

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:

78999

Date filed:

11-26-2014

State Admin Rule Filing Id:

Time filed:

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 60a	-
Changed to Admin. Code Ref. (R no.):	R	-	-

1. **Agency:** Commerce/Division of Occupational and Professional Licensing  
**Room no.:**  
**Building:** Heber M. Wells Building  
**Street address 1:** 160 East 300 South  
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**Mailing address 1:** PO Box 146741  
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(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2. **Title of rule or section (catchline):**

Social Worker Licensing Act Rule

3. **Type of notice:**

New \_\_\_; Amendment XXX; Repeal \_\_\_; Repeal and Reenact \_\_\_

4. **Purpose of the rule or reason for the change:**

The Division and the Social Worker Licensing Board reviewed the rule and determined it was necessary to modify the social worker examination and licensed clinical social worker (LCSW) training requirements.

5. **This change is a response to comments from the Administrative Rules Review Committee.**

No XXX; Yes \_\_\_

6. **Summary of the rule or change:**

Section 302c: The current rule requires applicants for the LCSW license to hold a certified social worker (CSW) license while they gather 4,000 hours of training. The proposed amendment creates two exceptions to this requirement. The first exception is for an individual who is not licensed as a CSW in Utah because the individual is under an exemption established in Subsection 58-1-307(1)(a) for an individual who works at a federal agency and who is licensed in another state. The second exception is for an individual who gathers training hours outside Utah in a jurisdiction where the individual holds either a license equivalent to the CSW or is trained without a license under the laws of that jurisdiction. Section 302d: Paragraph (4) is removed because the Division is removing itself from the exam pre-approval process. Under the new process, the Association of Social Work Boards (ASWB) determines who takes the ASWB exam. The new process will dramatically decrease the number of days that a social worker license application is pending with the Division.

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**

**Affected:** No ; Yes

Administering the pre-approval process for the ASWB exams distracts Division staff from their primary responsibility of processing social worker license applications. As a result, the Division will experience savings impact due to removing itself from the exam pre-approval processes under amendments to Section 302c. The Division is unable to estimate the extent of savings impact caused by this amendment. The Division will incur minimal costs of approximately \$100.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. No other cost impact to the Division is anticipated.

**B) Local government:**

**Affected:** No ; Yes

The proposed amendments apply only to social worker license applicants. As a result, the proposed amendments do not apply to local governments.

**C) Small businesses ("small business" means a business employing fewer than 50 persons):**

**Affected:** No ; Yes

The proposed amendments impact social worker license applicants, who may own a small business. Removing the Division from the ASWB exam pre-approval process has cost impact on applicants in Utah seeking to register for the ASWB exam. ASWB charges candidates a \$60.00 fee to perform services related to the exam pre-approval process. The Division is unable to determine an aggregate cost to social worker applicants since the Division does not know how many new applicants will be applying to take the ASWB exam and will thus be subject to the \$60.00 fee. Creation of the two exceptions to the requirement for individuals to hold a CSW license while they fulfill the LCSW training requirement will have savings impact on individuals who fall under the exceptions. The Division is unable to estimate the extent of savings impact caused by this amendment.

**D) Persons other than small businesses, businesses, 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):**

**Affected:** No ; Yes

The proposed amendments impact social worker license applicants. Removing the Division from the ASWB exam pre-approval process has cost impact on applicants in Utah seeking to register for the ASWB exam. ASWB charges candidates a \$60.00 fee to perform services related to the exam pre-approval process. The Division is unable to determine an aggregate cost to social worker applicants since the Division does not know how many new applicants will be applying to take the ASWB exam and will thus be subject to the \$60.00 fee. Creation of the two exceptions to the requirement for individuals to hold a CSW license while they fulfill the LCSW training requirement will have savings impact on individuals who fall under the exceptions. The Division is unable to estimate the extent of savings impact caused by this amendment.

