

State of Utah
Administrative Rule Analysis
Revised May 2023

Old File No. 56210
Date Filed 11-20-2023
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

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	
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

Social Worker Licensing Act Rule

3. Purpose of the new rule or reason for the change:

The Division in collaboration with Social Worker Licensing Board makes this filing with the intent that the amendments being proposed incorporate changes due to HB 250 passed during the 2023 Legislative Session, merge provisions found in R156-60, which is being recommended, for repeal, and correct grammar and formatting errors.

4. Summary of the new rule or change:

Amendment to R156-60a-101 adds the remainder of a sentence that was missed in the last revision. Amendment to R156-60a-102 reenacts definitions from the Mental Health Practice Act Rule R156-60 (being repealed) which will provide clarity and continuity for readers. This section 102 also includes grammar and formatting corrections. Amendment to R156-60a-302a corrects grammar and citation number. Amendment to R156-60a-302b corrects grammar and citation number. Amendment to R156-60a-302c reenacts provisions regarding supervision being repealed with the Mental Health Practice Act Rule. In addition, grammar, formatting, and citation corrections are proposed. Amendments to R156-60a-302d reflect changes enacted with 2023 legislation as well as make grammar and citation corrections. Amendments to R156-60a-302e removes this section as it is better incorporated in a later section of the rule. Amendments to R156-60a-302f include the removal of the original 302f which reflects changes made by 2023 legislation. The proposed section 302f clarifies what constitutes the required suicide prevention course as well as incorporating reenacted provisions from the repealed R156-60. Amendments to R156-60a-303 correct grammar. Amendments to R156-60a-304 reenacts provisions regarding continuing education being repealed with the Mental Health Practice Act Rule. Amendments to R156-60a-305a reenacts provisions regarding supervisor eligibility being repealed with the Mental Health Practice Act Rule. Amendments to R156-60a-305b reenacts provisions regarding supervised experience, supervision contracts, and the duties and responsibilities of a supervisor and supervisee being repealed with the Mental Health Practice Act Rule. Amendments to R156-60a-502 corrects formatting, grammar, and citations. Amendments to R156-60a-601 remove this section as it is incorporated in section 302b.

Fiscal Information

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

A) State budget:

The proposed changes are not expected to have any fiscal impact on state government revenues or expenditures. The requested changes reflect current industry standards as approved by the Social Worker Licensing Board, and will continue to ensure that the minimum required standards have been met.

B) Local governments:

The proposed changes are not expected to have any fiscal impact on local government revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Social Worker Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

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

The proposed changes are not expected to have any fiscal impact on small business revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Social Worker Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

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

The proposed changes are not expected to have any fiscal impact on non-small business revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Social Worker Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

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 proposed changes are not expected to have any fiscal impact on affected persons. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Social Worker Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes for affected persons, so there is no fiscal impact.

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

The proposed changes are not expected to have any fiscal impact on affected persons. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Social Worker Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes for affected persons, so there is no fiscal impact.

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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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") proposes these amendments in response to the statutory changes made by HB 250 during the 2023 General Session. Because Rule R156-60 is being repealed, these proposed amendments reenact the rules as they apply to social workers, make nonsubstantive formatting changes to streamline and update the rules, clarify and update definitions and comply with the OAR Rulewriting Manual.

Small Businesses (less than 50 employees):

The Division does not expect any foreseeable impact on small businesses in the practice of social work in the State of Utah. The proposed amendments are to conform to the requirements of HB 250. The changes are to reenact the rule due to the repeal of Rule R156-60, update the rule to encompass current statutory requirements and practices in the profession. Further, the Division does not foresee any negative impact on small businesses since grammatical and formatting amendments are made to make the rule comport to the OAR Rulewriting Manual.

Non-Small Businesses (50 or more employees):

The Division finds that the non-small businesses in the social work industry in the State of Utah 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)	Model Standards of Practice for Child Custody Evaluation
Publisher	Association of Family and Conciliation Courts (AFCC)
Issue Date	May 2006
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)	NASW (National Association of Social Workers), ASWB (Association of Social Worker Boards), CSWE (Council on Social Work Education) and CSWA (Clinical Social Work Association) Standards for Technology in Social Work Practice
Publisher	National Association of Social Workers (NASW)
Issue Date	2017

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:

01/17/2024

B) A public hearing (optional) will be held:

Date (mm/dd/yyyy):

01/16/2024

Time (hh:mm AM/PM):

9:00 AM

Place (physical address or URL):

160 East 300 South – Conference Room 474
and also via Google Meet – link is below.

Google Meeting link

meet.google.com/yfq-psko-xgt

Join by phone

(US) +1 304-691-0096

PIN: 605869246

To the agency: If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.

