

**Administrative Rules for Social Workers
Office of Professional Regulation**

Effective: July 1, 2017

Table of Contents

Part 1 General Information

- 1.1 Administrative Rules
- 1.2 General Definitions
- 1.3 Business Location
- 1.4 Advisors to the Director of the Office of Professional Regulation
- 1.5 Laws Governing Regulation of the Profession
- 1.6 Legislative Changes Affecting Rules
- 1.7 No Advisory Opinions
- 1.8 Other Sources of Information: The Web Page

Part 2 Licensed Master's Social Worker Licensure

- 2.1 Routes to Licensure
- 2.2 Licensure by Examination
- 2.3 Licensure by Endorsement
- 2.4 Licensed Experience: Five Year Rule

Part 3 Licensure of Independent Clinical Social Workers

- 3.1 Routes to Licensure
- 3.2 Licensure by Examination
- 3.3 Licensure by Endorsement
- 3.4 Licensed Experience: Five Year Rule

Part 4 Supervised Practice

- 4.1 Supervised Practice Toward Licensure as an L.I.C.S.W.
- 4.2 Registration Requirements
- 4.3 Unlicensed or Un-Rostered Practice
- 4.4 L.I.C.S.W. Supervised Practice Disclosure Requirements
- 4.5 Supervisors: Experience and Standing Requirements
- 4.6 Verification of Supervisor Credentials
- 4.7 Areas of Practice
- 4.8 Frequency and Nature of Supervision

- 4.9 Supervision Settings
- 4.10 Supervisor Prerequisites
- 4.11 Excluded from Supervising
- 4.12 Supervisors Wherever Supervision Occurs
- 4.13 Distribution of Supervised Practice Hours
- 4.14 Time Allowed for Supervised Practice
- 4.15 Current Competency: Timing of Supervised Practice
- 4.16 Expiration of Applications
- 4.17 Supervision Reports

Part 5 Decisions on Licensure

- 5.1 Right to a Written Decision
- 5.2 Right to Appeal Licensing Decisions

Part 6 Information for Licensees

- 6.1 Change of Name or Address
- 6.2 Continuing Education Requirements
- 6.3 Eligible Continuing Education Subject Areas
- 6.4 Ethics Requirement
- 6.5 Formal Educational Activities
- 6.6 Informal or Self-Directed Educational Activities: For L.I.C.S.W.'s Only
- 6.7 Ineligible Activities
- 6.8 Pre-Approved Activities and Sponsors
- 6.9 Documentation and Retention of Records
- 6.10 Continuing Education Audits

Part 7 Disclosure for L.I.C.S.W.'s and Those in Supervised Practice Toward Licensure as L.I.C.S.W.'s.

- 7.1 Disclosure of Information
- 7.2 Definition
- 7.3 Timing of Disclosure

Part 8 Renewals

- 8.1 License Renewal
- 8.2 Lapsed (Expired) Licenses
- 8.3 Inactive License Status

Part 9 Discipline

- 9.1 Unprofessional Conduct
- 9.2 Sanctions for Unprofessional Conduct
- 9.3 Disciplinary Procedure
- 9.4 Confidentiality
- 9.5 Appeal

PART 1. General Information

1.1 Administrative Rules

(a) Title 26 Chapter 61 of the Vermont Statutes Annotated gives the Director of the Office of Professional Regulation (Director) certain powers and duties regarding licensure and discipline of licensed master's social workers and licensed independent clinical social workers to protect the public health, safety, and welfare. The Director has adopted these rules to aid applicants, licensees, and the general public in understanding the requirements for these professions.

(b) Copies of these rules and more information about the regulation of social workers may be obtained by contacting the Office of Professional Regulation (Office). This information may also be obtained from the Office of Professional Regulation website at <http://vtprofessionals.org/>.

1.2 General Definitions

These words and phrases are defined as follows:

(a) "Accredited Social Work Education Program" means a program approved by the Council on Social Work Education or the Council's equivalent.