**8. Compliance costs for affected persons:**

The proposed amendments impact social worker license applicants. Removing the Division from the ASWB exam pre-approval process has cost impact on applicants in Utah seeking to register for the ASWB exam. ASWB charges candidates a \$60.00 fee to perform services related to the exam pre-approval process. Creation of the two exceptions to the requirement for individuals to hold a CSW license while they fulfill the LCSW training requirement will have savings impact on individuals who fall under the exceptions. The Division is unable to estimate the extent of savings impact caused by this amendment.

**9. A) Comments by the department head on the fiscal impact the rule may have on businesses:**

This filing eliminates existing examination requirements that the Division will no longer seek to enforce. In addition, it allows individuals who have not obtained a Utah certified social worker license to submit an application for a clinical social worker license if they have been approved by another state to work as a certified social worker. It is anticipated that these amendments will affect individuals seeking licensure, with no fiscal impact to businesses.

**B) Name and title of department head commenting on the fiscal impacts:**

Francine A. Giani, Executive Director

**10 This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.**

**State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :**

Section 58-60-201

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

**11 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 Division of Administrative Rules; if none, leave blank):**

	First Incorporation	Second Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>		
<b>Publisher</b>		
<b>Date Issued</b>		
<b>Issue, or version</b>		
<b>ISBN Number (optional)</b>		
<b>ISSN Number (optional)</b>		
<b>Cost of Incorporated Reference</b>		
<b>Action: Adds, updates, or removes</b>		

(If this rule incorporates more than two items by reference, please attach additional pages)

**12 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. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)**

**A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):** 01/14/2015

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

**On (mm/dd/yyyy):**

**At (hh:mm AM/PM):**

**At (place):**

01/07/2015

8:30 AM

160 East 300 South, Hearing Room 403 (4th floor), Salt Lake City, Utah

13 This rule change may become effective on (mm/dd/yyyy): 01/21/2015

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

14 Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:

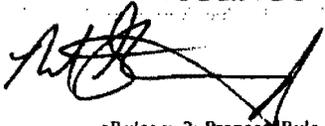
licensing social workers

15 Attach an RTF document containing the text of this rule change (filename): R156-60a.pro

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 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 AUTHORIZATION

Agency head or designee, and title:



Date  
(mm/dd/yyyy)  
: 11/25/2014

**R156. Commerce, Occupational and Professional Licensing.**

**R156-60a. Social Worker Licensing Act Rule.**

**R156-60a-302c. Training Requirements for Licensure as an LCSW.**

(1) In accordance with Subsections 58-60-205(1)(e), (f) and (g), and 58-60-202(4)(a), the 4,000 hours of clinical social work and mental health therapy training qualifying an applicant for licensure as an LCSW shall:

(~~1~~) a) be obtained after completion of the education requirement set forth in Subsections 58-60-205(1)(d) and (g) and shall not include any clinical practicum hours obtained as part of the education program;

(~~2~~) b) be completed over a [~~duration~~] period of not less than two years;

(~~3~~) c) unless this Subsection (2) applies, be completed while the applicant is licensed as a CSW;

(~~4~~) d) be completed while the [~~CSW is an employee of~~] applicant is employed by a public or private agency engaged in mental health therapy;

(~~5~~) e) be completed under a program of general supervision by an LCSW meeting the requirements of Sections R156-60a-302e and R156-60a-601; and

(~~6~~) f) include the following training requirements:

(~~a~~) i) individual, family, and group therapy;

(~~b~~) ii) crisis intervention;

(~~c~~) iii) intermediate treatment; and

(~~d~~) iv) long term treatment.

(2) An applicant may apply to the Division for an LCSW license without complying with this Subsection (1)(c) if:

(a) the applicant qualifies for a license exemption under Subsection 58-1-307(1)(a); or

(b) the applicant completed training in another jurisdiction, which training is completed:

(i) while the applicant is licensed as the equivalent of a CSW; or

(ii) while the applicant is not required to be licensed while engaged in the practice of certified social work.

**R156-60a-302d. Examination Requirements.**

(1) In accordance with Subsection 58-60-205(1)(h), the examination requirements for licensure as an LCSW include passing the Clinical Examination of the ASWB or the Clinical Social Workers Examination of the State of California.