9. This rule change MAY become effective on:

01/24/2024

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, 63G-3-302, 63G-3-303, and 63G-3-402. 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:

11/20/2023

R156. Commerce, 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."

(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 to Rule R156-1 is as described in Section R156-1-107.

R156-60a-102. Definitions.

~~[The following definitions supplement the statutory definitions]~~ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 60, Part 2, Social Worker Licensing Act. In addition:

(1) "Approved diagnostic and statistical manual for mental disorders" means the following:

(a) Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition: DSM-5-TR published by the American Psychiatric Association;

(b) International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM) for Physicians, Professional Edition published by the American Medical Association; or

(c) International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM): The Complete Official Draft Code Set published by the American Medical Association.

(2) "APRN" as used in Subsection R156-60a-305(1)(a)(i) means an advanced practice registered nurse who meets the requirements of Subsection 58-31b-302(5)(g) to practice within the psychiatric mental health nursing specialty.

~~([1]3)~~ "ASWB" means the Association of Social Work Boards.

(4) "Client" or "patient" means an individual who, if competent requests, or if not competent to request is lawfully provided professional services by a mental health therapist when the mental health therapist:

(a) agrees verbally or in writing to provide professional services to that individual; or

(b) without an overt agreement does in fact provide professional services to that individual.

(5) "Clinical mental health therapy," as used in Subsections R156-60a-302c(1)(a) and (b), means the practice area

of social work which focuses on the assessment, diagnosis, treatment, and prevention of mental disorder, emotional, and other behavioral disturbances using individual, group, and family therapy modalities.

([4]6) "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)(c)(ii), (1)(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.

(7) "Clinical social work experience," as used in Section R156-60a-302c includes clinical mental health therapy hours obtained direct with clients and:

(a) conducting, with documentation, an intake interview, mental status evaluation, biopsychosocial history, mental health history, or assessment for treatment planning and caseload management;

(b) obtaining knowledge related to techniques and interventions for the prevention and treatment of a broad range of mental health issues;

(c) strategies for interfacing with the legal system regarding court-referred clients;

(d) strategies for interfacing with integrated behavioral health care professionals; and

(e) strategies to advocate for persons with mental health issues.

([2]8) "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.]~~

(9) "Direct supervision" of an individual in training, as used in Subsection 58-60-205(1)(e) means the supervisor meets with the supervisee:

(a) when both are physically present in the same room at the same time; or

(b) remotely via synchronous electronic methods that allow for visual and audio interaction between the supervisor and supervisee, in accordance with the requirements of their supervision contract.

(10) "Employee" means a W-2 employee as defined by the Internal Revenue Service.

(11) "General supervision" as used in Subsection 58-60-202(2)(a) means that the supervisor is available for consultation with the supervisee by personal face-to-face contact, or direct voice contact by telephone, radio, or other

electronic means within a reasonable time consistent with the acts and practices in which the supervisee is engaged.

([5]12) "Human growth and development," as used in Subsection 58-60-205([4]3)(c)(iii)(A)(II), means a course completed after July 1, 2024 from a Council for Social Work Education (CSWE) [at an] accredited bachelors of social work program if the course qualifies for a degree in social work, [college or university] that includes an emphasis on human growth and development across the lifespan, from conception to death.

(13) "Independent of control" as used in Subsections R156-60a-305b(4)(c) and (5)(c), means not being employed by the supervisee, or by an agency owned in total or in part by the supervisee, or in which the supervisee has any controlling interest.

(14) "Intermediate treatment" as used in Subsection R156-60a-302c(2)(c), means short-term intensive clinical mental health therapy provided to individuals at an institution designed to provide accommodation, board, and nursing care for a temporary period to three or more individuals, who primarily have a mental illness.

([6]15) "LCSW" means a licensed clinical social worker.

(16) "Long-term treatment" as used in Subsection R156-60a-302c(2)(d), means clinical mental health therapy provided to individuals at a nursing home, residential care home, group home, or other facility or institution that provides extended health care to a patient.