(b) "A.S.W.B." means Association of Social Work Boards.

(c) "Completed application" means an application which shows that the applicant has fulfilled all prerequisites to licensure.

(d) "Direct service" means time spent with a client directly regardless of setting, or in consulting with another professional about the client, for example, the client's physician or psychiatrist. It may include any phone time or emergency time with the client, but overall it involves being with the client or the client's other service providers.

(e) "Indirect service" means creating case notes, staff meetings, supervision, workshops and conferences, general consultation, teaching, case management activities, advocacy

and policy work, and any other social work other than direct client contact.

(f) "Director" means the Director of the Office of Professional Regulation.

(g) "L.M.S.W." means licensed master's social worker as set forth in Part 2 of these rules. Per 26 V.S.A. § 3201(2) psychotherapy is not part of the scope of practice of an L.M.S.W.

(h) "L.I.C.S.W." means Licensed Independent Clinical Social Worker.

(i) "N.A.S.W." means National Association of Social Workers.

(j) "N.A.S.W. Vermont" means, the National Association of Social Workers, Vermont Chapter.

(k) "Office" means the Office of Professional Regulation (OPR).

(l) "Psychotherapy is defined in 26 V.S.A. § 3201(4).

(m) "V.S.A." means the Vermont Statutes Annotated.

1.3 Business Location

The Office's business location is the Office of the Secretary of State, Office of Professional Regulation, in the City Center, 89 Main Street, Fl. 3 in Montpelier. Its current mailing address is:

Vermont Secretary of State
Office of Professional Regulation
89 Main St., Fl. 3
Montpelier, VT 05620-3402

1.4 Advisors to the Director of the Office of Professional Regulation

The Secretary of State appoints two licensed social workers to serve as advisors to assist the Director of the Office of Professional Regulation with the regulation of this profession.

1.5 Laws Governing Regulation of the Profession

The Director of the Office of Professional Regulation is authorized by Chapter 61 of Title 26 of the Vermont Statutes Annotated to set standards, issue licenses, and regulate the profession. The statutes are online at <http://www.leg.state.vt.us/statutes/chapters.cfm?Title=26>. The

Director's authority is also conferred by subchapter III of Chapter 5 of Title 3 "Professional Regulation," the statutes creating and governing the Office of Professional Regulation (3 V.S.A. §§ 121-132). In addition to the "Professional Regulation" statutes, the regulation of this profession is subject to other state laws including the "Administrative Procedure Act" (3 V.S.A. §§ 801-849), the "Open Meeting Law" (1 V.S.A. §§ 310-314), and the "Access to Public Records Law" (1 V.S.A. §§ 315-320). In contested cases, the Office follows the Vermont Rules of Evidence as amended by the Administrative Procedure Act. These laws set forth the rights of applicants, license holders, and members of the public. Applicants and licensees should be aware that Chapter 5 of Title 3 of the Vermont Statutes contains several statutes which govern regulation of licensed professionals. See among them, 3 V.S.A. § 129a which defines unprofessional conduct.

1.6 Legislative Changes Affecting Rules

Legislative changes from time to time may create inconsistencies between statutes and administrative rules. When a statute and rule are inconsistent, the statute governs.

1.7 No Advisory Opinions

Interpretation of the meaning of this profession's administrative rules and statutes often occurs in the course of deciding an unprofessional conduct case. The Office is not authorized to issue advisory opinions.

1.8 Other sources of information: The web page.

The OPR web site at <http://vtprofessionals.org> contains information including periodic newsletters, information about licensing, discipline, and other matters of interest to practicing social workers. Practitioners are encouraged to visit the web page regularly.

PART 2 Licensed Master's Social Worker Licensure

2.1 Routes to Licensure

There are three routes to licensure as a master's social worker:

- (a) licensure by examination;
- (b) licensure by endorsement; and
- (c) five year rule.