(2) In accordance with Subsection 58-60-205(2)(e), the examination requirements for licensure as a CSW shall include passing the Masters, Advanced Generalist, or Clinical Examination of the ASWB.

(3) In accordance with Subsection 58-60-205(4)(e), the examination requirements for licensure as an SSW shall include passing the Bachelors Examination of the ASWB.

(4) [~~Applicants for any ASWB exam must pass the exam within one year from date of the Division's approval for the applicant to take the exam. If the applicant does not pass the required exam within one year, the pending license application shall be denied.~~]

~~(5)~~] Applicants requesting additional time to complete any ASWB exam in accordance with Subsection 58-60-205(5) shall complete an ASWB application for special arrangements approved by the Division.

**KEY: licensing, social workers**

**Date of Enactment or Last Substantive Amendment: [~~July 9, 2012~~] 2015**

**Notice of Continuation: August 4, 2014**

**Authorizing, and Implemented or Interpreted Law: 58-60-201; 58-1-106(1)(a); 58-1-202(1)(a)**

3

**DRAFT**

model regulatory  
standards for  
**technology** and  
**social work practice**

International Technology Task Force, 2013-2014

a s s o c i a t i o n   o f   s o c i a l   w o r k   b o a r d s

October 31, 2014

TO: ASWB Delegates and Board Members  
FROM: The ASWB International Technology Task Force

The members of the ASWB International Technology Task Force are pleased to submit for your consideration the DRAFT of the Model Regulatory Standards for Technology and Social Work Practice.

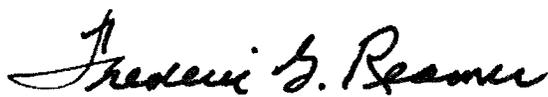
The members of the task force were appointed by the ASWB Board of Directors in April 2013. The first organizing virtual meeting was held on July 8, 2013, followed by four additional virtual meetings through August 2014. Members utilized different digital and other electronic forms of communication in their work together and gained a new respect for how advances in digital and electronic technology are transforming the nature of the social work profession—from education to practice to regulation.

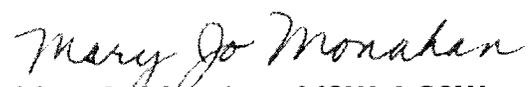
Chair Frederic Reamer, Ph.D., will join the Delegate Assembly meeting in Boise, Idaho, on Friday, November 14, to present the draft document and answer your questions in a “live feed broadcast” from Providence, Rhode Island, where he is a professor at Rhode Island College School of Social Work. Other task force members, including M. Jenise Comer, MSW, ASWB Board secretary, Mary Jo Monahan, chief executive officer, and Dwight Hymans, executive vice president, will meet with delegates face to face in Boise.

Following Dr. Reamer’s presentation, ASWB will host a comment period through December 31, 2014. Please send your written comments to [mmonahan@aswb.org](mailto:mmonahan@aswb.org) and they will be forwarded to the task force for review and consideration. The final draft will be reviewed, amended, and adopted by the ASWB Board of Directors at their January 22, 2015, meeting in Tucson, Arizona.

ASWB will make the Model Regulatory Standards for Technology and Social Work Practice available to ASWB members and other interested parties in early March 2015.

We applaud the wisdom of the ASWB Board and delegates in recognizing the need to embrace rather than shy from the challenges and opportunities created by the introduction of technology to social work practice. These model regulatory standards will shape practice standards and guide practitioners and regulatory bodies as practice arenas cross boundaries made ever more permeable through the advances of technology.

