

Rulemaking Hearing Rules

Board of Social Worker Certification and Licensure

Chapter 1365-01 General Rules and Regulations

Amendments

Rule 1365-01-.04, Qualifications for Certification and Licensure, is amended by inserting the following language as new paragraph (1), and renumbering the current paragraphs (1), (2) and (3) as paragraphs (2), (3) and (4), and is further amended by deleting renumbered subparagraph (3) (b) in its entirety and substituting instead the following language, so that as amended, the new paragraph (1) and the newly renumbered subparagraph (3) (b) shall read:

- (1) Temporarily Certified Master Social Worker – Must be a graduate with a master’s or doctorate degree in social work, as provided in T.C.A. §§ 63-23-102, granted after April, 2005 by a university, college, or school of social work that at the time of graduation has applied for, but has not yet received, accreditation by the Council on Social Work Education.
- (3) (b) Must have had two (2) years of supervised post-masters’ clinical experience accrued after receipt of C.M.S.W., which was supervised by an L.C.S.W. The supervised post-masters’ clinical experience accrued as a temporarily C.M.S.W. shall be applicable towards meeting this requirement.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-23-102, 63-23-103, and 63-23-108.

Rule 1365-01-.05, Procedures for Certification and Licensure, is amended by inserting the following language as new paragraph (1) and renumbering the current paragraphs (1), (2) and (3) as paragraphs (2), (3) and (4), and is further amended by deleting renumbered subparagraphs (2) (e), (2) (k), (2) (n), (3) (a), (3) (f) and (3) (g) in their entirety and substituting instead the following language, so that as amended, the new paragraph (1), the newly renumbered subparagraphs (2) (e), (2) (k), (2) (n), (3) (a), (3) (f) and (3) (g) shall read:

- (1) Temporarily Certified Master Social Worker. Any individual holding a master’s or doctorate degree in social work, as provided in T.C.A. § 63-23-102, granted after April, 2005 by a university, college, or school of social work which is in the process of seeking accreditation by the Council on Social Work Education, may make application for certification as a temporarily certified master social worker.
 - (a) An applicant shall obtain a current application form from the Board’s web page on the Internet. In the absence of access to the Internet, an applicant may obtain the application from the Board’s administrative office.
 - (b) Applicants who are presently practicing pursuant to T.C.A. § 63-23-102 (e) must apply for temporary certification as a Certified Master Social Worker within ninety (90) days of the effective date of this rule paragraph. No applicant may continue to practice pursuant to Public Chapter 658 of the Public Acts of 2006 without temporary certification as a Certified Master Social Worker.
 - (c) An applicant shall respond truthfully and completely to every question or request for information contained in the application form, and submit it along with all documentation and fees required by the form and this rule to the board’s administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required

documentation be completed prior to filing an application and that all documentation be filed simultaneously.

- (d) At the time of application, an applicant shall pay the temporary certification and State Regulatory fees as provided in Rule 1365-01-.06.
- (e) An applicant shall submit with his application a "passport style" photograph taken within the preceding twelve (12) months.
- (f) It is the applicant's responsibility to request a graduate transcript from his institution pursuant to T.C.A. § 63-23-102 be submitted directly from the school to the board's administrative office. This transcript must show that the degree has been conferred and carry the official seal of the institution. The transcript must show a master's or doctorate degree in social work. The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program, at the time the degree was granted, has applied for accreditation by the Council on Social Work Education. The degree must have been granted prior to the date of the application for temporary certification.
- (g) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - 2. The denial of certification or licensure application by any other state or the discipline of the certificate or license holder in any country, state, or municipality.
 - 3. Loss or restriction of certification or licensure privileges.
 - 4. Any other civil suit judgment or adverse settlement in which the applicant was party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or other civil action recognized under the country's or state's statutory, common, or case law.
- (h) If an applicant holds or has ever held a certificate or license to practice as a social worker in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each state licensing board which indicates the applicant holds a certificate or license and whether it is in good standing presently or was at the time it became inactive.
- (i) The board may request information directly from various sources; however, it is the applicant's responsibility to submit the documentation or cause to be submitted the documentation necessary to complete the file.
- (j) Personal resumes will not be accepted in lieu of any part of the application and will not be reviewed.
- (k) The burden is on the applicant to prove by a preponderance of the evidence that his course work is equivalent to the Board's requirements.
- (l) The temporary certification is required prior to beginning the supervised clinical experience needed for licensure as a clinical social worker who practices independently. Temporary certificate holders who obtained supervised clinical experience pursuant to Public Chapter 658 of the Public Acts of 2006 shall receive credit for that experience.