(17) "On-the-job training program" as used in Subsection 58-1-307(1)(c), means a program that:

(a) applies to individuals who have completed courses required for graduation in a degree or formal training program that would qualify for licensure under this chapter;

(b) starts immediately upon completion of courses required for graduation;

(c) ends 45 days from the date it begins, or upon licensure, whichever is earlier, and may not be extended to used a second time;

(d) is completed while the individual is an employee of a public or private mental health agency, in-patient or out-patient hospital, educational institution, or government agency, and is providing clinical mental health services; and

(e) is supervised by a qualified individual licensed under this chapter, and includes supervision meetings on at least a weekly basis with the supervisee and supervisor physically present in the same room at the same time.

([7]18) "Social welfare policy," as used in Subsection 58-60-205([4]3)(c)(iii)(A)(I), means a course completed after July

1, 2024 from a CSWE accredited bachelors of social work program if the course qualifies for a degree in social work, [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.

([8]19) "Social work practice methods," as used in Subsection 58-60-205([4]3)(c)(iii)(A)(III), means a course completed after July 1, 2024 from a CSWE accredited bachelors of social work program if the course qualifies for a degree in social work, [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.

([9]20) "SSW" means a licensed social service worker.

(21) "Supervision contract" means a written, signed contract between a supervisor and a supervised individual to facilitate the completion of the supervised clinical training requirements for licensure and includes the provisions required by Subsection R156-60a-305b(3).

([10]22) "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 direct and general supervision of [an LCSW] a license holder meeting the requirements of [Section R156-60a-302e] Subsection 58-60-205(1)(d)(i).

(23) "Supervisor Association Verification form" means the form provided by the Division to document who is providing supervision to a supervised individual, which at a minimum includes:

(a) the name and license number of the supervised individual;

(b) the name and license number of the supervisor; and

(c) the supervised individual's place of employment.

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

Under Subsection 58-60-205([4]3)(c)(ii), a master's degree qualifying an applicant for licensure as an SSW shall be in [a]the 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.

Under Subsection 58-60-205([4]3)(c)(iii)(B), the 2,000 hours of supervised qualifying experience for licensure as an SSW shall be performed:

- (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]~~Experience Requirements.

(1) Under Subsections 58-60-205(1)(d) and (e) ~~[-and 58-60-202(4)]~~, the minimum 3,000 hours of clinical social work experience required shall include: ~~[training and minimum 1,000 hours of supervised training in mental health therapy qualifying an applicant for licensure as an LCSW shall:]~~

(a) 1,000 hours providing clinical mental health therapy directly to clients; and

(b) 75 hours of clinical mental health therapy performed under direct supervision per Subsection R156-60a-102(9).

(2) Clinical social work experience shall include the following:

(a) individual, family, and group therapy;

(b) crisis intervention;

(c) intermediate treatment; and

(d) long-term treatment.

(3) Supervised training shall be obtained:

(a) ~~[be obtained]~~after completion of the education in Subsections 58-60-205(1)(c) and ~~[-(1)]~~(f), and may not include any clinical practicum hours ~~[-obtained as part of the education program];~~

(b) unless Subsection ([2]4) applies, ~~[be completed]~~while the applicant is licensed as a CSW;

(c) ~~[be completed]~~while the applicant is a W-2 employee providing clinical mental health services at one of the following facilities: ~~[of a public or private agency, educational institution, or hospital engaged in clinical mental health therapy];~~

(i) mental health agency;

(ii) in-patient or out-patient hospital;
(iii) educational institution;
(iv) non-profit organization; or
(v) government agency;
(d) ~~[(i) be completed]~~ in accordance with the supervised training requirements of Section R156-60-~~[302]~~305b; ~~[-and~~
~~(ii) as required by Subsection 58-60-205(1)(e), at least 100 hours of the mental health therapy training shall be under direct supervision as defined in Subsection R156-60-102(4);]~~
(e) ~~[be completed]~~ under ~~[the supervision of]~~ a supervisor who meets the requirements of Subsection 58-60-205(1) ~~([e]d)~~ (ii) and Section ~~[R156-60-302e]~~ R156-60a-305a; and
(f) in not less than 18 months. ~~[include the following training requirements:-~~
~~(i) individual, family, and group therapy;~~
~~(ii) crisis intervention;~~
~~(iii) intermediate treatment; and~~
~~(iv) long term treatment.]~~
(~~[2]~~4) Notwithstanding Subsection (3)(c), an individual may qualify for clinical mental health licensure when:
(a) exempt ~~[An applicant may apply for an LCSW license without complying with this Subsection (1)(e) if the applicant:-~~
~~(a) qualifies for a license exemption]~~ under Subsection 58-1-307(1)(a); or
(b) they completed training in another jurisdiction while:
(i) licensed as the equivalent of a CSW; or
(ii) engaged in the legal practice of certified social work while not required to be licensed.
(~~[3]~~5) 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 clinical mental health therapy training without first becoming licensed as a CSW.

