

**OPINION NO. 88-047****Syllabus:**

In accordance with the provisions of 1983-1984 Ohio Laws, Part I, 2246 (Am. Sub. H.B. 205, eff. Oct. 10, 1984), section 4(B) (uncodified), where a person was engaged in the practice of social work in this state on October 10, 1984, and filed an application for a social worker's license on or before October 10, 1985, that person is not required to comply with the provisions of R.C. 4757.09(A)(4) and 7 Ohio Admin. Code 4757-25-03(B) requiring that an applicant for his first renewal of a social worker's license holding only a baccalaureate degree in a program closely related to social work complete for credit a minimum of five semester hours, or their equivalent, at an accredited educational institution.

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**To: Gerry F. Blomgren, Chairman, Counselor and Social Worker Board, Columbus, Ohio**

**By: Anthony J. Celebrezze, Jr., Attorney General, July 6, 1988**

I have before me your request for my opinion regarding the application of the continuing education requirements found in R.C. Chapter 4757. Specifically, you ask whether a social worker who was engaged in social work on the effective date of R.C. Chapter 4757, and who holds a baccalaureate degree in a program closely related to social work, is required to take five semester hours or their equivalent of social work theory course work at an accredited educational institution in lieu of the thirty hours of continuing education generally required of licensed social workers. As your staff has noted, the five semester hour requirement is more time consuming, demanding, and expensive than the thirty hours of training otherwise required.

Pursuant to R.C. 4757.02(C), "[n]o person may hold himself out as a 'social worker,'...unless he is currently authorized by licensure...under this chapter and rules adopted under it to act in that capacity." R.C. 4757.05(B) further requires that the counselor and social worker board:

Adopt by rule requirements for continuing professional education relevant to...social work by a social worker,...as a condition for the renewal of a license or certificate of registration, except that the board may waive the requirements for persons who are unable to meet them because of military service, illness, residence abroad, or any other reasonable excuse. Except as provided in division (A) of section 4757.09 of the Revised Code, the rule shall require a minimum of twenty-four clock hours of continuing professional education courses, to be taken during the period that a license...is in effect, as a condition for the renewal of the license....The board shall not limit its continuing professional education requirements to courses offered by colleges or universities.

Under this provision, the board is authorized to promulgate rules regarding continuing professional education as a requirement for renewal of a social worker's

license. The section does, however, expressly recognize the limitations provided for by division (A) of R.C. 4757.09. The primary function of R.C. 4757.09(A) is to set forth the qualifications necessary for a person to receive a social worker's license. However, the final paragraph of R.C. 4757.09(A)(4) also expresses an exception to the general requirement that each applicant for renewal of a social worker's license be required to complete a minimum of twenty-four hours of continuing education, as provided for in R.C. 4757.05. R.C. 4757.09(A) provides in pertinent part:

(A) The counselor and social worker board shall...issue a license as a social worker to any person who has:

(1) Properly completed an application for a license;  
 (2) Paid the required fee established by the board under division (B) of section 4757.15 of the Revised Code;

(3) Received one of the following from an accredited education institution:

(a) A baccalaureate degree in social work or in a program closely related to social work approved by the board during the eight years immediately following the effective date of this section. At the end of those eight years, any applicant for licensure as a social worker under division (A)(3)(a) of this section shall have a baccalaureate degree with a major in social work.

....  
 (4) Passed an examination administered by the board for the purpose of determining his ability to be a social worker.

....  
 A social worker who holds only a baccalaureate degree in a program closely related to social work shall, as a condition of the first renewal of his license, complete a combined minimum of five semester hours, or their equivalent, in a social work theory course and a social work seminar at an accredited educational institution. Fulfillment of this requirement shall satisfy the continuing education requirements established by the board under division (B) of section 4757.05 of the Revised Code for the licensee's first renewal period. Thereafter, he shall satisfy the continuing education requirements established by the board under that division.

In accordance with these sections, the Board promulgated 7 Ohio Admin. Code 4757-25-03, which provides that:

(A) Except as stated in paragraph (B) of this rule, all persons who hold a license...in social work as a condition of renewal of their licenses, shall complete thirty clock hours of continuing professional education in social work as defined in division (C) of section 4757.01 of the Revised Code.

(B) Licensed Social Workers with a degree from a program related to social work, as defined in rules 4757-9-02 and 4757-11-01 of the Administrative Code, as a condition of the first renewal of their license shall complete for credit a combined minimum of five semester hours, or eight quarter hours, in a social work theory course and a social work seminar at an accredited educational institution. Fulfillment of this requirement shall meet the continuing professional education requirement for the first renewal of their license. For subsequent renewals of their licenses, these individuals shall meet the requirements of paragraph (A) of this rule.

Thus, these provisions generally require each social worker to complete thirty clock hours of continuing professional education courses as a condition of renewing his license. However, where the social worker holds only a baccalaureate degree in a program closely related to social work, the social worker is required, as a condition of the first renewal of his license, to complete for credit a combined minimum of five semester hours, or eight quarter hours, in a social work theory course and a social work seminar at an accredited educational institution.

In addition to the codified sections quoted above, the Act which created and empowered the counselor and social worker board also included several uncodified

sections. See 1983-1984 Ohio Laws, Part I, 2246 (Am. Sub. H.B. 205, eff. 1984), sections 3-7 (uncodified). Among these is uncodified section 4(B), which provides that:

The education requirement of division (A) of section 4757.09 of the Revised Code does not apply to any person who, within one year after the effective date of this act, applies for licensure as a social worker if that person was, on the effective date of Sections 1 and 2 of this act, engaged in social work in this state and does not apply to that person when he applies for *renewal* of his license as a social worker. (Emphasis added.)

