

EXHIBIT 357
DATE 3/15/05
SB 357

Board Members
President
Rita Watson

President Elect
Joyce Flansburg

Vice President
Michelle Stosich

Secretary
Laurie Thatcher

Treasurer
Mary Jane Fox

*Walla Walla
College Student
Representative*
Kyle Graybeal

*University of
Montana Student
Representative*
Forest Henning

*Eastern Region
Representative*
Sandra Lippy

*North Central Region
Representative*
Charlene Schmitz

*South Central Region
Representative*
Taryn Kovac

*Southwestern Region
Representative*
Janice Lundeen

*Northwestern Region
Representative*
Vacant

*Nominations &
Leadership Chair*
Nancy Smith

*Social Policy and
Action*
Vicki DeBoer

Executive Director
Colleen Murphy

March 15, 2005

SB 357

Requiring Background Checks for Licensed Social Workers

- This bill requires fingerprinting and background checks only of applicants for initial licensure as clinical social workers. There are only about **34 applicants** each year, according to information provided by the Department of Labor and Industry.
- The bill does not require fingerprinting of the thousands of other professional persons in Montana who work with vulnerable segments of the public, including children, developmentally disabled persons, and the elderly.
- A bill to require this kind of background check should include all mental health therapists, nurses, teachers, daycare workers, and any other persons who have direct and unsupervised contact with members of any vulnerable population.
- Other states that require this type of background check do not limit it to clinical social work licensees. The protection is extended to a much greater number of occupations and professions
Arizona – All behavioral health licensees
Arkansas- Any licensed person who comes in contact with children, including all mental health therapists, teachers, nurses; and members of numerous other professions and occupations
- There are many persons in Montana who engage in the practice of social worker, and carry the title social worker, who are not licensed or regulated in any manner. For example: Social Work Practice in Nursing Homes and Child Protection Services.
- Only persons in clinical social practice are required to be licensed. This bill does not address the much larger segment of persons performing social work in this state. **The bill provides extremely limited protection of the Montana public.**

- The bill provides an extensive list of criminal offenses. These may be subject to change, therefore making it necessary to frequently amend this law.
- The bill requires a background check **only for felonies**. Some misdemeanor conduct threatens vulnerable populations. For example shoplifting and "peeping tom" offenses would not be discovered in this kind of background check.
- The bill does not address how it interacts with the provisions of licensure law that relate to licensure of criminal offenders. There appears to be a conflict between this bill and section 37-1-203, MCA, which provides that conviction of a crime may not be the sole basis for denial of a professional license.
- The Board of Social Work Examiners requires a background check of applicants through the DARS system that would uncover any disciplinary action in another jurisdiction.

- The bill provides an extensive list of criminal offenses. These may be subject to change, therefore making it necessary to frequently amend this law.
- The bill requires a background check **only for felonies**. Some misdemeanor conduct threatens vulnerable populations. For example shoplifting and "peeping tom" offenses would not be discovered in this kind of background check.
- The bill does not address how it interacts with the provisions of licensure law that relate to licensure of criminal offenders. There appears to be a conflict between this bill and section 37-1-203, MCA, which provides that conviction of a crime may not be the sole basis for denial of a professional license.
- The Board of Social Work Examiners requires a background check of applicants through the DARS system that would uncover any disciplinary action in another jurisdiction.