

# OVERVIEW

## *Sunset Evaluation Report: Social Workers*

Report No. 00-02, January 2000

### Summary

We evaluated the regulation of social workers under Chapter 467E, Hawaii Revised Statutes, which is scheduled for repeal on December 31, 2000. We concluded that the State should no longer regulate social workers; the regulatory law should be allowed to expire as scheduled. However, if regulation is continued, improvements are needed in the law and its administration.

Social workers help individuals, families, and communities deal with problems as varied as substance abuse, family conflicts, workplace tension, health problems, disabilities, and mental illness. Social workers provide a wide range of services such as consultation, counseling, diagnosis, advocacy, case management, outreach, crisis intervention, social rehabilitation, and psychotherapy.

The precise number of social workers in Hawaii is not known. However, the state Department of Labor and Industrial Relations recorded approximately 2,500 social workers employed in the private and public sectors combined in 1996. As of March 1999, agencies of Hawaii state government employed about 1,100 persons in social-worker-type positions. As of April 1999, the total number of licensed social workers in Hawaii was 920. Government-employed social workers are exempt from licensure.

In 1994, the Legislature enacted Chapter 467E, HRS, establishing requirements to protect the titles of social workers and establishing a social worker “licensing” program—actually a “title protection” or “certification program”—in the Department of Commerce and Consumer Affairs. The law prohibits “unlicensed” persons from indicating that they are a “social worker” or a “licensed social worker,” or using the letters, “S.W.” or “L.S.W.”

The Hawaii Regulatory Licensing Reform Act, Chapter 26H, Hawaii Revised Statutes, states that professions and vocations should be regulated only when necessary to protect the health, safety, or welfare of consumers. In assessing the need for regulation, evidence of abuses by providers of the service must be given great weight and the costs and benefits of regulation must be considered.

We found that the regulation of social workers is not warranted. There is little evidence of harm to consumers. For example, since the start of the regulatory program in FY1995-96, the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs has investigated only seven complaints against social workers. In none of the six cases that have been closed did Hawaii officials find that the social worker had harmed a client in the state. (The seventh case was pending.) Furthermore, the benefits of regulation are uncertain and other protections are in place. In addition, certain costs associated with regulation could pose difficulties.



However, if regulation of social workers is continued, the regulatory law needs attention. Amendments in social workers' scope of practice, exemptions from "licensing," "licensing" requirements, and grounds for enforcement may be appropriate. For example, the current exemption of government employees creates a double standard. Administrative rules implementing one of the law's provisions are also needed.

Also, if regulation of social workers is continued, the Department of Commerce and Consumer Affairs should improve the operations of this regulatory program. Improvements are needed in tracking disciplinary actions, administering "licensing" examinations, handling late "license" renewals, preparing "licensing" forms, and recording temporary "licenses." For example, we found that the department is not adequately monitoring examination administration; the number of test locations and schedule of tests are inadequate; weak security offers opportunities for irregular activities; noisy environments can distract examinees; and the testing center is not complying with certain procedures.

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## Recommendations and Response

We recommended that the Legislature allow Chapter 467E, HRS, the social worker regulatory law, to be repealed as scheduled. If regulation continues, we recommended that the Legislature amend the law with regard to certain exemptions, "licensing" requirements, and grounds for enforcement. Administrative rules implementing one of the law's provisions are also needed. Also, if regulation of social workers is continued, the Department of Commerce and Consumer Affairs should improve the operations of this regulatory program. Areas for improvement include tracking disciplinary actions, administering examinations, handling late "license" renewals, preparing "licensing" forms, and recording temporary "licenses." Our report includes details about our recommendations.

Responding to a draft of our report, the Department of Commerce and Consumer Affairs said it defers to the Legislature on whether the social worker regulatory law should be allowed to be repealed as scheduled. The department agreed with most of our recommendations but disagreed with a few. After reviewing the department's disagreements, we decided not to change our recommendations.

Our published report includes draft legislation to implement the recommended changes in the regulatory law in the event that the law is not repealed.

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