

State of Utah
Administrative Rule Analysis
Revised June 2022

09R File No. 55006

Date filed: 10/24/2022

NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment x; Repeal ___; Repeal and Reenact ___

Title No. - Rule No. - Section No.

Rule or Section Number:

R156-60a

Filing ID: Office Use Only

Agency Information

1. Department:	Department of Commerce	
Agency:	Division of Professional Licensing	
Room number:		
Building:	Heber M. Wells Building	
Street address:	160 East 300 South	
City, state and zip:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
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Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
Social Worker Licensing Act Rule

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This filing updates the rule to conform to statutory amendments made by HB 283 during the 2022 General Legislative Session. The Division in collaboration with the Social Service Worker Licensing Board also proposes amending the rule to clarify Certified Social Worker Intern (CSWI) licensure.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
R156-60a-102. A definition of "CSWI" and "clinical social worker intern" is added for clarity and references to statutes are updated.
R156-60a-302c. Updates the rule to reflect the HB 283 experience hour reduction from 4,000 hours to 3,000 hours, and correspondingly removes the time needed to gather the hours.
R156-60a-302f. This new section outlines the Qualifications for Licensure as a CSWI.
R156-60a-308. Experience hours are reduced due to HB 283.
Nonsubstantive formatting changes are also made throughout the rule to streamline and update the rule in accordance with the current edition of the OAR's Rulewriting Manual.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The Division estimates that these proposed amendments will have no measurable impact on state budget revenues or expenditure because the amendments only conform the rule to the statutory changes made by 2022 HB 283 and will not impact existing state government practices or procedures.

B) Local governments:

The Division estimates that these proposed amendments will have no measurable impact on local government revenues or expenditure as none of the amendments are expected to impact local government practices or procedures.

C) Small businesses ("small business" means a business employing 1-49 persons):

The Division does not expect small businesses to be impacted by the proposed amendments because the amendments only conform the rule to the statutory changes made by 2022 HB 283 and streamline and update the rule for clarity.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The Division does not expect non-small businesses to be impacted by the proposed amendments because the amendments only conform the rule to the statutory changes made by 2022 HB 283 and streamline and update the rule for clarity.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

The Division does not expect other persons to be impacted by the proposed amendments because the amendments only conform the rule to the statutory changes made by 2022 HB 283 and streamline and update the rule for clarity.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

As described in paragraph 5.E for other persons, the proposed amendments are not expected to result in compliance costs for affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

The Division of Professional Licensing ("Division"), in concert with the Service Worker Licensing Board, propose amendments to R156-60a, the Social Worker Licensing Act Rule. Amendments to the rule are proposed to conform it to statutory amendments made by HB 283 during the 2022 General Legislative Session. The Division wishes to clarify Certified Social Worker Intern (CSWI) licensure, and add an alternate exam to obtain Social Service Worker (SSW) licensure due to the inability to extend the exam waiver previously granted by Association of Social Work Boards (ASWB). Also, the Division has made

formatting changes throughout the rule to conform the rule to the Office of Administrative Rules' Formatting Manual in accordance with Executive Orders 2021-1 and 2021-12.

Small Businesses (less than 50 employees):

The Division finds that will not be a fiscal impact for small businesses. The rule changes are to conform the rule to the statutory changes made by 2022 HB 283 to end the ASWB exam waiver, and streamline and update the rule for clarity. The changes are to update the rule to establish operating standards that encompass current statutory requirements and practices in the profession. Further, the Division does not foresee any negative impact on small businesses since the grammatical amendments are made to make the rule comport to the Office of Administrative Rules *Rule Writing Manual*.

Regulatory Impact to Non-Small Businesses (50 or more employees)

The Division finds that the non-small businesses in the Utah involving licensed social workers will not suffer a negative fiscal impact from the proposed rule amendments. However, these amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 58-60-201	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)

Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

Official Title of Materials Incorporated (from title page)	Code of Ethics of the National Association of Social Workers (NASW)
Publisher	National Association of Social Workers (NASW)
Issue Date	2020/2021
Issue or Version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	12/15/2022
B) A public hearing (optional) will be held:	
On (mm/dd/yyyy):	At (hh:mm AM/PM):
	At (place):

11/22/2022	9:00 AM	160 East 300 South - Conference Room 402, Salt Lake City, Utah or electronically with Google Meeting information below Meeting link meet.google.com/wvr-cboa-ajt Join by phone (US) +1 321-215-4407 PIN: 226703394

9. This rule change MAY become effective on: **12/22/2022**
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/24/2022
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R156. Commerce, [~~Occupational and~~] Professional Licensing.

R156-60a. Social Worker Licensing Act Rule.

R156-60a-101. Title - Authority - Organization and Relationship to Rule R156-1.

(1) This rule is known as the "Social Worker Licensing Act Rule." [7]

(2) 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, Part 2, Social Worker Licensing Act.

