

R156. Commerce, Occupational and Professional Licensing.

R156-60a. Social Worker Licensing Act Rule.

R156-60a-101. Title.

This rule is known as the "Social Worker Licensing Act Rule".

R156-60a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or this rule:

- (1) "ASWB" means the Association of Social Work Boards.
- (2) "CSW" means a licensed certified social worker.
- (3) "Clinical social work concentration and practicum", "clinical concentration and practicum" "case work", "group work", or "family treatment course sequence with a clinical practicum", "clinical practicum" or "practicum", as used in Subsections 58-60-205(1)(g) and (2)(c)(ii), means a track of professional education that is specifically established to prepare an individual to practice or engage in mental health therapy.
- (4) "Human growth and development", as used in Subsection 58-60-205(3)(d)(iii)(A)(II), means a course at an accredited college or university that includes an emphasis on human growth and development across the lifespan, from conception to death.
- (5) "LCSW" means a licensed clinical social worker.
- (6) "Social welfare policy", as used in Subsection 58-60-205(4)(d)(iii)(A)(I), means a course at an accredited college or university that includes emphasis on the following:
 - (a) local, state, and federal social policy and how it impacts individuals, families, and communities; and
 - (b) the diverse needs of social welfare recipients.
- (7) "Social work practice methods", as used in Subsection 58-60-205(4)(d)(iii)(A)(III), means a course at a program accredited by the Council for Social Work Education as defined in Subsection 58-60-202(5) that includes emphasis on the following:
 - (a) generalist social work practice at the individual, family, group, organization, and community levels;
 - (b) planned client change process and social work roles at various levels;
 - (c) application of key values and principles of the National Association of Social Workers (NASW) Code of Ethics and resolution of ethical dilemmas; and
 - (d) evaluation of programs and direct practice in the social work field.
- (8) "SSW" means a licensed social service worker.
- (9) "Supervised practice of mental health therapy by a clinical social worker", as used in Subsection 58-60-202(4)(a), means that the CSW is under the general supervision of an LCSW meeting the requirements of Sections R156-60a-302.

R156-60a-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 60.

R156-60a-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-60a-302a. Qualifications for Licensure as an SSW - Education Requirements.

In accordance with Subsection 58-60-205(4)(c)(ii), a master's degree qualifying an applicant for licensure as an SSW shall be in a field of social work, psychology, marriage and family therapy, or mental health counseling.

R156-60a-302b. Qualifications for Licensure as an SSW - Supervised Qualifying Experience Requirements.

In accordance with Subsection 58-60-205(4)(c)(iii)(B), the 2,000 hours of supervised qualifying experience for licensure as an SSW shall be:

- (1) performed as a W-2 employee of an agency providing social work services and activities;
- (2) performed according to a written social work job description approved by the licensed mental health therapist supervisor; and
- (3) completed in not less than one year.

R156-60a-302c. Qualifications for Licensure as an LCSW - Supervised Training Requirements.

(1) In accordance with Subsections 58-60-205(1)(e),(f) and (g) and 58-60-202(4)(a), the minimum 4,000 hours of clinical social work training and minimum 1,000 hours of supervised training in mental health therapy qualifying an applicant for licensure as an LCSW shall:

- (a) be obtained after completion of the education requirement in Subsections 58-60-205(1)(d) and (g), and may not include any clinical practicum hours obtained as part of the education program;
- (b) be completed in not less than two years;
- (c) unless this Subsection (2) applies, be completed while the applicant is licensed as a CSW;
- (d) be completed while the applicant is a W-2 employee of a public or private agency engaged in mental health therapy;
- (e)(i) be completed in accordance with the supervised training requirements of Section R156-60-302; and

(ii) as required by Subsection 58-60-205(1)(f), at least 100 hours of the mental health therapy training shall be under direct supervision per Subsection R156-60-102(4);

(f) be completed under the supervision of a supervisor who meets the requirements of Subsections 58-60-205(1)(e)(ii) and R156-60-302e; and

(g) include the following training requirements:

(i) individual, family, and group therapy;

(ii) crisis intervention;

(iii) intermediate treatment; and

(iv) long term treatment.

(2) An applicant may apply to the Division for an LCSW license without complying with this Subsection (1)(c) if the applicant:

(a) qualifies for a license exemption under Subsection 58-1-307(1)(a); or

(b) completed training in another jurisdiction while:

(i) licensed as the equivalent of a CSW; or

(ii) engaged in the practice of certified social work while not required to be licensed.

(3) The exemption in Subsection 58-1-307(1)(b) does not permit an applicant to engage in the required hours of clinical social work training or mental health therapy training without first becoming licensed as a CSW.

R156-60a-302d. Examination Requirements.

(1) In accordance with Subsection 58-60-205(1)(h), the examination requirements for licensure as an LCSW include passing the Clinical Examination of the ASWB or the Clinical Social Workers Examination of the State of California.

(2) In accordance with Subsection 58-60-205(2)(e), the examination requirements for licensure as a CSW shall include passing the Masters, Advanced Generalist, or Clinical Examination of the ASWB.

(3) In accordance with Subsection 58-60-205(4)(e), the examination requirements for licensure as an SSW shall include passing the Bachelors Examination of the ASWB.