  
Frederic Reamer, PhD  
Chair

  
Mary Jo Monahan, MSW, LCSW  
Chief Executive Officer

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## **Contributors**

**Chair:** Frederic Reamer, Ph.D., Professor, School of Social Work, Rhode Island College

### **Association of Social Work Boards**

M. Jenise Comer, MSW, LCSW, ACSW, Secretary, ASWB Board of Directors; Board liaison, Regulation and Standards Committee

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Mary Jo Monahan, MSW, LCSW, Chief Executive Officer

Steven W. Pharris, MSW, J.D., LMSW-TN, LCSW-AR, Tennessee Board of Social Workers; ASWB Delegate; Regulation and Standards Committee member

Melissa Ryder, Executive Services Manager

### **Canadian Association of Social Workers**

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### **Canadian Council of Social Work Regulators**

Rachel Birnbaum, Ph.D., RSW, LL.M., Past President (2012-2014)

### **Council on Social Work Education**

Paul Freddolino, Ph.D., Professor, Michigan State University

Jo Ann Regan, Ph.D., MSW, Director, Office of Social Work Accreditation

### **Ireland**

Gloria Kirwan, Assistant Professor of Social Work, Trinity College Dublin

### **National Association of Social Workers**

Mirean Coleman, MSW, LICSW, CT, Senior Practice Associate, Division of Social Work Practice

Dawn Hobdy, MSW, Director, Office of Ethics and Professional Review

### **New Zealand Social Workers Registration Board**

Sean McKinley, Chief Executive/Registrar, Social Workers Registration Board

### **Wales**

Rhian Huws Williams, Chief Executive, Care Council for Wales

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# Contents

Preamble.....	1
Model Standards .....	3
Section I. Practitioner Competence and Compliance with Ethical Standards .....	3
Section II. Informed Consent.....	5
Section III. Privacy and Confidentiality .....	8
Section IV. Boundaries, Dual Relationships, and Conflicts of Interest .....	10
Section V. Records and Documentation .....	12
Section VI. Collegial Relationships .....	13
Section VII. Electronic Practice Across Jurisdictional Boundaries.....	15
Sources .....	16

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# Model Regulatory Standards for Technology and Social Work Practice

## *Preamble*

Advances in digital and other electronic technology used to provide information to the public, deliver services, store and access information, and communicate with and about clients, colleagues, and others have transformed the nature of social work practice. Social workers' use of digital and other technology has the potential to assist people in need. It is important for social workers to enhance clients' access to digital and other electronic technology that may assist them and to have a thorough understanding of the potential benefits and risks associated with the use of this technology. In their efforts to protect the public, licensing boards and regulatory bodies have an obligation to adopt rules and regulations that address social workers' use of this technology.

Since its formal inauguration in the late-19th century, the social work profession has developed a rich set of ethical standards governing practitioners and professional practice. Over time, these ethical standards have become comprehensive guides to social workers' management of complex issues pertaining to their ethical responsibilities to clients, to colleagues, in practice settings, to the social work profession, and to the broader society. The proliferation of social workers' use of digital and other electronic technology has created new ethical challenges.

The standards of care that have historically protected social work clients in the context of face-to-face relationships apply to social work services using digital and other electronic technology. Social workers who choose to use digital and other electronic technology in their professional capacity have an obligation to do so in a way that:

- honors their commitment to client well-being and to social work's commitment to assisting people in need, including those who have limited access to digital and other electronic technology
- adheres to prevailing ethical standards in social work
- adheres to prevailing standards of social work practice

These standards apply to the use of technology as an adjunct to in-person social work practice as well as to practice that is conducted exclusively with technology. The National Association of Social Work (NASW) Code of Ethics and the Association of Social Work Boards (ASWB) Model Social Work Practice Act served as foundation documents in developing these regulatory standards, along with a variety of other sources.

The specific goals of the standards are to:

- maintain and improve the quality of services provided by social workers using digital and other electronic technology
- serve as a guide to social workers incorporating technology into their services
- help social workers monitor and evaluate the ways in which technology is used in their services
- inform clients, the general public, government regulatory bodies, insurance carriers, and others about the professional standards for the use of technology in the provision of social work services

For purposes of these standards, "digital and other electronic technology" refers to the use of computers (including the Internet, social media, online chat, and email) and other electronic means (such as smartphones, landline telephones, and video technology) to (a) provide information to the public, (b) deliver services to clients, (c) communicate with clients, (d) manage confidential information and case records, (e) store and access information about clients, and (f) arrange payment for professional services.