R156-60a-302d. Qualifications for Licensure as an LCSW - Examination Requirements.

(1) Under Subsection 58-60-205(1)(g), ~~[the examination requirements for licensure as an LCSW shall include passing the]~~ the following examinations will meet this requirement:
(a) ASWB Clinical Licensing Exam~~[ination]~~; or
(b) ~~[the-]~~ Clinical Social Workers Examination of the State of California.
(2) ~~[Under Subsection 58-60-205(2)(d), the examination requirements for licensure as a CSW shall include passing the ASWB Masters, Advanced Generalist, or Clinical Examination.~~
~~(3) Under Subsection 58-60-205(4)(d), the examination requirements for licensure as an SSW shall include passing the ASWB Bachelors Examination.~~

~~——(4)] An applicant requesting additional testing time [to complete an ASWB exam] under Subsection 58-60-205([5]4) shall complete an ASWB application for [special arrangements approved by the Division] non-standard testing arrangements.~~

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

~~—— Under Subsections 58-60-202(3)(c) and 58-60-205(1)(c) and (f), to supervise a CSW, the supervisor shall:~~

- ~~—— (1) be currently licensed in good standing;~~
- ~~—— (2) for at least two consecutive years 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-302e. Qualifications for Licensure as an LCSW - Suicide Prevention Course.

(1) Under Subsection 58-60-205(1)(d)(ii), the two hours suicide prevention course required to obtain licensure shall be:

(a) approved, sponsored, or conducted by one of the following:

- (i) CSWE accredited college or university;
- (ii) county, state, or federal agency;
- (iii) professional association, or similar body, involved in clinical mental health therapy; or
- (iv) mental health agency that provides clinical mental health services; and

(b) relevant to mental health therapy and suicide prevention, consistent with the laws of this state, and include one or more of the following components:

- (i) suicide concepts and facts;
- (ii) suicide risk assessment, crisis intervention, and first aid;

(iii) evidence-based intervention for suicide risk;
(iv) continuity of care and follow-up services for suicide risk; and
(v) therapeutic alliances for intervention in suicide risk; and
(c) completed in not less than 50-minute blocks of time in one of the following formats:
(i) classroom lecture and discussion;
(ii) workshops;
(iii) synchronous webinars;
(iv) asynchronous online self-paced modules;
(v) case study reviews; or
(vi) simulations; and
(d) completed within two years of application.
(2) The course provider shall provide certification of:
(a) course attendance;
(b) hours completed;
(c) name of provider; and
(d) date of completion.
(3) An applicant for licensure shall submit certification of course completion, within the preceding two years, to the Division as a prerequisite for licensure.

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

(1) Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle for all licenses under Title 58, Chapter 60, Part 2, Social Worker Licensing Act, is established in Subsection R156-1-308a(1).

(2) Renewal and reinstatement procedures shall be in accordance with 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]~~ over five years, shall upon the Division' request:

(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 Licensing Exam[ination]; or

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

R156-60a-304. Continuing Education.

~~[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.]~~

(1) Under Sections 58-60-105 and 58-60-205.5, the continuing education (CE) requirements for each two-year renewal cycle beginning on October 1 of each even-numbered year, for an individual licensed under Title 58, Chapter 60, Part 2, Social Worker Licensing Act, shall:

(a) be completed by an individual as follows:

(i) 20 hours for SSW;

(ii) 20 hours for CSW;

(iii) 40 hours for LCSW; and

(b) include:

(i) six hours of ethics of social work practice, law, or technology; and

(ii) two hours in suicide prevention, this course shall meet the requirements of Section R156-60a-302f.

(2) An individual who completes more than the required number of CE hours during a two-year renewal cycle may carry over excess hours to the next two-year renewal cycle, as follows:

(a) five hours for SSW;

(b) five hours for CSW; and

(c) ten hours for LCSW.

