



State of Vermont
Office of the Secretary of State

[phone] 802-828-1505
[fax] 802-828-2465
www.sec.state.vt.us

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
Colin R. Benjamin, Director

Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402

February 10, 2016

Hon. Donna Sweany, Chair
House Committee on Government Operations
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Re: NASW-VT Suggestion to protect the title "social worker"

Dear Chairperson Sweany and Committee Members:

It was a pleasure to appear before you last Friday, the 5th. At the time, OPR offered, and the Committee requested, a brief memorandum recommending a possible means of addressing a request from the National Association of Social Workers, Vermont Chapter (NASW-VT).

By 2015, No. 38, § 32a, the Legislature directed that:

*Representatives of the Office of Professional Regulation, the Department for Children and Families, and other appropriate State agencies shall meet and consult with the Vermont chapter of the National Association of Social Workers to **address the use of the term "social worker" within the Department for Children and Families and other State agencies.** On or before December 1, 2015, the Director of the Office of Professional Regulation shall report to the House and Senate Committees on Government Operations regarding the outcome of the meeting or meetings and any recommendations for the permitted use of the term "social worker."*
(Emphasis added.)

The agencies consulted as requested, and OPR generated a report on the topic. It concluded with the following recommendation:

*To eliminate confusing or misleading use of the term **OPR favors restricting use of the term "social worker" by state agencies.** The term "social worker" should be limited to those positions which require social work education acquired in an appropriately accredited social work program. The Vermont Chapter of the National Association of Social Workers and social workers who commented in writing or at the October public hearing support legislation limiting use of the title "social worker" to those who are licensed social workers in Vermont or who have received a bachelor's, master's, or doctoral degree from an accredited school or program of social work. OPR does not*

*oppose adding a similar provision to Vermont statutes. The Office will provide a draft statute upon request.*¹

(Emphasis added.)

NASW-VT has suggested amending Chapter 61 of Title 26 so as to restrict use of the title “social worker” to individuals holding at least a bachelor’s degree in social work. OPR agrees that legislation limiting use of the title “social worker” is appropriate, but we would approach the problem differently, with three concerns in mind:

1. OPR does not have, and cannot obtain without blanket registration, an active list of all persons in the State who hold degrees specific to social work. Consequently, we could neither inform the public nor provide enforcement with respect to *bona fide* holders of a social work degree who have not chosen to become licensed. By definition, we do not know who those individuals are, and their conduct would be wholly outside the agency’s enforcement jurisdiction.
2. Expressly permitting use of the title “social worker” by unlicensed degree-holders could undermine the regulatory purposes of Chapter 61, creating a shadow professional status that is expressly recognized in law but not actually regulated. This shadow status could compete with and devalue actual licensure. While this concern is purely speculative, it should be studied carefully, and experience in other states should be considered before acting.
3. OPR’s legislative report focused exclusively on use of the term “social worker” *within State agencies*. We have not studied broader use of the term in the private sector.

For the foregoing reasons, OPR recommends that any new legislation restricting the use of the term “social worker” focus exclusively on use of the term by State agencies. To effectuate this recommendation, 2015, No. 38, § 31 (eff. July 1, 2017) could be amended as follows with respect to its effect upon 26 V.S.A. § 3202:

§ 3202. Prohibition; offenses

(a) A person shall not practice or attempt to practice licensed independent clinical social work or licensed master's social work, nor shall any person use in connection with the person's name any letters, words, or insignia indicating or implying that the person is a licensed independent clinical social worker or a licensed master's social worker unless the person is licensed in accordance with this chapter.

(b) A person who violates any of the provisions of subsection (a) of this section shall be subject to the penalties provided in 3 V.S.A. § 127.

(c) No state agency or subdivision or contractor thereof shall use or permit the use of the title “social worker” other than in relation to an employee holding a bachelor’s, master’s, or doctoral degree from an accredited school or program of social work.

¹ The full report is available at <http://legislature.vermont.gov/assets/Legislative-Reports/OPR-2016-1-7-Rpt-on-Use-of-Social-Worker-Titles.pdf>.

To be enforceable, the more ambitious proposal preferred by the NASW—restricting the use of “social worker” in the public *and* private sectors—would require a substantial expansion of OPR’s regulatory jurisdiction through a new registration or certification program affecting persons not presently regulated. If such an expansion is contemplated by the Legislature, we recommend that the proposal be carefully analyzed consistent with the criteria and standards set out at 26 V.S.A. § 3105 (articulating policy for sunrise review of proposals for new regulation). Our recent study was much more modest in scope, leaving unanswered important questions about title use of the title “social worker” by individuals with bachelor’s degrees in the subject, as well as by individuals in the private sector.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Colin R. Benjamin', is written over a circular stamp. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Colin R. Benjamin
Director of Professional Regulation