2.2 Licensure by Examination

To be eligible for licensure as a licensed master's social worker (L.M.S.W.) by examination an applicant must:

- (a) receive a master's or doctoral degree from a social work educational program accredited by the Council on Social Work Education;
- (b) successfully complete the Association of Social Work Boards master's level examination or its successor examination as selected by the Director taken within five years of completing all requirements for licensure; and
- (c) successfully complete the Vermont jurisprudence examination.
- (d) There is no supervised practice requirement for an L.M.S.W. license.

2.3 Licensure by Endorsement

To be eligible for licensure as a licensed master's social worker by endorsement an applicant must:

- (a) hold an active license to practice licensed master's social work or licensed independent clinical social work in another United States or Canadian province whose requirements for licensure are substantially equivalent to Vermont's requirements; and
- (b) successfully complete the jurisprudence examination.

2.4 Licensed Experience: Five Year Rule

The Director may grant a license to practice as a licensed master's social worker to a person licensed as a master's social worker in another United States or Canadian jurisdiction whose licensing requirements are determined by the Director to be not substantially equivalent to those of this state if:

- (a) the applicant holds an active unencumbered license and has no disciplinary history in any jurisdictions currently or previously licensed;
- (b) the applicant has practiced 1,200 hours per year or more for a minimum of five years; and
- (c) the applicant has successfully completed the Vermont jurisprudence examination.

Part 3 Licensed Independent Clinical Social Workers

3.1 Routes to Licensure

There are three routes to licensure as a licensed independent clinical social worker:

- (a) licensure by examination;
- (b) licensure by endorsement; and
- (c) five year rule.

3.2 Licensure by Examination

To be eligible for licensure as a licensed independent clinical social worker (L.I.C.S.W.) by examination an applicant must:

- (a) receive a master's or doctoral degree from a social work program accredited by the Council on Social Work Education;
- (b) successfully complete 3,000 hours of supervised practice as specified in Part 4 of these rules;
- (c) successfully complete the Association of Social Work Boards clinical examination or its successor examination as selected by the Director; taken within five years of completing all requirements for licensure; and
- (d) successfully complete the Vermont jurisprudence examination.

3.3 Licensure by Endorsement

To be eligible for licensure as a licensed independent clinical social worker by endorsement an applicant must:

- (a) hold an active license to practice independent clinical social work or its equivalent in another United States or Canadian jurisdiction whose requirements for licensure are substantially equivalent to Vermont's requirements; and
- (b) successfully complete the Vermont jurisprudence examination.

3.4 Licensed Experience: Five Year Rule

The Director may grant a license to practice as a licensed independent clinical social worker to a person licensed as an independent clinical social worker in another United States or Canadian

Jurisdiction whose licensing requirements are deemed by the Director to be not substantially equivalent to those of this state if:

- (a) the applicant holds an active unencumbered license, and has no disciplinary history in any jurisdictions currently or previously licensed;
- (b) the applicant has practiced for at least 1,200 hours per year for a minimum of five years; and
- (c) the applicant has successfully completed the Vermont jurisprudence examination.

Part 4 Supervised Practice

4.1 Supervised Practice Toward Licensure as an L.I.C.S.W.

Supervised practice toward licensure as an L.I.C.S.W. means:

- (a) 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. The supervisor is responsible for an applicant's work.
- (b) Provision of psychotherapy must comprise 2,000 direct service hours of the required 3,000 hours of supervised practice. The definition of "psychotherapy" is found in 26 V.S.A. § 3201(4).

4.2 Registration Requirements

- (a) For L.I.C.S.W. applicants already licensed as master's social workers: No supervised practice toward licensure within the State of Vermont and no psychotherapy services may be provided as part of any supervised practice in Vermont until and unless the licensed master's social worker has registered for supervised practice with the Office. This registration shall be renewed with the license during the period of supervised practice.
- (b) For L.I.C.S.W. applicants not already licensed as master's social workers: No supervised practice toward licensure within the State of Vermont and no psychotherapy services may be provided in Vermont as part of supervised practice in Vermont until and unless the applicant is registered on the roster of non-licensed and non-certified psychotherapists. Applicants are required to remain on the roster for the duration of the supervised practice.