- (m) A Temporarily Certified Master Social Worker must submit an application for Certified Master Social Worker within sixty (60) days after his/her educational institution receives accreditation from the Council on Social Work Education, or the temporary certification shall no longer be valid.
 - (n) The temporary certification shall no longer be valid if the Board learns that the educational institution's application for accreditation from the Council on Social Work Education has been denied or withdrawn.
- (2) (e) It is the applicant's responsibility to request a graduate transcript from his institution pursuant to T.C.A. § 63-23-102 be submitted directly from the school to the board's administrative office. This transcript must show that the degree has been conferred and carry the official seal of the institution. The transcript must show a master's or doctorate degree in social work. The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the transcript meets the requirements of T.C.A. § 63-23-102. The degree must have been granted prior to the date of the application for certification.
- (2) (k) The Board may request information directly from various sources; however, it is the applicant's responsibility to submit the documentation or cause to be submitted the documentation necessary to complete the file. The Board shall, in its discretion, determine if any components of the documentation previously submitted pursuant to paragraph (1) are acceptable.
- (2) (n) Certification as a temporarily certified master social worker or as a certified master social worker is required prior to beginning the supervised clinical experience needed for licensure as a clinical social worker who practices independently. Temporary certificate holders who obtained supervised clinical experience pursuant to Public Chapter 658 of the Public Acts of 2006 shall receive credit for that experience.
- (3) (a) Certification as a temporarily certified master social worker or as a certified master social worker is a prerequisite to filing an application for licensure and/or beginning a supervised clinical experience for the purpose of licensure. A photocopy of the applicant's current CMSW certificate or temporarily CMSW certificate must accompany the LCSW application.
- (3) (f) Except for applicants who are currently certified in Tennessee as a CMSW or who have received a temporary certificate, an applicant must provide a photocopy of his diploma or official transcript. An official transcript must be sent directly from the school to the board's administrative office.
- (3) (g) It is the applicant's responsibility to furnish a reference letter from another licensed clinical social worker (not the LCSW who provided the clinical supervision), to the effect that the applicant has had the equivalency of two (2) years full-time clinical experience, accrued after receipt of the master's degree in social work and after obtaining his CMSW, under the supervision of a person licensed as a clinical social worker. The supervised post-masters' clinical experience accrued as a temporarily C.M.S.W. shall be applicable towards meeting this requirement. If the person signing the reference letter is not duly licensed in Tennessee, but is licensed in another state, documentation of his licensure must be included.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-23-102, 63-23-103, and 63-23-108.

Rule 1365-01-.06, Fees, is amended by adding the following language as new subparagraph (1) (j) and part (4) (a) 7.

- (1) (j) Temporary Certification fee - A nonrefundable fee to be paid by all applicants for temporary certification as a master social worker, and must be paid each time an application for certification is filed.

(4) (a) 7. Temporary Certificate \$50.00

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-23-102, and 63-23-108.

Rule 1365-01-.10, Supervision, is amended by deleting paragraph (2) but not its subparagraphs, and substituting instead the following language, so that as amended, the new paragraph (2), but not its subparagraphs, shall read:

- (2) The L.C.S.W. applicant by examination, after having become a certified master social worker or a temporarily certified master social worker, shall have completed a total of two thousand (2,000) clinical contact hours over not less than a two (2) year period. The L.C.S.W. applicant by reciprocity shall have completed a total of two thousand (2,000) clinical contact hours over not less than a two (2) year period.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-23-102, 63-23-103, and 63-23-108.