(4) Applicants requesting additional time to complete any ASWB exam in accordance with Subsection 58-60-205(5) shall complete an ASWB application for special arrangements approved by the Division.

R156-60a-302e. Qualifications to be a CSW Training Supervisor.

In accordance with Subsections 58-60-202(3)(c) and 58-60-205(1)(e) and (f), to supervise a CSW, the supervisor shall:

(1) be currently licensed in good standing;

(2) for at least two consecutive years prior to beginning supervised training, have been licensed in good standing and engaged in lawful active practice, including providing mental health therapy;

(3) supervise no more than six individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the Division in collaboration with the Board; and

(4) comply with all duties and responsibilities uniformly established in Section R156-60-302.

R156-60a-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 60, is established by rule in Section R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-60a-304. Continuing Education.

In accordance with Sections 58-60-105 and 58-60-205.5, the continuing professional education requirements for a social worker licensed under Title 58, Chapter 60, Part 2 are established in Section R156-60-105.

R156-60a-308. Reinstatement of an LCSW License which has Expired Beyond Two Years.

In accordance with Subsection 58-1-308(6) and Section R156-1-308g, an applicant for reinstatement for licensure as an LCSW, whose license expired after two years following the expiration of that license, shall:

(1) upon request, meet with the Board to evaluate the applicant's ability to safely and competently practice clinical social work and mental health therapy;

(2) upon recommendation of the Board, establish a plan of supervision under an approved supervisor which may include up to 4,000 hours of clinical social work and mental health therapy training as a CSW before qualifying for reinstatement of the LCSW license;

(3) pass the Clinical Examination of the ASWB if it is determined by the Board that examination or reexamination is necessary to demonstrate the applicant's ability to safely and competently practice clinical social work and mental health therapy; and

(4) complete a minimum of 40 hours of continuing education in subjects determined by the Board as necessary to ensure the applicant's ability to safely and competently practice clinical social work and mental health therapy.

R156-60a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) using the abbreviated title of LCSW unless licensed as an LCSW;

- (2) using the abbreviated title of CSW unless licensed as a CSW;
- (3) using the abbreviated title of SSW unless licensed as an SSW;
- (4) acting as a supervisor or accepting supervision of a supervisor without complying with or ensuring the compliance with the requirements of Sections R156-60-302, R156-60a-302c, or R156-60a-302e;
- (5) engaging in the supervised practice of mental health therapy as a licensed CSW unless:
 - (a) the licensee has completed a clinical practicum as part of the Council on Social Work Education (CSWE) accredited master's degree program; and
 - (b) the scope of practice is otherwise within the licensee's competency, abilities and education;
- (6) engaging in the supervised practice of mental health therapy while not in compliance with Sections R156-60a-302c and R156-60-302;
- (7) engaging in or aiding or abetting conduct or practices that are dishonest, deceptive or fraudulent;
- (8) engaging in or aiding or abetting deceptive or fraudulent billing practices;
- (9) failing to establish and maintain professional boundaries with a client or former client;
- (10) engaging in dual or multiple relationships with a client or former client in which there is a risk of or potential harm to the client;
- (11) engaging in sexual activities or sexual contact with a client with or without client consent;
- (12) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services even if there is no risk of exploitation or potential harm to the client;
- (13) engaging in sexual activities or sexual contact with client's relative or other individual with whom the client maintains a personal relationship if there is a risk of exploitation or potential harm to the client;
- (14) embracing, massaging, cuddling, caressing, or performing any other act of physical contact with a client if there is a risk of exploitation or potential harm to the client resulting from the contact;
- (15) engaging in or aiding or abetting sexual harassment or any conduct that is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;
- (16) failing to exercise professional discretion and impartial judgment required for the performance of professional activities, duties and functions;
- (17) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health or any other determination concerning an individual's civil or legal rights;
- (18) exploiting a client or former client for personal gain;
- (19) exploiting a person who has a personal relationship with a client for personal gain;
- (20) failing to maintain client records including records of assessment, treatment, progress notes and billing information for a period of not less than ten years from the documented termination of services to the client;
- (21) failing to provide client records in a reasonable time upon written request of the client, or legal guardian;
- (22) failing to obtain informed consent from the client or legal guardian before taping, recording or permitting third party observations of client activities or records;
- (23) failing to protect the confidences of other persons named or contained in the client records; and
- (24) failing to abide by the provisions of the Code of Ethics of the National Association of Social Workers (NASW) as approved by the 1996 NASW Delegate Assembly and revised by the 2017 NASW Delegate Assembly, which is adopted and incorporated by reference.

R156-60a-601. Supervision - Scope of Practice - SSW.

In accordance with Subsections 58-60-202(2) and (6), supervision and scope of practice of an SSW is further defined as follows:

- (1) general supervision of an SSW by a licensed mental health therapist is only required where mental health therapy services are provided; and
- (2) the scope of practice of the SSW shall be in accordance with a written social work job description approved by the licensed mental health therapist supervisor, except that the SSW may not engage in the supervised or unsupervised practice of mental health therapy.

KEY: licensing, social workers

Date of Enactment or Last Substantive Amendment: November 10, 2020

Notice of Continuation: June 13, 2019

Authorizing, and Implemented or Interpreted Law: 58-60-201; 58-1-106(1)(a); 58-1-202(1)(a)