

ADMINISTRATIVE RULES FOR CLINICAL SOCIAL WORKERS

TABLE OF CONTENTS

PART 1. GENERAL INFORMATION ON LICENSURE OF CLINICAL SOCIAL WORKERS

1.1	THE PURPOSE OF LICENSURE	1
1.2	BUSINESS LOCATION	1
1.3	ADVISORS TO THE DIRECTOR OF PROFESSIONAL REGULATION	1
1.4	LAWS THAT GOVERN LICENSURE	1

PART 2. INFORMATION FOR APPLICANTS

2.1	DEFINITIONS	1
2.2	APPLICATION	2
2.3	QUALIFICATIONS FOR LICENSURE AS A CLINICAL SOCIAL WORKER	2
2.4	LICENSURE WITHOUT EXAMINATION	3
2.5	RIGHT TO A WRITTEN DECISION AND APPEAL	3

PART 3. INFORMATION FOR LICENSED CLINICAL SOCIAL WORKERS

3.1	RENEWING LICENSURE BIENNIALLY	3
3.2	CONTINUING EDUCATION REQUIREMENTS	3
3.3	ELIGIBLE CONTINUING EDUCATION ACTIVITIES	3
3.4	CONTINUING EDUCATIONAL CREDIT REQUIREMENT	4
3.5	DOCUMENTATION	4
3.6	FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS	5
3.7	REINSTATING LICENSURE	5
3.8	CHANGE OF NAME OR ADDRESS	5
3.9	PROFESSIONAL STANDARDS	5

PART 4. COMPLAINT PROCEDURE

4.0	COMPLAINT PROCEDURE	5
4.1	DISCIPLINARY ACTIONS	5
4.2	DISCLOSURE OF INFORMATION	5
4.3	PSYCHOTHERAPY PRACTITIONERS IN COMMUNITY MENTAL HEALTH CENTERS AND HOSPITALS	6

PART 1. GENERAL INFORMATION ON LICENSURE OF CLINICAL SOCIAL WORKERS

1.1_ THE PURPOSE OF LICENSURE

The Director of Professional Regulation (Director) has been given certain powers by Vermont law. The purpose is to protect the public health, safety, and welfare by setting standards, licensing applicants, and regulating licensed clinical social workers and their practices.

1.2 BUSINESS LOCATION

The business location is the Office of the Secretary of State, Office of Professional Regulation, Redstone Office Building, 26 Terrace Street, Montpelier (the Office). The mailing address is Office of the Secretary of State, Office of Professional Regulation, Pavilion Office Building, Montpelier, Vermont 05609-1106. The telephone number is (802) 828-2363. An interested person may get copies of these rules and more information about licensure and its requirements and procedures by writing or telephoning the Office.

1.3 ADVISORS TO THE DIRECTOR OF PROFESSIONAL REGULATION

The Secretary of State appoints two licensed clinical social workers to serve as advisors, helping the Director of Professional Regulation carry out the licensure program.

The Director of Professional Regulation refers complaints and disciplinary matters to a special panel, made up of the advisors and a public member. In case of disqualification, the Secretary of State appoints a substitute licensed clinical social worker.

The appointees also advise the Director on such matters as selecting an examination, setting a passing score, making administrative rules, and denying licensure.

1.4 LAWS THAT GOVERN LICENSURE

Licensure is governed by a specific state law that establishes responsibilities for setting standards, issuing licenses, and regulating the profession. The law is the Clinical Social Workers Act, Title 26, Vermont Statutes Annotated, Chapter 61. In addition, the Office is obligated to comply with several other state laws, such as the Administrative Procedure Act (Title 3, Vermont Statutes Annotated, Sections 801-849), the Open Meeting Law (Title 1, Vermont Statutes Annotated, Sections 311- 314), the Access To Public Records Law (Title 1, Vermont Statutes Annotated, Sections 315-320), and the Professional Regulation Law (Title 3, Vermont Statutes Annotated, Sections 121-131). These laws spell out the rights of an applicant, licensed clinical social worker, or member of the public.

PART 2. INFORMATION FOR APPLICANTS

2.1 DEFINITIONS

Terms defined in the Clinical Social Worker Act have the same meaning when used in these rules. In addition, when used in these rules:

(1) **SUPERVISED PRACTICE**, by an applicant, means clinical social work that is supervised by a qualified supervisor who is familiar with the nature of the applicant's clinical activities and who monitors the quality of the work and contributes to the enhancement of self knowledge and of clinical work. An applicant must have one hour of clinical supervision during each forty hours of supervised practice in a face-to-face setting.

