

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunset Evaluation Report: Social Workers

Summary

We evaluated the regulation of social workers under Chapter 467D, Hawaii Revised Statutes, and conclude that the public interest is best served by repeal of the regulation.

Social workers help clients with such services as counseling, advocacy, case management, crisis intervention, social rehabilitation, and psychotherapy. After numerous attempts at securing state regulation of their profession, social workers succeeded in 1989 in obtaining the creation of a temporary regulatory program.

Chapter 467D was intended primarily to develop information on the need for regulation. Until the need was established, the statute provided for the minimal form of regulation, voluntary registration. Chapter 467D gave the Department of Commerce and Consumer Affairs (DCCA) broad authority to receive, investigate, and prosecute complaints against social workers, both those registered and unregistered, so that it could gather data on abuses. The statute also requested employers to collect information on complaints against social workers.

We found that the regulation of social workers is not warranted. There is little evidence of actual harm, and Chapter 467D is not sufficiently related to protecting the public. In addition, other protections against potential harm already exist in both the public and private sectors. Only 100 of the estimated 2500 social workers in Hawaii have registered. Data on complaints against social workers are sparse—employers were unaware of the Legislature's request to gather this information.

Recommendations and Response

We recommend that the Legislature allow Chapter 467D to be repealed as scheduled and not regulate social workers.

The Department of Commerce and Consumer Affairs did not submit a response to the draft of this report.

Background

The Hawaii Sunset Law establishes policies for occupational regulation and directs the auditor to determine whether the health, safety, and welfare of the public are best served by the regulation. The statute also directs the auditor to analyze proposed legislation for regulation. Social work regulation has come under both kinds of evaluation by the auditor. In 1985 and 1987, we concluded that proposals to regulate clinical social workers should not be enacted.

The use of the State's police power to regulate professions and occupations is to be limited to protecting the public and not to advance the interests of practitioners. Evidence of abuses is to be given great weight in determining whether regulation is desirable. In calendar year 1990, DCCA received only four complaints. As of April 1991 of the second year of the program, it had received no complaints. Only one of the four social workers involved was registered. In three of the cases, DCCA found the allegations not substantiated by the evidence. The fourth case was closed because the complainant moved out of state. Both nationally and locally, there is little documented evidence of actual harm by social workers.

Proponents of regulation have argued the potential for harm that social workers can cause. They attribute this to the dependent nature of the relationship with the client. But in the absence of evidence of actual harm, it is difficult to determine whether the potential for harm is sufficiently serious to warrant regulation.

Chapter 467D provides only for title protection. A social worker can be a "registered social worker" by proving to have a master's degree in social work from an accredited school of social work.

Office of the Auditor State of Hawaii

465 South King Street, Suite 500
Honolulu, Hawaii 96813
(808) 548-2450
FAX (808) 548-2693