Rule 1365-01-.12, Continuing Education, is amended by deleting subparagraphs (3) (d), (7) (b) and (7) (c) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (3) (d), (7) (b) and (7) (c) shall read:

- (3) (d) For Certified Master Social Worker applicants, successful completion of the education requirements, pursuant to rule 1365-01-.04, shall be considered sufficient preparatory education to be substituted for the required hours of continuing education for the remainder of the calendar year in which the education requirements were completed.
- (7) (b) Reactivation of a Revoked Certificate or License - No person whose certificate or license has been revoked for failure to comply with continuing education may be reactivated without complying with these requirements. Continuing education requirements will accumulate at the same rate as for those certificates or licenses which are active. A certificate or license which has been revoked for non-compliance with the continuing education requirement shall also be subject to the late renewal fee pursuant to Rule 1365-1-.06.
- (7) (c) Reinstatement of an Expired Certificate or License – No person whose certificate or license has expired may be reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reinstatement must equal the hours required, had the certificate or license remained in an active status.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-23-102, 63-23-104, 63-23-105, 63-23-106, and 63-23-108.

Rule 1365-01-.22, Free Health Clinic and Volunteer Practice Requirements, is amended by deleting part (1) (a) 3. in its entirety and substituting instead the following language, so that as amended, the new part (1) (a) 3. shall read:

- (1) (a) 3. For social workers who have not been licensed or certified in Tennessee, comply with all provisions of subparagraphs (4) (e) and (4) (f) of rule 1365-01-.05 and the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-701 through 63-6-707, 63-23-102, 63-23-103, 63-23-108, 63-23-109, and 63-23-110.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 3rd day of July, 2007, and will become effective on the 16th day of July, 2007. (FS 07-04-07; DBID 2600)

Economic Impact Statement

(1) Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

(a) Providers of social work services whose licensees supervise the required clinical experience needed for licensure as an independently practicing clinical social worker; and

(b) Providers of social work services who seek to employ or merge practice with social workers who are reactivating an expired or revoked license; and

(c) Providers of social work educational programs who applied for, but have not yet received, accreditation from the Council on Social Work Education; and

(d) Social workers who previously practiced independently and are now seeking to reactivate an expired or revoked license.

(2) Identification and estimate of the number of small businesses subject to the proposed rule:

As of December 31, 2006, Tennessee had 1,844 licensed clinical social workers and 1,517 certified master social workers who were eligible for licensure or certification renewal.

(3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The proposed amendments which have economic impact on small businesses have no increased or new reporting, recordkeeping and other administrative costs that are required for compliance. However, for licensees and certificate holders who are seeking to reactivate an expired or revoked license, the length of time to retain documentation of compliance with continuing education requirements will increase.

(4) Statement of the probable effect on impacted small businesses and consumers:

Providers of social work services will be able to hire and employ more expeditiously and will have more candidates from which to choose.

Individuals who become temporarily certified will be able to practice sooner.

Social workers who previously practiced independently and are now seeking to reactivate an expired or revoked license will accomplish this quicker because continuing education courses taken to comply with other state's requirements will count towards meeting Tennessee's requirements.

Consumers may find social work services more readily available because of these rule amendment's potential increase in practitioners.

(5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

The Board does not believe there are less burdensome alternatives because the intent of the proposed rule amendments is precisely that.

(6) Comparison of the proposed rule with any federal or state counterparts:

Federal There are no federal counterparts. The federal government does not license or certify social workers to practice their profession.

State Several of the health-related licensing boards, committees, and councils have rules that allow the issuance of temporary certifications.

(7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

It is not possible to exempt the impacted small businesses from all or any part of the requirements contained in the proposed rule amendments because the impacted small businesses are the Board's licensees and certificate holders. If the Board were to exempt them, these rule amendments would have no effect. Public Chapter 658 of the Public Acts of 2006 requires the Board to promulgate the temporary certification amendments, and T.C.A. § 63-23-104 requires the board "to promulgate rules to establish continuing education requirements".