(3) CE shall be:

(a) approved, conducted, or under the sponsorship of one of the following:

(i) CSWE accredited college or university;

(ii) county, state, or federal agency;

(iii) professional association, or similar body, involved in clinical mental health therapy; or

(iv) mental health agency that provides clinical mental health services;

(b) completed in not less than 50-minute blocks of time in one of the following formats:

(i) college or university lecture and discussion up to a maximum of:

(A) three CE hours per semester hour; o

(B) 1.5 CE per quarter hour;

(ii) conference;

(iii) lecture or instruct up to a maximum of two times per course, up to a maximum of:

(A) five hours for SSW;

(B) five hours for CSW; and

(C) ten hours for LCSW;

(iii) seminar;

(iv) training session;

(v) synchronous distance learning course that is clearly documented as real-time and interactive;

(vi) asynchronous distance learning course that is not real-time and interactive, up to a maximum of:

- (A) eight hours for SSW;
- (B) eight hours for CSW; or
- (C) 15 CE hours for an LCSW;
- (vii) specialty certification; or
- (viii) volunteer service on a board, committee, or in a leadership role in any state, national, or international organization for the development and improvement of the licensee's profession; one CE hour may be counted as a regular credit, ethics, law, or technology credit, up to a maximum of six CE hours during each two-year period;
- (c) prepared and presented by individuals who are qualified by education, training, and experience to provide CE;
- (d) relevant to the licensee's scope of practice; and
- (e) verified by a certificate of course completion, which shall include:
 - (i) name of the attendee;
 - (ii) name of course provider;
 - (iii) name of instructor;
 - (iv) date of the course;
 - (v) title of the course;
 - (vi) number of CE hours;
 - (vii) course objectives; and
 - (viii) type of CE, for example, seminar, real-time interactive, distance learning, teaching.
- (4) An individual shall maintain adequate documentation as proof of compliance with this section for a period of two years after the end of the renewal cycle for which the CE is due.
- (5) An individual may not carry forward any CE hours received before a granted license, including professional upgrades.
- (6) CE hours shall be decreased proportionately according to the date of licensure within the two-year renewal cycle.
- (7) The Division may defer or waive CE requirements in accordance with Section R156-1-308d.

R156-60a-305a. Supervisor Eligibility Requirements.

- (1) Under Subsections 58-60-202(3)(c) and 58-60-205(1)(d) and (e), to be eligible to supervise a CSW, the supervisor shall be:
 - (a) an active license holder in good standing, in one of the following classifications:
 - (i) APRN specializing in psychiatric mental health nursing;
 - (ii) clinical mental health counselor (CMHC);
 - (iii) LCSW;
 - (iv) marriage and family therapist;
 - (v) psychiatrist; or
 - (vi) psychologist;
 - (b) licensed for at least two years outlined in Subsection (1)(a) before providing supervision; and
 - (c) engaged in the lawful practice of providing clinical mental health therapy;

(2) A training supervisor shall comply with duties and responsibilities established in Section R156-60a-305a.

R156-60a-305b. Supervised Experience Requirements - Supervision Contract - Duties and Responsibilities of Supervisor and Supervisee.

Under Subsections 58-60-205(1)(e) and 58-60-205(3)(c)(iii)(B), the supervised experience qualifications for licensure required under Title 58, Chapter 60, Part 2, Social Worker Licensing Act, are established and clarified as follows:

(1) Before accruing supervised experience, an individual shall:

(a) enter into a written supervision contract with a supervisor, signed by both parties; and

(b) verify that the supervisor has received acknowledgment from the Division of receipt of the Supervisor Verification document.

(2) Before providing supervision, a supervisor shall:

(a) enter into a written supervision contract with a supervisee, signed by both parties;

(b) ensure that during the period of supervised experience the supervisee is a W-2 employee providing clinical mental health services at one of the following facilities:

(i) mental health agency;

(ii) in-patient or out-patient hospital;

(iii) educational institution;

(iv) non-profit organization; or

(v) government agency;

(c) submit to the Division:

(i) a complete Supervisor Verification form; and

(ii) certification that the supervision contract meets the requirements of Subsection (3);

(d) receive an acknowledgment from the Division verifying receipt of the Supervisor Verification form.