## ***Model Standards***

Social work practice and related licensing and regulatory standards vary significantly internationally. Further, ethical standards and norms vary among diverse cultural groups served by social workers. Standards adopted by licensing boards and regulatory bodies related to social workers' use of digital and other electronic technology should take into consideration international and other cultural differences. Social workers who use digital or other electronic technology to provide information to the public, deliver services to clients, communicate with and about clients, manage confidential information and case records, and store and access information about clients shall adhere to standards pertaining to informed consent; privacy and confidentiality; boundaries, dual relationships, and conflicts of interest; practitioner competence; records and documentation; and collegial relationships.

### ***Section I. Practitioner Competence and Compliance with Ethical Standards***

1.01. Social workers shall provide services using digital and other electronic technology only after engaging in appropriate education, study, training, consultation, and supervision from people who are competent in the use of this technology to provide social work services.

1.02. Social workers shall critically examine and keep current with emerging knowledge related to the delivery of services using digital and other electronic technology. Social workers shall routinely review relevant professional literature and participate in continuing education relevant to social work practice using digital and other electronic technology. When examining research evidence, social workers shall give precedence to research that meets rigorous methodological and ethical standards.

1.03. Social workers shall be aware of cultural differences among clients and in clients' use of digital and other electronic technology to deliver services. Social workers shall assess cultural, environmental, and linguistic issues that may affect the delivery of services.

1.04. Social workers shall be aware of unique communication challenges associated with the use of digital and other electronic technology to deliver services (e.g., the absence of visual cues and limitations associated with the use of online written communication). Social workers shall establish reasonable strategies to address these issues (e.g., using interpretive gestures and emotions, enhancing clients' ability to communicate online or with other technology).

1.05. Social workers shall assess whether clients' needs can be met using digital and other electronic technology and, when necessary, shall refer clients to another professional.

1.06. Social workers who offer clients services using only digital and other electronic technology shall refer clients to another professional if clients prefer not to receive services using the technology.

1.07. Social workers who use digital and other electronic technology to provide services shall seek appropriate consultation, when necessary, from colleagues with expertise in the area.

1.08. Social workers who provide supervision and consultation to colleagues concerning their use of digital and other electronic technology to provide services shall have specialized skills, knowledge, and education consistent with current standards of practice.

1.09. Social workers who use digital and other electronic technology to deliver services shall comply with the regulations governing use of this technology both in the jurisdiction in which they are licensed and in the jurisdiction in which the client resides.

1.10. Social workers shall regularly review professionally relevant information about themselves that appears on websites and in other publicly available resources to ensure accuracy. Social workers shall take reasonable steps to correct any inaccuracies.

## **Section II. Informed Consent**

2.01. Social workers who provide services remotely using digital or other electronic technology shall obtain the informed consent of the individuals using their services during the initial screening or interview and prior to initiating services. Social workers shall assess clients' capacity to provide informed consent.

2.02. Social workers who provide services remotely using digital or other electronic technology shall inform clients about the nature of available services, potential benefits and risks, alternative ways of receiving assistance, fees, involvement of third parties, and limits of confidentiality. Examples of potential benefits are immediate access to services, convenient scheduling, privacy, and reduced or eliminated transportation barriers. Examples of potential risks are the lack of visual and auditory cues, delayed responses, the need for crisis services, confidentiality breaches, and technological failures.

Social workers shall provide this information using language that is easily understood and is culturally appropriate. Clients shall be given sufficient opportunity to ask questions and receive answers about social work services that are provided using digital and other electronic technology. Social workers shall revisit relevant informed consent issues as needed during the course of the professional-client relationship. Social workers' efforts to provide this information to clients shall be documented in the client record.

2.03. Social workers shall take reasonable steps to verify the identity and location of clients (e.g., requesting scanned copies of government-issued identification). When verification of a client's identity is not required or feasible (e.g., when social workers provide crisis services remotely), social workers shall inform clients of the limitations of the services they are able to provide.

2.04. Social workers shall develop policies, which they share with clients, concerning whether they use Internet-based search engines to gather information about clients, whether this is done routinely as part of care, and whether there are particular circumstances (e.g., emergencies, safety risk assessments) when social workers may use electronic search engines to obtain information about clients.

