



2009-096

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

July 28, 2009

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Honorable Brenda Holden
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Social Work Examiners, State Board of –
Licensees – Rules and Regulations

Under section 34-30-1, *et seq.*, of the Code of Alabama and the administrative code for the Board of Social Work Examiners (“Board”), supervision must be in person and cannot be conducted by live web cam.

Dear Mrs. Holden:

This opinion of the Attorney General is issued in response to your request.

QUESTION

Can a “live web cam” satisfy the Board’s Administrative Code 850-X-3-.02, which requires certain social work classifications be supervised for a period of time, which includes language that the supervision be “face to face?”

FACTS AND ANALYSIS

The Board of Social Work Examiners was created in 1977 by the Legislature. The Board’s authority is codified at sections 34-30-1 through 34-30-58 of the Code of Alabama. Under section 34-30-22 of the Code, to become a licensed certified social worker, one must have two years of supervision under a licensed certified social worker.

The duties of this Board include: “[p]romulgate rules and regulations pursuant to the State Administrative Procedures Statute that set forth professional standards for ‘licensed bachelor social workers,’ ‘licensed graduate social workers’ and ‘licensed certified social workers’ who are certified for the private independent practice of social work. . . .” ALA. CODE § 34-30-57(6) (2002). The Board’s administrative code includes, under the supervision requirements section, that “[a] minimum of four (4) hours per month face-to-face supervision . . .” ALA. ADMIN. CODE r. 850-X-3-.02(1) (1998). “Face-to-face,” by its plain definition, means “within each other’s sight or presence.” WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY 812 (2002). Based on the current administrative code, a licensee must be supervised in person, and a live web cam would not meet this requirement.

This Office has considered a similar issue at length in the open meetings context. Most recently, in rejecting the use of teleconferencing under the new Open Meetings Act, this Office explained as follows:

Previously under the Sunshine Law, the question of having members attend meetings via teleconference had been dealt with by this Office, which consistently determined that members participating in board meetings must be *physically present* at the meetings to legally constitute a quorum. *Penton v. Brown-Crummer Inv. Co.*, 222 Ala. 155, 131 So. 14 (1930); Opinions to Honorable Kay Ivey, State Treasurer, dated February 13, 2004, A.G. No. 2004-072 (stating that the rule requiring physical presence of members at a meeting to legally constitute a quorum applied to video conferencing); to Honorable Ronald L. Jones, Chief Examiner, Department of Examiners of Public Accounts, dated July 19, 1994, A.G. No. 94-00248 (stating that meetings via teleconference were impermissible); and to Honorable J.A. Poe, Mayor, City of Cordova, dated November 6, 1978 (stating that a member that participated via speakerphone could not be counted present, and his or her vote could not be counted to constitute a quorum).

Opinion to Honorable Nancy Worley, Secretary of State, dated March 21, 2006, A.G. No. 2006-071, at 2-3 (emphasis added).

Honorable Brenda Holden
Page 3

CONCLUSION

Under section 34-30-1, *et seq.*, of the Code of Alabama and the administrative code for the Board of Social Work Examiners, supervision must be in person and cannot be conducted by live web cam.

I hope this opinion sufficiently answers your question. If this Office can be of further assistance, please contact Ellen Leonard of my staff.

Sincerely,

TROY KING
Attorney General
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division

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