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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- LICENSE PROCEDURE FOR
SOCIAL WORKERS

Introduced By: Senators Valverde, and DiMario

Date Introduced: March 24, 2022

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-39.1-4 of the General Laws in Chapter 5-39.1 entitled "License
2 Procedure for Social Workers" is hereby amended to read as follows:

3 **5-39.1-4. Social worker privilege.**

4 (a) No licensee under this chapter or an employee of a licensee may disclose any
5 information acquired from clients or persons consulting with the licensee to render professional
6 services except:

7 (1) With the written consent of the person(s) or, in the case of death or disability, of the
8 individual's personal representative, or person authorized to sue, or the beneficiary of an insurance
9 policy on an individual's life, health, or physical conditions;

10 (2) When there is a clear and present danger to the safety of the patient or client or to other
11 individuals;

12 (3) When a person is a minor under the laws of this state and the information acquired by
13 the licensee involves abuse of the minor, the licensee is required to report this pursuant to § 40-11-
14 3 and may be required to testify fully in an examination, trial, or other proceeding in which the
15 commission of this crime is the subject of inquiry;

16 (4) When the person licensed or certified under this chapter is a party defendant to a civil,
17 criminal, or disciplinary action arising from a complaint filed by the patient or client, in which case
18 the waiver shall be limited to that action;

1 (5) When the licensee is called upon to testify in court or administrative hearings
2 concerning the potential for abuse or neglect in foster and adoptive placements; or

3 (6) When the licensee is collaborating or consulting with an administrative superior on
4 behalf of the client.

5 (b) The provisions of this chapter do not apply to the following individuals:

6 (1) Qualified members of other professions or occupations engaging in practices similar in
7 nature to clinical social work; provided, that they are authorized by the laws of this state to engage
8 in similar practices, do not represent themselves as a "licensed clinical social worker" or "licensed
9 independent clinical social worker," and do not characterize their practices as clinical social work;

10 (2) Students engaged in doctorate- or master's-level study in a school of social work
11 accredited by the council on social work education; provided, that the students are practicing as
12 part of a supervised course of study and designated by such titles as "social-work intern," "social-
13 work trainee," "social-work student," or others clearly indicating training status; ~~or~~

14 (3) State employees; or

15 (4) Individuals who have attained a masters of social work from an accredited college or
16 university within the last two (2) years as long as that individual meets all of the following
17 conditions:

18 (i) The individual is authorized to take the examination required pursuant to regulations
19 promulgated by the department, and has not previously failed that examination more than once;

20 (ii) The individual performs all such social work services under the direct personal
21 supervision of a person who holds a valid Rhode Island license as a licensed independent clinical
22 social worker pursuant to § 5-39.1-8;

23 (iii) The individual is designated or identified as "social-work intern", "social-work
24 trainee" or other clearly indicating training status; and

25 (iv) The individual does not hold themselves out to the public as any title or description
26 which states or implies that the individual is licensed to practice social work in Rhode Island.

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would allow individuals who have received their masters of social work from an
2 accredited college or university within the past two (2) years to practice within the field prior to
3 obtaining a license to do so, so long as they have not failed the examination for licensing more than
4 once, work directly under the supervision of an individual who is licensed as an independent
5 clinical social worker in Rhode Island, are designated as an intern or trainee, and refrain from
6 portraying to the public that they are licensed to practice social work in Rhode Island.

7 This act would take effect upon passage.

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