(3) The organization of this rule and its relationship

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] The following definitions supplement the statutory definitions in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 60, Part 2, Social Worker Licensing Act:

(1) "ASWB" means the Association of Social Work Boards.

(2) "CSW" means a licensed certified social worker.

(3) "CSWI" or "clinical social worker intern" means an individual who has been issued a temporary externship license under Section 58-60-117.

([3]4) "Clinical social work concentration and practicum," [7] "clinical concentration and practicum," "case work," [7] "group work," [7] or "family treatment course sequence with a clinical practicum," [7] "clinical practicum," or "practicum," [7] as used in Subsections 58-60-205(1)([g]f) 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]5) "Human growth and development," [7] as used in Subsection 58-60-205 [~~(3)(d)~~] (4)(c)(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]6) "LCSW" means a licensed clinical social worker.

([6]7) "Social welfare policy," [7] as used in Subsection 58-60-205(4)([d]c)(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]8) "Social work practice methods," [7] as used in Subsection 58-60-205(4)([d]c)(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]9) "SSW" means a licensed social service worker.

([9]10) "Supervised practice of mental health therapy by a clinical social worker" [7] 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 Section[s] R156-60a-302c. [

~~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] Under 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] Under 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]~~ Under Subsections 58-60-205(1) ~~[(e), (f) and (g)]~~ and 58-60-202(4) ~~[(a)]~~, the minimum [4]3,000 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)]~~ (c) and (1)(f), 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]~~c) be completed while the applicant is a W-2 employee of a public or private agency, educational institution, or hospital engaged in clinical mental health therapy;

(~~[e]~~d)(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]~~e), at least 100 hours of the mental health therapy training shall be under direct supervision ~~[per]~~ as defined in Subsection R156-60-102(4);

(~~[f]~~e) be completed under the supervision of a supervisor who meets the requirements of Subsection~~s~~ 58-60-205(1)(e)(ii) and Section R156-60-302e; and

(~~[g]~~f) 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~~ Under Subsection 58-60-205(1)([h]g), the examination requirements for licensure as an LCSW shall include passing the ASWB Clinical Examination [~~of the ASWB~~] or the Clinical Social Workers Examination of the State of California.

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

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

(4) [~~Applicants~~ An applicant requesting additional time to complete an[y] ASWB exam [~~in accordance with~~ under 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]~~ Under 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]~~ before 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-302f. Qualifications for Licensure as a CSWI.

Under Section 58-60-117, an applicant for licensure as a CSWI shall:

- (1) hold an earned master's degree from a Masters in Social Work program, as documented by a signed affidavit from the applicant's program director; and
- (2) be scheduled for the ASWB Masters Examination, as documented by the ASWB.

R156-60a-303. ~~[Renewal Cycle]~~Term, Expiration, Renewal, and Reinstatement of License - Application Procedures.

(1) ~~[In accordance with]~~ Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle ~~[applicable to]~~ for licenses under Title 58, Chapter 60, Part 2, Social Worker Licensing Act, is established ~~[by rule in Section]~~ in Subsection R156-1-308a(1).

(2) Renewal and reinstatement procedures shall be in accordance with ~~[Section R156-1-308e]~~ Sections R156-1-308a through R156-1-308l, except as provided in Subsection (3).

(3) Under Subsection 58-1-308(5)(a)(ii)(B) and Section R156-1-308g, an applicant for reinstatement of licensure as an LCSW whose license has been expired between two years and five years, shall:

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

(b) complete one or more of the following, if recommended by the Board to ensure the applicant can safely and competently practice clinical social work and mental health therapy;

(i) establish a plan of supervision under an approved supervisor, which may include up to 3,000 hours of clinical social work and mental health therapy training as a CSW before qualifying for reinstatement of the LCSW license;

(ii) pass the ASWB Clinical Examination; or

(iii) complete up to 40 hours of continuing education in subjects determined by the Board.

R156-60a-304. Continuing Education.

~~[In accordance with]~~ Under 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, Social Worker Licensing Act, 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.

Under Subsection 58-60-110(2), "[U]nprofessional conduct" includes:

(1) using the abbreviated title of LCSW unless licensed as a [n-LCSW] Licensed Clinical Social Worker;

(2) using the abbreviated title of CSW unless licensed as a [CSW] Certified Social Worker;

(3) using the abbreviated title of SSW unless licensed as a [n-SSW] Social Service Worker;

(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]~~ and 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~~ provide 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 the client's legal guardian;
- (22) failing to obtain informed consent from the client or the client's legal guardian before taping, recording, or permitting third party observations of client activities or records;
- (23) failing to protect the confidences of ~~either~~ persons named or ~~contained~~ identified 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~~ 2020 and 2021 NASW Delegate Assembly, which is ~~adopted and~~ incorporated by reference.

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

~~In accordance with~~ Under 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~~ when 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~~] 2022

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)