Under uncodified section 4(B), a person who was "engaged in social work in this state" on October 10, 1984, and who has applied for a license on or before October 10, 1985, is not required to meet the "education requirement" of R.C. 4757.09(A) with regard to the "renewal [of an applicant's] license as a social worker."<sup>1</sup> Your question concerns the application of the first renewal requirements of R.C. 4757.09(A)(4) in light of the provisions of uncodified section 4(B). In particular you ask whether a person who was engaged in social work in this state on October 10, 1984, who filed an application for a social worker's license on or before October 10, 1985, and who holds a degree in a program related to social work is required to complete for credit a combined minimum of five semester hours, or eight quarter hours, in a social work theory course and a social work seminar at an accredited educational institution.

It is a well-established rule of statutory construction that a specific statutory provision constitutes an exception to a provision relating to more general subject matter. R.C. 1.51; *State ex rel. Crabbe v. City of Cleveland*, 115 Ohio St. 484, 154 N.E. 738 (1926); *Thomas v. Evans*, 73 Ohio St. 140, 76 N.E. 862 (1905). In the present instance, R.C. 4757.09(A) provides the general scheme under which the board is to determine whether an applicant for a social worker's license holds the necessary prerequisites, and, with respect to persons holding only a baccalaureate degree in a program related to social work, whether the applicant holds the necessary prerequisites for the first renewal of his license. The provisions related to license renewal in uncodified section 4(B) serve a specific purpose, however. Uncodified section 4(B) provides that a person who was engaged in the practice of social work in this state on October 10, 1984, who filed an application for a social worker's license on or before October 10, 1985, is not required to comply with the "education requirement" of R.C. 4757.09(A) when he applies for "*renewal* of his license as a social worker." (Emphasis added.) The only portion of R.C. 4757.09(A) which concerns the renewal of a social worker's license is that portion which specifies that persons holding only a baccalaureate degree in a program related to social work must complete for credit a combined minimum of five semester hours, or their equivalent, in a social work theory course and a social work seminar at an accredited educational institution. The language of uncodified section 4(B) thus compels the conclusion that a person who was engaged in the practice of social work

<sup>1</sup> 7 Ohio Admin. Code 4757-9-02(B)(1) provides that:

"Engaged in social work" means that the applicant was employed in Ohio on that date, for a fee or salary, by an agency, as defined in paragraph (C) of rule 4757-3-01 of the Administrative Code, and that he/she on that date met the following criteria:

- (a) Had the job title of "social worker"; or,
- (b) Performed social work as his/her primary job responsibility or duty, and not in the practice of another profession licensed, certified or registered by this state while performing within the recognized scope, standards and ethics of that profession; and,
- (c) Worked a minimum of twenty hours per week.

Under this definition, a person who meets the stated requirements may be licensed as a social worker regardless of their formal education background.

in this state on October 10, 1984, and who filed an application for a social worker's license on or before October 10, 1985, is not required to comply with the provisions of R.C. 4757.09(A) concerning continuing education even where the person holds only a baccalaureate degree in a program closely related to social work. However, because uncodified section 4(B) exempts such persons from the requirements of R.C. 4757.09(A) only, each person licensed under uncodified section 4(B) is required to have completed the thirty hours of continuing professional education mandated by 7 Ohio Admin. Code 4757-25-03(A) under R.C. 4757.05(B).

My conclusion is also supported by another rule of statutory construction. Pursuant to R.C. 1.49(E), when ascertaining the intended meaning of a statute, the "consequences of a particular construction" may be considered. *See also State v. Sidell*, 30 Ohio St. 2d 45, 282 N.E.2d 367 (1972) (through R.C. 1.49, the General Assembly has recognized certain rules of statutory construction); *Pylant v. Pylant*, 61 Ohio App. 2d 247, 401 N.E.2d 940 (Huron County 1978) (consideration of the consequences of a given interpretation is an appropriate means to construe a statute); 1987 Op. Att'y Gen. No. 87-004. The relevant provision of R.C. 4757.09(A)(4) is also capable of a second interpretation. R.C. 4757.09(A) could be interpreted as requiring that all applicants for renewal of a social workers license who hold a degree in a program closely related to social work be required to complete for credit a combined minimum of five semester hours, or their equivalent, even if the person has met the conditions set out in uncodified section 4(B). This construction would present unusual consequences, however. As noted above, *see supra* n. 1, the provisions of uncodified section 4(B) permit persons without any formal education to be licensed as social workers so long as they were engaged in the practice of social work in this state on October 10, 1984, and filed an application for licensure on or before October 10, 1985. If R.C. 4757.09(A)(4) were interpreted as applying to persons who obtained their social worker's licenses under the so-called "grandparenting" provisions of uncodified section 4(B), persons who had no formal education would be required to meet the less demanding standard of thirty hours of continuing professional education as a condition of renewing their license, while persons who had completed a four-year baccalaureate program in a program related to social work would be required to meet the more demanding standard of five semester credit hours, or their equivalent. It is unlikely that the General Assembly would have intended such an incongruous result.

Therefore, I conclude and you are hereby advised, that in accordance with the provisions of 1983-1984 Ohio Laws, Part I, 2246 (Am. Sub. H.B. 205, eff. Oct. 10, 1984), section 4(B) (uncodified), where a person was engaged in the practice of social work in this state on October 10, 1984, and filed an application for a social worker's license on or before October 10, 1985, that person is not required to comply with the provisions of R.C. 4757.09(A)(4) and 7 Ohio Admin. Code 4757-25-03(B) requiring that an applicant for his first renewal of a social worker's license holding only a baccalaureate degree in a program closely related to social work complete for credit a minimum of five semester hours, or their equivalent, at an accredited educational institution.