(3) A supervision contract shall include at least the following provisions:

(a) a plan to ensure the supervised individual has accessibility to the supervisor;

(b) a plan for meetings between the supervisor and supervisee, addressing:

(i) frequency;

(ii) duration;

(iii) objectives;

(iv) format, such as individual or small group; and

(v) location, such as face-to-face or remotely;

(c) a plan for documenting the ongoing supervision, including objective and measurable circumstances;

(d) a plan to address potential conflicts between the clinical recommendations of the supervisor and those of the representatives of the agency employing the supervisee;

(e) remedies in the event of a breach of contract by either the supervisor or supervisee, including procedures for contract termination; and

(f) if any part of the supervision will be conducted remotely, plans for:

(i) how the supervisor and supervisee will meet via real-time electronic methods allowing visual or audio interaction, and protect the security of electronic, confidential data and information;

(ii) how the supervisor will comply with the supervisor's duties and responsibilities as established in rule;

(iii) how the supervisor will physically visit the location where the supervisee practices on at least a quarterly basis during the period of supervision, or at such lesser frequency as is approved in advance by the Division in collaboration with the Board; and

(iv) how notice will be provided to the supervisee's clients or patients and employer regarding the supervisee's use of remote supervision.

(4) A supervisor shall have the following duties and responsibilities:

(a) ensure that during the period of supervision:

(i) the supervisee is a W-2 employee providing clinical mental health services at one of the following facilities:

(A) mental health agency;

(B) in-patient or out-patient hospital;

(C) educational institution;

(D) non-profit organization; or

(E) government agency;

(ii) the supervisor and supervisee remain appropriately licensed; and

(iii) the supervisor supervises no more than six individuals who are lawfully engaged in gathering experience for the practice of clinical mental health therapy;

(b) comply with the terms of the supervision contract;

(c) maintain a relationship with the supervisee in that the supervisor is independent of control by the supervised individual, and which the ability of the supervisor to supervise and direct the practice of that individual is not compromised;

(d) be available to the supervisee for advice, consultation, and direction consistent with the standards and ethics of the profession and the requirements suggested by the total circumstances, including consideration of the supervisee's level of training, diagnosis of patients, and other factors known to the supervisor;

(e) periodically review the client records assigned to the supervisee;

(f) comply with the confidentiality requirements of Section 58-60-114;

(g) monitor the supervisee's performance for compliance with the laws, rules, standards, and ethics of the profession, and report violations to the Division; and

(h) upon completion of the supervised training, submit to the Division on Division-provided forms:

(i) documentation of the training hours completed by the supervisee; and

(ii) an evaluation of the supervised individual with respect to the quality of the work performed and the individual's competency to practice in the profession.

(5) A supervisee shall have the following duties and responsibilities:

(a) before beginning any supervised training:

(i) enter into a written supervision contract with the supervisor in accordance with Subsection (3); and

(ii) ensure the required Supervisor Verification form is received by the Division;

(b) maintain required licensure;

(c) maintain employment as a W-2 employee providing clinical mental health services at one of the following facilities:

(i) mental health agency;

(ii) in-patient or out-patient hospital;

(iii) educational institution;

(iv) non-profit organization; or

(v) government agency;

(d) comply with the terms of the supervision contract;

(e) maintain a relationship with the supervisor that the supervisor is independent of the supervisee's control, and which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;

(f) be professionally responsible for the acts and practices of the supervisee that are a part of the required supervised training;

(g) comply with the confidentiality requirements of Section 58-60-114; and

(h) comply with the applicable laws, rules, standards, and ethics of the profession.

(6) A supervisor shall notify the Division in writing of any of the following changes, within 30 days of the change:

(a) termination of a supervision contract; or

(b) a change in the supervisee's place of employment.

(7)(a) If a supervisor does not support the issuance of a license to a supervisee to practice unsupervised, or if the supervisor has other concerns regarding the supervisee that the supervisor believes requires input from the Division and Board, the supervisor shall submit to the Division a written explanation outlining the supervisor's concerns.

(b) Upon receipt of written concerns from a supervisor with respect to a supervisee, the Division:

(i) shall provide the supervisee an opportunity to respond in writing to the Division regarding the supervisor's concerns;

(ii) shall review the written statements from the supervisor and supervisee with the Board; and

(iii) in consultation with the Board, the supervisee may be required to obtain additional supervised hours, education, and training.

R156-60a-502. Unprofessional Conduct.