(2) **ACCREDITED SOCIAL WORK EDUCATION PROGRAM** means a program approved by the Council on Social Work Education or the Council's equivalent.

3) **CLINICAL SUPERVISOR** means a licensed physician or a licensed osteopathic physician who has completed a residency in psychiatry, a licensed psychologist, a licensed clinical social worker, or a person certified or licensed in another state or Canada in one of these professions, or in a licensed profession which is their substantial equivalent, who is responsible for an applicant's work. For supervision provided prior to January 1, 1989 by a clinical social worker, no licensure is required at the time of supervision if the supervising social worker had met the education and supervised practice requirements of these rules, and subsequently passed the examination and was granted licensure.

(4) **SUPERVISION REPORT** means a report submitted by a clinical supervisor containing sufficient detail to evaluate an applicant's supervised practice, including:

- A. The applicant's name;
- B. The supervisor's name, signature, address, license number, state where granted, date granted, and area of specialization;
- C. The name and nature of the practice setting, and a description of the client population served;
- D. Specific dates of practice covered in the report;
- E. Number of practice hours during this period (to include all duties);
- F. The applicant's specific duties;
- G. Number of one-to-one supervisory hours;
- H. Detailed assessment of the applicant's performance;
- I. The clinical skills supervised;
- J. The ethical practices reviewed; and
- K. A verification of certification or license regarding the supervisor if the supervisor is certified or licensed in another state. The verification must be provided directly to the Director from the other state.

(6) **YEAR** means 1500 hours of supervised practice in no less than 12 months.

2.2 APPLICATION

An applicant must submit a completed application form with all supporting documentation and the fee to the processing agency listed on the application. Examination applicants must submit the application, computer examination form and the fee by the deadline date in order to be allowed to sit for the examination, although the additional required documentation may be submitted after that date.

The Office reviews applications only after the completed file is forwarded by the processing agency.

2.3 QUALIFICATIONS FOR LICENSURE AS A CLINICAL SOCIAL WORKER

As set forth in the Act, the basic qualifications for licensure are (1) a graduate degree from an accredited social work program, (2) two years of supervised practice, and (3) passing the examination. In addition, the applicant must submit the names of three persons who can attest to his or her professional competence. Those persons must have the same qualifications as a clinical supervisor.

(A) **Degree requirement:** A master's or doctoral degree in social work from an accredited social work program.

(B) **Supervised practice:** Two years of supervised practice, beginning no earlier than the completion of the graduate program. The applicant must submit satisfactory supervision reports. The Office will provide forms. If the supervision was not by a licensee in one of the professions listed in Rule 2.1(4), the Director, with the advice of the Advisors, will determine on a case-by-case basis whether that supervisor is

licensed or certified in a profession substantially equivalent to those listed, based on information provided directly from the licensing authority of the other jurisdiction.

An applicant will receive credit in an area of practice only if the clinical supervisor is knowledgeable and experienced in that area, and only for work that is acceptable to the supervisor and satisfies the requirements of these rules.

Face-to-face supervision may be in either an individual setting, between the supervisor and the applicant, or in a group setting, including the supervisor and up to eight trainees. Of the total hours of supervision, at least half must be in an individual setting.

(C) **Examination:** The Office currently administers an examination selected by the Director. The passing score is established by the use of objective psychometric standards. The examination will be given at least twice a year at a time and place set well in advance. Applicants can get more information about the examination from the Office. Results of examinations are normally available within 60 days.

2.4 LICENSURE WITHOUT EXAMINATION

To qualify to be licensed as a clinical social worker based on credentials, an applicant must be licensed in another jurisdiction which has essentially the same requirements, that is, a master's or doctoral degree, two years of supervised practice, and passage of the examination or its equivalent in accordance with the provisions of Rule 2.3(C). Before deciding that an examination is equivalent, the Director may consult appropriate testing specialists or others. An applicant must provide the information necessary to make an equivalency decision and may have to pay the cost of consulting the necessary specialists.

2.5 RIGHT TO A WRITTEN DECISION AND APPEAL

If the Director denies an applicant licensure, the Director will give specific reasons in writing and inform the applicant of the right to request a hearing for review of this decision. The hearing will be held by a special panel made up of the Advisors and a public member appointed by the Secretary of State. After giving the applicant an opportunity to present his or her application and any additional information, the special panel will affirm, reverse, remand or modify the Director's preliminary decision. The applicant may appeal the special panel's decision to an appellate officer.

