on the positions in your community which are covered. In addition to child protective services workers, this would include:

- adult protective services workers
- job-training specialists
- case aides
- Nursing home social services directors
- hospital social services technicians

And if you live in a rural community, the problem will be exacerbated

I worked in child protective services Northeastern Montana for 9 years. We experience a very high turnover rate because of the rural nature of the area. I found that those with ties to the community before hiring them stayed in the position longer and were more stable--many of the individuals I hired had related degrees because there was so much competition for those with social work degrees in other areas of the state--and that competition for those with social work degrees will be great after 2010--and rural areas will suffer.

2. The Department has concerns about the ability of the higher education system to provide the department with a qualified pool of applicants.

At the present time, Montana has two BSW programs:

- University of Montana at Missoula (established)
- Salish Kootenai College in Pablo (in first year of operation)

Montana also has limited MSW programs:

- University of Montana at Missoula (fairly new program)
- Walla Walla programs in Pablo and Billings

Child and Family Services currently has a contract with both Salish Kootenai and the University of Montana under which a student

receives a stipend (either BSW or MSW) if the student takes classes in a child protective services track and commits to working for the agency in child protective services for two years for each year s/he receives a stipend.

The University of Montana is currently having a difficult time recruiting students for ~~this~~ program--currently 2-3 students in the program;
No stipend

Of the 12 MSW stipend recipients who have fulfilled their employment obligation, 8 have left the agency

The Department acknowledges that the requirement to hire only individuals with social work degrees becomes effective in 2010; however, we question whether more social work programs will be created during that time--Carroll College discontinued its social work program because of lack of interest and lack of students in 2002.

We also question whether those colleges and universities ~~the~~ *that* currently offer the human services and related programs from which we recruit (and under this bill many of those programs could no longer exist after 2010 because their graduates would not be able to work in the field) would reconfigure their programs to create social work programs.

In terms of the limited applicant pool:

What does the agency do if there are not viable candidates (even though the individual may have either a BSW or MSW)

- Bad work history
- Negative references
- Criminal background
- CPS background
- APS background

Would we have to hold the position open until we have a licensable person

This would have a negative impact on the Department's ability to provide services to its client population and would also have a negative impact on the remaining staff.

This is a concern--particularly in rural areas. For example, Roosevelt County (Wolf Point) CFSD office currently has an opening for a licensing worker and a child protective services worker (both requiring degrees) and a case aide (does not require a degree). If this circumstance occurred after December, 2005, we would have to hire three workers with degrees who had already taken the exam. After 2010, we would have to hire three workers with social work degrees. This would be difficult given the competition there will be for the social work degreed individuals.

Other states have had to move to "frontier" pay for the very rural areas when they moved to licensure. This will be both a cost consideration and a union issue in Montana.

2. The department currently recruits from individuals with degrees in human services, sociology, psychology, child development, family relations, etc.

Both the social work programs are in the western part of the state. Frequently people are placebound--its one thing to go to college immediately after high school but the number of nontraditional students is increasing and many of the staff hired by the department have earned their degrees while working. These individuals cannot relocate themselves and their families to attend school.

This bill would eliminate these people from working the human services area unless the public institutions in Billings, Havre, Dillon, Bozeman or the private institutions throughout the state establish social

work programs. Given the cost of establishing a program, we question the viability of this happening.

- 3. The department is concerned about the impact this bill would have on services providers under contract with the Department. The department contracts with service providers for services such as domestic violence, in-home services, placement services, mental health case managers, etc.

Like the department, many of the service providers hire individuals with related degrees. Depending on the job function, many others hire individuals with no degree.

This bill will have an immediate impact on those providers who utilize non-degreed staff. In addition, it will impact recruitment for providers.

It will also impact the state's ability to provide services--if providers are required to hire degreed staff, the cost will either be passed on to the state or the services provided will be decreased.

- 4. The bill itself--

The main problem: no one seems to know exactly what it says--each time I have read it, I have picked up on something I missed the time before. That means there are many different interpretations of what it means.

In addition to that, the exact impact is unclear because the bill provides no guidance on how the requirements in the bill will be operationalized. For example: the area of supervision:

Page 4, line 9: Qualified supervisor means a supervisor determined to be qualified by board rule. NASW material: Licensee must be supervised by a licensed social worker who holds a higher endorsement or degree. The department has no idea how this bill would impact the

*Section 4 -> require a degree
pg 5 line 20*

supervisors in the system.

The bill is unclear regarding the impact on those with related degrees or no degree. The definitional section seems to say that a person may be licensed if no degree; however, the body of the bill is clear that a person must have a degree before being licensed.

Some read the bill--after 2010 the related-degree person must have a social work degree

Some read the bill--after 2010, must have passed the exam

Some read the bill--after 2010, grandfathered w/no exam

With the broad definition of social work, the employee/employer is going to have to gamble as to whether the person must be licensed. Department staff met with NASW and Board representatives. We were told "send in the position description and we will let you know if the position must be licensed". However, no administrative rules and no guidance has been provided to guide the department or the staff in making that decision. WHAT IF THE STAFF PERSON THINKS S/HE DOESN'T HAVE TO BE LICENSED AND AFTER THE GRANDFATHERING PERIOD FINDS OUT THE LICENSE IS REQUIRED.

The bill says that the board "may exempt from the examination"--what will be the criteria and will the board be prepared to begin offering the examinations immediately after 12/31?

Is the Board prepared to handle the volume? The grandfathering in period is three months (10/1 to 12/31). Again, given the broad definition, that means that hundreds of applications will be submitted during that period of time (assume the guidelines and administrative rules are developed and adopted by then).

At least one other state provided a two year grandfathering in period with no conditional license and no examination needed ever if working

in the field--that seems more reasonable.

5. In summary:

The Department opposes this bill because of the impact it will have on retention of current staff, recruitment of new staff, impact on providers, and the lack of clarity in the bill.

For these reasons, please vote "do not pass" on HB 682.

~~Indeed, I did some state law research that
 that state statute to the effect that
 newly received a list of some properties
 to them in charge, attorney, physician
 to work on. These standards,
 others of their properties as long
 as they did to call themselves
 a good amount rate as social
 workers.~~

~~HB 682 remains to a similar
 public form~~