

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

400W0159

## HOUSE BILL NO. 1013

Introduced by: The Committee on Health and Human Services at the request of the  
Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to social work licensure.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 36-26-15 be amended to read as follows:

4 36-26-15. The board shall issue a license as a "social worker" to an applicant who:

5 (1) Has a baccalaureate degree in a social work or social welfare program accredited by  
6 the council on social work education ~~or a baccalaureate degree in another field, two~~  
7 ~~years' experience in a social work capacity, and completion of courses equivalent to~~  
8 ~~a social work or social welfare program approved by the board; and~~

9 (2) Has passed an examination prepared by the board for this purpose.

10 Section 2. That § 36-26-32 be amended to read as follows:

11 36-26-32. The board may deny, revoke, suspend, or cancel any license or application for  
12 licensure to practice as a certified social worker, social worker, or social work associate and may  
13 take such other disciplinary or corrective action as the board deems appropriate upon any one  
14 or more of the following grounds:

15 (1) The licensee or applicant is guilty of fraud in the practice of social work or fraud or



- 1           deceit in the licensee's admission to the practice of social work;
- 2       (2)    The licensee or applicant has been convicted during the past five years of a felony.
- 3           The conviction of a felony shall be the conviction of any offense, which if committed
- 4           within the State of South Dakota would constitute a felony under the laws thereof;
- 5       (3)    The licensee or applicant is engaged in the practice of social work under a false or
- 6           assumed name and has not registered that name pursuant to chapter 37-11, or is
- 7           impersonating another practitioner of a like or different name;
- 8       (4)    The licensee or applicant is addicted to the use of intoxicating liquors, narcotics or
- 9           stimulants to such an extent as to incapacitate him or her from the performance of his
- 10          or her professional duties;
- 11       (5)    The physical or mental condition of the licensee or applicant is determined by a
- 12          competent medical examiner to be such as to jeopardize or endanger those who seek
- 13          relief from the licensee or applicant. A majority of the board may demand an
- 14          examination of the licensee or applicant by a competent medical examiner selected
- 15          by the board at the board's expense. If the licensee or applicant fails to submit to the
- 16          examination, this shall constitute immediate grounds for suspension of the licensee's
- 17          license or denial of the application for licensure;
- 18       (6)    The licensee or applicant has been found in violation of the code of ethics of the
- 19          National Association of Social Workers;
- 20       (7)    Obtaining or attempting to obtain a license, certificate, or renewal thereof by bribery
- 21          or fraudulent representation;
- 22       (8)    Knowingly making a false statement in connection with any application under this
- 23          chapter;
- 24       (9)    Knowingly making a false statement on any form promulgated by the board in

1           accordance with this chapter or the rules promulgated under this chapter;

2           (10) The licensee or applicant has violated any provision of this chapter or the rules  
3           promulgated under this chapter; and

4           (11) Cancellation, revocation, suspension, or refusal to renew a certificate, license, or  
5           permit to engage in the practice of social work in any other state for any cause.

6           Section 3. That § 36-26-38 be amended to read as follows:

7           36-26-38. The secretary-treasurer of the board shall keep a record ~~book in which shall be~~  
8 ~~entered the names of all persons to whom licenses have~~ by entering the name of each person  
9 who has been granted under a license pursuant to the provisions of this chapter, the license  
10 ~~number of each, and the date of granting such~~ the license and renewal thereof and other matters  
11 ~~of record, and the book so provided and kept shall be deemed and considered a book of records,~~  
12 ~~and a transcript of any record therein or a license that is not entered therein, the name and~~  
13 ~~license number of the date of granting such license to a person charged with a violation of any~~  
14 ~~of the provisions of this chapter, certified under the hand of the secretary-treasurer, and the seal~~  
15 ~~of the board, shall~~ was issued or renewed. The record may be admitted as evidence in any ~~of the~~  
16 ~~courts of the State of South Dakota~~ court. The original ~~books, records and papers of the board~~  
17 shall be kept at the office of the secretary-treasurer of ~~said~~ the board. The secretary-treasurer  
18 shall furnish any person ~~making application therefor~~ requesting a copy of any ~~such~~ record,  
19 certified by ~~him~~ as the secretary-treasurer, upon payment of a fee of twenty-five cents per ~~one~~  
20 ~~hundred words so copied~~ page.