

Department of Health
Notice of Rulemaking Hearing
Board of Social Worker Certification and Licensure
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Social Worker Certification and Licensure to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-23-108. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Division of Health Related Board's Conference Room on the Third Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 23rd day of October, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 1365-1-.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):

- (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 which has applied for, but has not yet received, accreditation by the Council on Social Work Education.

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

Rule 1365-1-.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) and (3) f) in their entirety and substituting instead the following language, so that as amended, the new paragraph (1) and the newly renumbered subparagraphs (2) (e), (2) (k), (2) (n), (3) (a) and (3) f) 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 after the effective date of this rule paragraph 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 1365-1-.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 is in the process of seeking accreditation by the Council on Social Work Education. The degree must have been granted prior to the date of the application for 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 remedy 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.
- (m) A Temporarily Certified Master Social Worker must submit an application for Certified Master Social Worker within thirty (30) days after his/her educational institution receives accreditation from the Council on Social Work Education, or the temporary certification shall no longer be valid.

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

Rule 1365-1-.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 1365-1-.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 1365-1-.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 1365-1-.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 1365-1-.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 63-28-110.

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Contact who can answer questions concerning this notice of rulemaking hearing, technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227

French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board of Social Worker Certification and Licensure.

Robbie H. Bell, Director
Health Related Boards

Subscribed and sworn to before me this the 4th day of August, 2006.

Notary Public

My commission expires on the 20th day of March, 2010.

The notice of rulemaking set out herein was properly filed in the Department of State on the ___ day of _____, 2006.

Riley C. Darnell
Secretary of State

By: _____