2.05. Social workers who use digital or other electronic technology to search for information about clients shall document these efforts in the client's record.

2.06. Social workers who use digital or other electronic technology to deliver services to clients, whether as a supplement or alternative to face-to-face service delivery, shall conduct an initial screening at the point of the potential client's first contact. Social workers shall assess potential clients' suitability and capacity for online and remote services, including their intellectual, emotional, and physical ability to use digital and other electronic technology to receive services, and their ability to understand the potential risks and limitations of such services.

Social workers shall use their professional judgment to determine whether an initial face-to-face, videoconference, or telephone consultation is warranted at the beginning of any distance or remote relationship. Social workers shall periodically reassess clients' suitability for distance and remote services during the course of the professional relationship. Social workers' assessment shall consider clients':

- *age*. Social workers shall consider the legal age of consent in the potential client's place of residence.
- *clinical and diagnostic issues*. Social workers shall assess clinical and diagnostic concerns that may preclude clients from being appropriate for services using digital or other electronic technology.
- *technological skills*. Social workers shall assess a potential client's experience with and ability to use the digital and other electronic technology that the social worker uses to deliver services.
- *disabilities*. Social workers shall ensure that potential clients with disabilities are able to benefit from the social worker's use of digital and other electronic technology to deliver services.
- *language skills and literacy*. Social workers shall assess a potential client's language abilities, including language barriers and reading and comprehension ability.
- *cultural issues*. Social workers shall assess the extent to which their use of digital and other electronic technology to deliver services is inclusive and consistent with a potential client's cultural values and norms.
- *safety issues*. Social workers shall assess the extent to which clients have access to family, friends, and social supports; community resources; and emergency services.

2.07. Social workers who use digital or other electronic technology to deliver services to clients shall provide clear and accessible information about their services on

websites for the general public, potential clients, existing clients, and professionals. This information shall include:

- *professional profile and contact information.* Social workers shall display their contact information, including email address, postal address used for formal correspondence, and telephone number. Social workers shall provide accurate information about their educational degrees. Their professional licenses and/or certifications shall be conspicuously displayed.
- *terms of use, privacy policy, and informed consent.* Social workers shall provide clients with either a webpage or a downloadable document that includes the terms of use, privacy policy, and informed consent information. When relevant, social workers shall provide information about how credit card information and client records are stored, retained, shared, and used.
- *crisis intervention.* Social workers shall provide clear and explicit guidelines to assist clients who require crisis services at times when the social worker is unavailable.
- *risks of interruption in services.* Social workers shall develop a protocol to manage interruption of services due to technological failure. Social workers shall inform clients about how to proceed if there are technological difficulties during a session or other efforts to communicate (e.g., by video, live online chat, or email).

## **Section III. Privacy and Confidentiality**

3.01. Social workers who use digital or other electronic technology to deliver services to clients shall inform clients about risks associated with disclosure of confidential information on the Internet, social media sites, text-messaging sites, and videoconferencing sites, and the potential consequences.

3.02. Social workers shall not share confidential information about clients using digital or other electronic technology without proper safeguards, including encryption.

3.03. Social workers shall adhere to statutes and regulations regarding the secure use of digital and other electronic technology both within their jurisdictions and within the jurisdiction where the client is located. Social workers shall protect clients' privacy through the use of secure firewalls, encryption software, and password protection.

3.04. Social workers shall not search for information about clients using electronic search engines without clients' consent, with the exception of emergency circumstances when electronic search may provide social workers with information to help them protect clients or other parties who may be at risk.

3.05. Social workers who use digital and other electronic technology to provide services shall develop confidentiality agreements for clients, including a summary of confidentiality exceptions. Social workers shall document clients' acknowledgment of the confidentiality agreement in the clinical record.

3.06. Social workers who use digital and other electronic technology to provide services to families, couples, and groups shall inform clients that the social worker cannot guarantee that all participants will honor such agreements.

3.07. Social workers shall inform clients that clients are not permitted to disclose or post digital or other electronic communications from social workers or other recipients of services without proper consent.