Under Subsection 58-60-110(2), "unprofessional conduct" includes:

- ~~[(1) using the abbreviated title of LCSW unless licensed as a Licensed Clinical Social Worker;~~
- ~~(2) using the abbreviated title of CSW unless licensed as a Certified Social Worker;~~
- ~~(3) using the abbreviated title of SSW unless licensed as a Social Service Worker;~~
- ~~(4) acting as a supervisor or accepting supervision of a supervisor without complying with or ensuring compliance with Sections R156-60-302, R156-60a-302e, 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 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-302e 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 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 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 persons named or identified in the client records; and~~

~~— (24) failing to abide by the Code of Ethics of the National Association of Social Workers (NASW) as approved by the 1996 NASW Delegate Assembly and revised by the 2020 and 2021 NASW Delegate Assembly, which is incorporated by reference.]~~

~~(1) using the abbreviated title of:~~

~~(a) LCSW unless licensed as a Licensed Clinical Social Worker;~~

~~(b) CSW unless licensed as a Certified Social Worker;~~

~~(c) SSW unless licensed as a Social Service Worker;~~

~~(2) acting as a supervisor or accepting supervision from a supervisor without complying with or ensuring compliance with Sections R156-60a-305a and R156-60a-305b;~~

~~(3) directing one's mental health therapist supervisor to engage in a practice that would violate any statute, rule, or generally accepted professional or ethical standard of the supervisor's profession;~~

~~(4) engaging in the supervised practice of clinical mental health therapy:~~

~~(a) as a licensed CSW unless:~~

~~(i) the licensee has completed a clinical practicum as part of the CSWE accredited master's degree program; and~~

~~(ii) the scope of practice is within the licensee's competency, abilities, and education;~~

~~(b) while not in compliance with Section R156-60a-305b;~~

~~(5) engaging in or aiding or abetting:~~

~~(a) conduct or practices that are dishonest, deceptive, or fraudulent;~~

~~(b) deceptive or fraudulent billing practices;~~

~~(c) 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;~~

~~(d) physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;~~

~~(6) engaging in dual or multiple relationships with a client or former client when there is a risk of or potential harm to the client;~~

~~(7) engaging in sexual activities or sexual contact at any point in time with a client, former client, or another individual with whom the client maintains a current, or has a past, close personal relationship with or without the client's consent;~~

~~(8) exploiting for personal gain a:~~

~~(a) client;~~

~~(b) former client; or~~

~~(c) person who has a personal relationship with a client;~~

~~(9) failing to:~~

~~(a) establish and maintain professional boundaries with a client or former client;~~

~~(b) exercise professional discretion and impartial judgment required for the performance of professional activities, duties, and functions;~~

~~(c) provide impartial, objective, and informed services, recommendations, or opinions with respect to:~~

~~(i) custodial or parental rights;~~

~~(ii) divorce;~~

~~(iii) domestic relationships;~~

~~(iv) adoptions;~~

- (v) sanity;
- (vi) competency;
- (vii) mental health; or
- (viii) other determination concerning an individual's civil or legal rights;
- (d) 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;
- (e) provide client records in a reasonable time upon written request of the client, or the client's legal guardian;
- (f) 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;
- (g) protect the confidences of persons named or identified in the client records;
- (h) abide by the Code of Ethics of the NASW as approved by the 1996 NASW Delegate Assembly and revised by the 2020 and 2021 NASW Delegate Assembly, which is incorporated by reference;
- (i) abide by the NASW, ASWB, CSWE, and Clinical Social Work Association (CSWA) Standards for Technology in Social Work Practice as approved by the 2017 NASW Delegate Assembly, which is incorporated by reference;
- (j) follow the Model Standards of Practice for Child Custody Evaluation of the Association of Family and Conciliation Courts (AFCC) May 2006, which is incorporated by reference;
- (k) cooperate with the Division during an investigation; and
- (l) obtain a thorough working knowledge of the Code of Ethics specifically related to a supervised individuals professional practice;
- (10) if providing services remotely, failing to:
 - (a) practice according to professional standards of care in the delivery of services;
 - (b) protect the security of electronic confidential data and information; or
 - (c) appropriately store and dispose of electronic confidential data and information; and
- (11) violating:
 - (a) Section R156-60a-305a regarding supervisor experience; or
 - (b) Section R156-60a-305b as a supervisor or supervised individual.

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

~~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 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.]~~

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