PART 3. INFORMATION FOR LICENSED CLINICAL SOCIAL WORKERS

3.1 RENEWING LICENSURE BIENNIALLY

Licenses expire every two years. Licensees must renew by the expiration date printed on the license. Before the expiration date, the Office will mail each licensee a renewal application and notice of the renewal fee. A license will expire automatically if the renewal application and fee are not returned to the Office by the expiration date.

3.2 CONTINUING EDUCATION REQUIREMENTS

All Vermont licensed clinical social workers are required to complete continuing education to enhance the licensee's knowledge and skills toward the goals of safe, ethical and competent practice of clinical social work.

All licensees shall attest to the completion of 20 contact hours of eligible education taken within the previous two-year license period and submit documentation on a form provided by the Office of Professional Regulation. These submissions may be randomly scanned for compliance and further audit.

The continuing education requirement does not apply for the renewal period during which a person initially

obtained licensure. It will begin with the first full two-year renewal period following initial licensure.

Licensees shall maintain verification (see "Documentation" below) of continuing education for six years and shall make such verification available to the Office upon request.

At least 15 contact hours shall consist of formal education experiences (described below). At least one and one-half hours of the total 20 hours shall be in ethics of social work practice, including such issues as boundaries, confidentiality, and dual relationships. No more than five hours may be in informal or self-directed educational activities.

3.3 ELIGIBLE CONTINUING EDUCATION ACTIVITIES

Relevant areas of continuing education include but shall not be limited to:

- (1) Clinical theory and techniques; human growth and development; child and family development; individual, marital, family and social change;
- (2) Social and health research; social and public policy development and implementation (for example, welfare, mental health laws, health care regulation); social work education and supervision;
- (3) Topics in the fields of medicine, law, administration, education, and behavioral sciences, if specifically relevant to the safe and competent practice of clinical social work.

Formal educational activities shall include but not be limited to:

- (1) Conferences, workshops, seminars, academic courses, in-service programs (regularly scheduled staff meetings are not eligible);
- (2) Offerings approved or sponsored by national, regional, or state professional organizations in social work and allied disciplines and accredited social work universities and colleges;
- (3) First-time presentations, training, or courses.

Informal or self-directed educational activities may include:

- (1) Viewing of educational or training videos or taped programs if they are in relevant areas, have written objectives, are attended by at least four people, and are lead by a qualified individual;
- (2) Independent study projects or study groups sponsored by the organizations listed in the following section.

3.4 CONTINUING EDUCATIONAL CREDIT REQUIREMENTS

The Office will accept eligible continuing education activities offered by the following organizations:

- (1) Courses and continuing education activities offered by accredited colleges and universities;
- (2) Seminars, courses, conferences, or workshops sponsored or approved by official national, regional, or state social work professional organizations or state boards;
- (3) Seminars, courses, conferences or workshops sponsored or approved by national, regional, or state professional organizations in the related specialties of marriage, family and group counseling, psychiatry, psychiatric nursing, psychology, pastoral counseling;
- (4) Courses and continuing educational activities sponsored and approved by the appropriate national, regional, or state professional organization in the fields of medicine, law, administration, education, and behavioral sciences;
- (5) In-service and continuing education activities sponsored by hospitals, public and private human service agencies and schools which have been approved for continuing education credit by the above organizations.

Questions regarding other sponsors will be reviewed by the Office and must be submitted for approval 90 days

prior to the activity for which approval is sought.

Continuing education credit hours will be assigned as follows:

(1) For formal educational activities:

(A) One continuing education credit hour will be given for each clock (content) hour of instructional time. Breaks and meals are excluded.

(B) One and one-half times the actual instructional time will be given for first-time presentations, training, or courses. Breaks and meals are excluded.

(2) For informal or self-directed educational activities, a maximum of five hours may be credited as follows:

(A) Eligible study groups and the viewing of educational or training videos or taped programs will be given the same continuing education credit as formal educational activities for actual contact time, to a maximum of five hours.

(B) Credit assigned by sponsoring organizations for independent study projects will be accepted by the Office up to a maximum of five continuing education credit hours.

3.5 DOCUMENTATION

Upon application for license renewal, licensees shall attest to the completion of 20 hours of eligible continuing education taken within the previous two-year licensing period and submit documentation on a form provided by the Office. These submissions may be randomly scanned for compliance and further audit.

Licensees shall maintain the following evidence of continuing education for six years and shall make such evidence available to the Office upon request:

(1) Verification of formal educational activities shall include programs listing content and speakers, date offered, actual contact hours, certification of attendance, and transcripts, if applicable.

(2) Verification of informal educational activities shall include outline of curriculum, objectives, names, addresses and qualifications of speakers or leaders, names and addresses of other participating members, and annotated bibliographies as appropriate.