4.3 Unlicensed or Un-Rostered Practice: Responsibilities and Penalties

(a) Both the supervisor and person engaged in supervised practice are responsible for verifying that the applicant is properly registered with the Office.

(b) Supervisors should have a copy of the supervision form before supervision begins. Both the supervisor and applicant are expected to be familiar with these administrative rules at the beginning of the supervised practice.

(c) Unlicensed, unregistered, or un-rostered supervised practice is unauthorized practice and may subject the applicant and the supervisor to disciplinary action.

(d) Unauthorized practice in Vermont will not be counted toward the supervised practice requirement.

4.4 L.I.C.S.W. Supervised Practice Disclosure Requirements

Individuals engaged in supervised practice in Vermont toward independent clinical social worker licensure must comply with the disclosure requirements of Part 7 of these rules.

4.5 Supervisors: Experience and Standing Requirements

Supervised practice beginning after the effective date of these rules must occur under a supervisor who:

(a) has acquired 4,500 hours licensed practice in no fewer than three years; and

(b) at all times during the period of supervision holds an unencumbered license in a permitted supervisory licensed profession in the jurisdiction where the supervised practice occurs.

4.6 Verification of Supervisor Credentials

If the supervised practice occurred in a Canadian province or a state other than Vermont, the supervisor must submit verification of his or her licensure, registration, or certification directly to the Office. The verification must come from the licensing or certifying authority of the other state or province. Supervision reports will be reviewed only after the verification is received.

4.7 Areas of Practice

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.

4.8 Frequency and Nature of Supervision

An applicant must have one hour of supervision for each thirty (30) hours of supervised practice. The supervision must occur in a face-to-face setting. Face-to-face supervision via HIPAA compliant electronic media is acceptable.

4.9 Supervision Settings

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 individuals. Of the total hours of supervision, at least half must be in an individual setting.

4.10 Supervisor Prerequisites

For supervised practice commencing after the effective date of these rules, a supervisor of anyone engaged in supervised practice toward licensure as an independent clinical social worker must be currently engaged in licensed practice and have no less than three years' and 4,500 hours experience in licensed practice as:

- (a) a licensed independent clinical social worker;
- (b) a licensed clinical mental health counselor;
- (c) a licensed psychologist;
- (d) a licensed physician or a licensed osteopathic physician who has completed a residency in psychiatry; or
- (e) a person licensed or certified in another state or Canada in one of these professions or its substantial equivalent.

4.11 Excluded from Supervising

Preface: Successful supervision requires that the future licensee and supervisor have a full and candid exchange regarding all aspects of the supervised practice. Treatment issues, including issues of sexual attraction and other matters between practitioner and client, and work conditions affecting practice should be fully explored. Because full candor is needed, conflicts of interest between supervisor and future licensee must be avoided.

- (a) Supervisors and supervisees must comply with ethical requirements for social workers,

including those governing conflicts of interest. (See, Rule 9.1.) Social workers should not engage in any dual or multiple relationships with supervisees in which there is a risk of exploitation of or potential harm to the supervisee. (See, NASW Code of Ethics 3.01(c)). Financial relationships between supervisor and supervisee should be discussed to ensure that both can be completely candid and so that all issues arising from practice and the practice setting can be adequately addressed.

(b) Certain persons are excluded from being supervisors. A "clinical supervisor" may not include a spouse, life partner, former spouse, or family member.

(c) The following arrangements are examples of those which cannot be accepted for clinical supervision toward licensure:

- (1) supervision by current or former family members or any other persons where the nature of the personal relationship prevents or makes difficult the establishment of a professional relationship;
- (2) administrative supervision (for example, clinical practice performed under administrative rather than clinical supervision of an institutional director or executive);
- (3) classes, workshops, or seminars;
- (4) consultation, staff development, or orientation to a field or program, or role-playing of family interrelationships as a substitute for current clinical practice.