3.08. Social workers shall protect the confidentiality of all information obtained by, or stored using, digital and other electronic technology except when disclosure is

necessary to prevent serious, foreseeable, and imminent harm to a client or other identifiable person, or to comply with statutes, regulations, and court orders.

3.09. Social workers shall inform clients that third-party services that feature direct electronic messaging may provide limited security and protection of confidential information. Social workers shall inform clients as soon as possible about secure ways to contact them.

3.10. Social workers shall take steps to ensure that confidential digital communications are protected. Social workers shall ensure adequate encryption of email communications, online posts, online chat sessions, mobile communication, and SMS (text) communications. Social workers shall establish a protocol for notifying clients as soon as possible of any breach of confidential information.

## ***Section IV. Boundaries, Dual Relationships, and Conflicts of Interest***

4.01. Social workers shall avoid developing inappropriate dual or multiple relationships with clients they serve using digital and other electronic technology.

4.02. Social workers shall avoid perceived or actual conflicts of interest when serving clients using digital and other electronic technology. Social workers shall address conflicts in a way that makes clients' interests primary and protects clients' interests to the greatest extent possible.

4.03. Social workers shall communicate with clients using digital and other electronic technology (such as social networking sites, online chat, email, SMS messages, and video) only for professional or treatment-related purposes and only with client consent.

4.04. To maintain proper boundaries, social workers shall discuss with clients the social workers' policies concerning digital and other electronic communication between scheduled appointments, during emergencies and social workers' vacations, and after normal working hours.

4.05. Social workers employed in agency settings shall advocate for policies that address boundaries and conflicts of interest involving employees' use of digital and other electronic technology.

4.06. Social workers shall periodically use online search engines to determine whether there is information on the Internet about themselves that is inaccurate, misleading, or might introduce boundary or conflict-of-interest issues that may harm clients. Social workers shall take reasonable steps to correct or remove inaccurate, misleading, or potentially harmful information.

4.07. Social workers shall take reasonable steps to prevent clients' access to social workers' personal social networking sites to avoid boundary confusion and inappropriate dual relationships. Social workers shall maintain separate professional and personal social media and websites in order to establish clear boundaries and to avoid inappropriate dual relationships.

4.08. Social workers who create professional websites and blogs (web logs) shall

avoid posting content, including personal information, that might create boundary confusion and inappropriate dual relationships when viewed by clients.

4.09. Social workers who create professional websites or blogs (web logs) shall not post any identifying or confidential information about clients.

4.10. Social workers who maintain social networking sites shall be aware that cultural factors may influence the likelihood of discovering shared friend networks on such sites. Social workers shall be aware that shared membership in cultural groups based on ethnicity, language, sexual orientation, disability, religion, addiction recovery, and other personal interests may create boundary confusion and inappropriate dual relationships. Social workers shall avoid conflicts of interest and inappropriate dual relationships based on their personal interests and online presence.

4.11. Social workers shall not solicit digital or online testimonials from clients or former clients who, because of their particular circumstances, are vulnerable to undue influence.

4.12. Social workers shall not accept “friend” or contact or blog response requests from clients on social networking sites. Social workers shall discuss with clients the importance of maintaining clear professional boundaries and the social worker’s own expectations about forming relationships online. Social workers shall inform clients that online personal relationships are not permitted in order to preserve the integrity of the professional relationship and protect confidentiality. If the client has not been formally informed of these boundaries prior to the social worker receiving the online or digital request, the social worker shall decline the request and explain why as soon as possible.

4.13. When avoidable, social workers who have had a prior personal relationship with an individual shall not provide social work services to that individual using digital or other electronic technology.

4.14. Social workers who provide supervision or consultation remotely to individuals shall be knowledgeable about the unique issues telecommunication technologies pose for supervision or consultation and are responsible for setting clear and appropriate boundaries.

4.15 Social workers who provide distance supervision for licensure shall adhere to the requirements of the jurisdiction where the supervised practitioner is located.

## **Section V. Records and Documentation**

5.01. Social workers shall develop policies regarding sharing, retention, and storage of digital and other electronic communications and records. Social workers shall share these policies with clients.