3.6 FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS

The Office may require a licensee who cannot produce satisfactory documentation of continuing education, as set forth above, to develop and complete a specific corrective action plan within 90 days. The Office will extend the license during the 90-day corrective action period but will not renew it if the licensee fails to complete the plan.

3.7 REINSTATING LICENSURE

If a license has expired because it was not renewed on time, the licensee must apply for reinstatement and pay a reinstatement fee and the renewal fee for the current renewal period.

The Director may also revoke a license, after an opportunity for a formal hearing, if it has lapsed for five years or longer.

3.8 CHANGE OF NAME OR ADDRESS

A licensee is responsible for notifying the Office immediately if he or she changes name, mailing address or business address.

3.9 PROFESSIONAL STANDARDS

Licensed clinical social workers may be disciplined for any of the categories of unprofessional conduct listed in

26 V.S.A. §3210. In addition, 3 V.S.A. § 129(a)(6) provides a ground for discipline in this state if a licensee or applicant has been disciplined in another state for an offense which would constitute unprofessional conduct in Vermont.

PART 4. COMPLAINT PROCEDURE

4.0 COMPLAINT PROCEDURE

The Office has a procedure for receiving, investigating and acting on complaints of unprofessional conduct. Copies of the procedure are available from the Office.

4.1 DISCIPLINARY ACTIONS

Hearings on charges of unprofessional conduct are held before a special panel, consisting of the Advisors and a public member appointed by the Secretary of State. The panel may appoint its legal counsel to conduct the hearing, or may appoint a hearing officer to take evidence and report to the panel.

A party aggrieved by a decision of a special panel may, within 30 days of the decision, appeal by filing a written notice with the Director. The appeal shall be decided by an appellate officer on the basis of the record before the panel.

4.2 DISCLOSURE OF INFORMATION

Each licensed clinical social worker who provides psychotherapy services shall disclose to each client the following information, printed or typed in easily readable format:

(1) The licensed clinical social worker's professional qualifications and experience, including (A) all relevant graduate programs attended and all graduate degrees and certificates earned, including the full legal name of the granting institution, and (B) a brief description of any special qualifications and areas of practice.

(2) A copy of the statutory definition of unprofessional conduct (26 V.S.A. § 3210).

(3) Information on the process for filing a complaint with, or making a consumer inquiry to, the Director.

Sample information cards are available from the Office.

Disclosure means, at a minimum, (A) posting the information and informing the client where the information is posted, or (B) having the information printed, displaying the printed information in an easily accessible location, and informing the client where the information is displayed, or (C) having the information printed and directly handing a copy of the information to the client.

Not later than the third office visit, the licensed clinical social worker shall present to the client for signature a document stating that the information required to be disclosed in paragraphs (1), (2), and (3) above has been disclosed to the client. The clinical social worker shall also sign the document and shall retain the signed original. If, by the third office visit, disclosure cannot be made or the client declines to sign, the licensed clinical social worker shall prepare and sign a written statement explaining the omission, which shall be retained in place of the signed copy.

A licensed clinical social worker who provides psychotherapy services to an institutionalized client shall not be required under this rule to repeat information already disclosed to the client pursuant to requirements of other governmental regulatory agencies such as the Joint Commission on Accreditation of Healthcare Organizations (JCAHO). However, in such cases, the licensed clinical social worker shall obtain from the client the signed document required in the paragraph immediately preceding, clearly indicating that the information required to be disclosed under this rule was disclosed to the client pursuant to the requirements of this rule or the requirements of another governmental regulatory agency.

When the client is not able to understand the disclosure, as in the case of an institutionalized person, a minor, or an adult who is under the supervision of a guardian, the disclosure shall be made to a suitable parent or guardian.

The Director may audit a licensed clinical social worker's records of information disclosure. Individuals to be audited may be selected at random.

4.3 PSYCHOTHERAPY PRACTITIONERS IN COMMUNITY MENTAL HEALTH CENTERS AND HOSPITALS

Effective July 1, 1996, individuals practicing clinical social work, who provide psychotherapy services and who are employees of or under contract with a community mental health center or hospital, are no longer exempt from licensure. However, any such individual who was employed by or under contract with a community mental health center or hospital before July 1, 1996, may continue to practice clinical social work until July 1, 1999, without being licensed as a clinical social worker, if:

1. His or her name is included on the roster of nonlicensed and noncertified psychotherapists (see 26 V.S.A. §§ 4081-4093), and
2. He or she continues to be employed by or under contract with a community mental health center or a hospital.

The Office will provide information upon request about entry on the roster of nonlicensed and noncertified psychotherapists.

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