4.12 Supervisors Wherever Supervision Occurs

The supervisor must be licensed or otherwise properly credentialed in the jurisdiction where the supervised practice occurs.

4.13 Distribution of Supervised Practice Hours

(a) L.I.C.S.W: Of the 3,000 required practice hours 2,000 hours shall be the provision of direct psychotherapy services, with the remaining 1,000 hours in either direct or indirect social work services.

(b) "Direct service" means time spent with a client directly regardless of setting, or in consulting with another professional about the client, for example, the client's physician or psychiatrist. It may include any phone time or emergency time with the client, but overall it involves being with the client or the client's other service providers.

(c) "Indirect services" means creating case notes, staff meetings, supervision, workshops and conferences, general consultation, teaching, case management activities, and any other related social work practice other than direct client contact.

4.14 Time Allowed for Supervised Practice

Supervised practice towards licensure as an independent clinical social worker supervised practice may be completed in no less than two years.

4.15 Current Competency: Timing of Supervised Practice

(a) The issuance of a license reflects the applicant's demonstration of current minimum competence to practice social work. To ensure current competence, no fewer than half of the supervised practice hours must occur within five years of completing all requirements for licensure.

(b) No more than 1,500 hours per year may be credited toward the supervised practice requirement.

(c) Part-time practice of less than 16 hours per week will not count toward the supervised practice requirement.

4.16 Expiration of Applications

Applications not completed within five years of their filing expire. They will receive no further action. After five years, a new application and filing fee will be required for anyone seeking licensure.

4.17 Supervision Reports

A supervision report must be submitted by a clinical supervisor. The supervision report shall contain sufficient detail to permit the office to evaluate an applicant's supervised practice. The supervision report must contain, at a minimum:

(a) applicant's name;

(b) supervisor's name, signature, address, certification or licensure number, state where granted, date granted, and area of specialization;

(c) name and nature of the practice setting, and a description of the client population served;

(d) specific beginning and ending dates of practice covered;

(e) number of practice hours during this period listing separately direct service hours and indirect service hours (to include all duties);

(f) applicant's specific duties;

- (g) number of one-to-one supervisory hours;
- (h) number of group supervision hours with a maximum of eight individuals in a group supervised by at least one clinical supervisor;
- (i) detailed assessment of the applicant's performance;
- (j) ethical practices reviewed;
- (k) an evaluation of the applicant's ability to provide psychotherapy and practice as an independent clinical social worker.

Part 5 Decisions on Licensure

5.1 Right to a Written Decision

(a) The Office will notify applicants in writing of all decisions to either grant or deny a license or license renewal. If a license or renewal is denied, the Office will give the applicant specific reasons and will also inform the applicant of the right to appeal the decision. This is called a "preliminary denial."

(b) The Office most often issues a preliminary denial of licensure or renewal when it appears from the application and accompanying documents that the applicant does not meet all of the requirements for licensure. When this occurs, the applicant is notified of the right to file an appeal which is heard as a formal hearing by an Administrative Law Officer. At the hearing the burden of proof is on the applicant to show that the preliminary denial was in error. After that hearing the Administrative Law Officer issues a final decision in writing. If the decision affirms the preliminary denial of a license, the decision informs the applicant of his or her appellate rights.

5.2 Right to Appeal Licensing Decisions

If the applicant is not satisfied with the final decision concerning the denial of a license or renewal, the applicant may appeal as set forth in 3 V.S.A. § 130a.

Part 6 Information for Licensees

6.1 Change of Name or Address

A licensee is responsible for notifying the Office within 30 days if he or she changes name, mailing address or business address. 3 V.S.A. § 129a(a)(14)

6.2 Continuing Education Requirements

Continuing education is intended to enhance the licensee's knowledge and skills toward the goals of safe, ethical, and competent practice of social work.

(a) With the first renewal application after two years of licensure, and with each subsequent renewal application, documentation of completed acceptable continuing education is required. Only continuing education taken within two years of the renewal date is counted.

(1) L.I.C.S.W.: Each licensed independent clinical social worker is required to document and complete twenty (20) hours of continuing education taken during the concluding licensing period.

(2) L.M.S.W.: Each licensed master's social worker is required to document and complete ten (10) hours of continuing education taken in a formal setting during the concluding licensing period.

(b) Only actual time spent in acceptable educational activities may be claimed. Breaks and meals are excluded.

(c) The Director recommends, but does not require continuing education for initial licensees before that time.

6.3 Eligible Continuing Education Subject Areas

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

(a) clinical theory and techniques; human growth and development; child and family development; individual, marital, family and social change;

(b) 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;

(c) 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.

(d) Those who serve as supervisors are encouraged to take some continuing education training related to supervision.

6.4 Ethics Requirement

At least one and one half (1.5) hours of the total required hours shall be in ethics of social work practice, including such issues as boundaries, confidentiality, and dual relationships.

6.5 Formal Educational Activities

(a) For L.I.C.S.W.'s: At least 15 hours shall consist of formal in person education.

(b) For L.M.S.W.'s.: All hours must consist of formal education. Formal educational activities may include but are not be limited to:

- (1) Conferences, workshops, seminars, academic courses, webinars or other formats that allow for a live exchange among participants, 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.

6.6 Informal or Self-Directed Educational Activities: For L.I.C.S.W.'s Only

No more than five hours of continuing education may be in informal or self-directed educational activities. Informal or self-directed educational activities may include:

(a) eligible study groups and viewing of educational or training videos, on line offerings, or taped programs;

(b) independent study projects or study groups sponsored by organizations listed in these rules or approved by the Director.

(c) on line courses or programs approved by organizations specified in these rules or approved by the Director that do not allow for a live exchange among participants.

6.7 Ineligible activities

(a) Lectures, teaching, or other activities performed for financial remuneration are not eligible for continuing education credit.

(b) Peer supervision is not eligible for continuing education credit.

6.8 Pre-Approved Activities and Sponsors

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

- (a) courses and continuing education activities offered by accredited colleges and universities;
- (b) seminars, courses, conferences, or workshops sponsored or approved by official national, regional, or state social work professional organizations or state boards;
- (c) 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;
- (d) 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.
- (e) Credit hours assigned by sponsoring organizations for independent study projects will be accepted by the Office.
- (f) Professional development programs, regardless of format, approved by N.A.S.W., N.A.S.W. Vermont, Council on Social Work Education, or A.S.W.B. qualify as approved continuing education programs.
- (g) No more than five hours may be claimed for informal or self-directed educational activities. This includes eligible study groups and viewing of educational or training videos, on line offerings or taped programs.

6.9 Documentation and Retention of Records

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

- (a) documentation of formal educational activities including programs listing content and speakers, date offered, actual hours of attendance, certification of attendance, course outlines, statements of attendance signed by the instructor, pamphlets, brief summary of work content, and transcripts, if applicable.
- (b) documentation 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, annotated bibliographies as appropriate, and verification of attendance.

6.10 Continuing Education Audits

(a) The Office will conduct continuing education audits of randomly selected licensees as well as licensees whose licenses are conditioned. The Office may also audit late renewing licensees, and licensees who in any of the preceding two renewal cycles were initially found to have not met continuing education renewal requirements.

(b) When a licensee appears on the audit list, the Office will request documentation from the licensee showing a detailed account of the various credits claimed. The Office will review the documentation and determine if continuing education requirements have been satisfied.

(c) Under 3 V.S.A. § 129(k) the Director may give a licensee 90 days to develop and complete a corrective plan to correct any deficiencies in his or her continuing education requirements.

(d) Failure to comply with a corrective plan may result in disciplinary action. 3 V.S.A. § 129a(a)(4).

Part 7 Disclosure for L.I.C.S.W.'s and Those in Supervised Practice Toward Licensure

7.1 Disclosure of Information

(a) As used in this Part 7 only, the term "Social Worker" includes both an L.I.C.S.W. and a person in supervised practice toward licensure as an L.I.C.S.W.

(b) Each social worker shall disclose to each client the following information, printed or typed in easily readable format:

(1) The 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 definitions of unprofessional conduct (26 V.S.A. § 3210, 3 V.S.A. § 129a).

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

(4) Sample disclosure forms are available from the Office.

(c) Each social worker shall disclose to each client:

(1) a copy of the statutory definitions of unprofessional conduct (26 V.S.A. § 3210 and 3 V.S.A. § 129a);

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

(3) Sample disclosure forms are available from the Office.

(d) Social workers employed by a designated agency which provides to each client disclosure regarding:

- (1) those actions that constitute unprofessional conduct;
- (2) the method for filing a complaint or making a consumer inquiry;
- (3) the client's right to receive full individual disclosure as provided for social workers not employed by designated agencies;

are not required to make individual disclosures to each client unless specifically requested by the client. If requested by the client, the social worker must document the disclosure as required by these rules.

7.2 Definition

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.

7.3 Timing of Disclosure

(a) Not later than the third office visit, the social worker required to make individual disclosures shall present to the client for signature a document stating that the information required to be disclosed above was disclosed to the client. The 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 social worker shall prepare and sign a written statement explaining the omission, which shall be retained in place of the signed copy.

(b) A 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 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.

(c) 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 parent or legal guardian.

(d) The Director may audit a social worker's records of information disclosure. Social workers to be audited may be selected at random.

Part 8 Renewals

8.1 License Renewal

Licenses are issued for a two-year period on a schedule set by the Office of Professional Regulation, and must be renewed by the expiration date printed on the license certificate.

(a) The Office sends email renewal notices in advance of the expiration date. A licensee is responsible for renewal whether a notice is received or not.

(b) A license which is not renewed by its expiration date expires and is no longer valid.

(c) Initial licenses issued within 90 days of the renewal date will not require renewal and payment of the renewal fee. The license will be issued through the next full license period. Applicants issued an initial license more than 90 days prior to the renewal expiration date will be required to renew and pay the renewal fee.

8.2 Expired Licenses

An expired license may be reinstated as permitted by statute upon payment of the required fees.

8.3 Inactive License Status

A license may be placed on inactive status if permitted by statute.

Part 9 Discipline

9.1 Unprofessional Conduct

(a) Unprofessional conduct for social workers is defined by 26 V.S.A. § 3210 and 3 V.S.A. § 129a. Unprofessional conduct includes failing to comply with provisions of

federal or state statutes or rules governing the practice of the profession. Violation of the provisions of the N.A.S.W. Code of Ethics may constitute unprofessional conduct.

(b) The N.A.S.W. Code of Ethics may be found at the NASW website, <http://www.socialworkers.org/pubs/code/default.asp>.

9.2 Sanctions for Unprofessional Conduct and Unauthorized Practice

(a) The licensee may be disciplined following a hearing upon a finding of unprofessional conduct. Possible disciplinary sanctions that may be imposed on the license of a licensee may include, but are not limited to:

- (1) warnings or reprimands;
- (2) suspension for a period of time;
- (3) revocation;
- (4) limitations or conditions on practice;
- (5) setting conditions for practice or resumption of practice;
- (6) denial of renewal or reinstatement; or
- (7) imposition of civil penalties.

(b) All disciplinary actions are public records available online or from the Office.

9.3 Disciplinary Procedure

The Office has a procedure for processing, investigating, and prosecuting unprofessional conduct and unauthorized practice complaints. A copy of the complaint procedure may be obtained from the Office or online under “Disciplinary Procedures” at <http://vtprofessionals.org/>.

9.4 Confidentiality

The Office follows the confidentiality provisions of 3 V.S.A. § 131.

9.5 Appeal

A party aggrieved by a final decision in a disciplinary matter may appeal as set forth in 3 V.S.A. § 130a.

Effective date: July 1, 2017