5.02. Social workers shall document all contacts with and services provided to clients when using digital and other electronic technology.

5.03. Social workers shall inform clients that digital and electronic communications will be included in clients' records (including email messages, text messages, instant messages, and histories of chat-based discussions).

5.04. Social workers shall inform clients about the mechanisms they use to secure and back up records (such as hard drive, external drive, third-party server), the length of time records will be stored before being destroyed, and policies regarding sharing of information with third parties.

5.05. Clients have a right to information about the content of their record in accord with prevailing ethical and legal standards.

## **Section VI. Collegial Relationships**

6.01. Social workers who use digital and other electronic technology to communicate with and about colleagues shall do so respectfully.

6.02. Social workers shall not use digital or other electronic technology to bully or harass colleagues.

6.03. Social workers shall not use digital or other electronic technology to make derogatory or defamatory comments about colleagues.

6.04. Social workers who use digital or other electronic technology shall not disclose private, confidential, or sensitive information about the work or private life of any colleague without consent, including messages, photographs, videos, or any other material that could invade or compromise a colleague's privacy.

6.05. Social workers shall take reasonable steps to recall or remove any information they have posted or transmitted about a colleague using digital or other electronic technology if the colleague believes it is injurious to the colleague's well-being, safety, or reputation.

6.06. Social workers shall not use digital or other electronic technology to present the work of others as their own.

6.07. Social workers who use digital and other electronic technology to post or communicate information shall honestly acknowledge the work of and the contributions made by others.

6.08. Social workers who believe that a colleague who uses digital and other electronic technology to deliver services and communicate about clients is behaving unethically, is not using safeguards such as firewalls or encryption, or is allowing unauthorized access to digitally or electronically stored information, shall seek resolution by discussing their concerns with the colleague when feasible and when

such discussion is likely to be productive. If there is no resolution, social workers shall take action through appropriate formal channels established by employers, agencies, licensing boards and regulatory bodies, and other professional organizations.

6.09. Social workers shall take reasonable steps to discourage, prevent, expose, and correct any efforts by colleagues to knowingly produce, possess, download, or transmit illicit or inappropriate materials or images in digital or electronic format.

## ***Section VII. Electronic Practice Across Jurisdictional Boundaries***

7.01 Social workers shall be familiar with and comply with all relevant laws and regulations when using digital and other electronic technology to provide social work services to clients across jurisdictional and international borders.

7.02 Social workers shall be familiar with and comply with the laws and regulations that govern social work service delivery using digital and other electronic technology within the jurisdictions in which they are situated and the jurisdictions where their clients are located.

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S.B. 90

1 MENTAL HEALTH PROFESSIONAL PRACTICE

2 ACT AMENDMENTS

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Lyle W. Hillyard

6 House Sponsor: Ronda Rudd Menlove

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8 LONG TITLE

9 General Description:

10 This bill amends provisions of the Mental Health Professional Practice Act.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ modifies requirements for licensure by endorsement;
- 15 ▶ provides that a license by endorsement that was valid immediately before the
- 16 passage of this bill continues to be valid;
- 17 ▶ amends the scope of practice provisions for a social service worker;
- 18 ▶ defines the term "program accredited by the Council on Social Work Education" to
- 19 include a program that was accredited, and a program that was in candidacy for
- 20 accreditation, on the day on which the applicant for licensure satisfactorily
- 21 completed the program;
- 22 ▶ modifies the membership of the Social Worker Licensing Board;
- 23 ▶ modifies the qualifications for a social service worker license;
- 24 ▶ provides that a social service worker license that was valid immediately before the
- 25 passage of this bill continues to be valid;
- 26 ▶ establishes a continuing education requirement for a social service worker;
- 27 ▶ modifies qualifications for admission to examination under the Social Worker
- 28 Licensing Act;
- 29 ▶ changes the classification of "certified marriage and family therapist intern" to



- 30 "associate marriage and family therapist";
- 31       ▶ changes the classification of "certified professional counselor intern" to "associate
- 32 professional counselor";
- 33       ▶ modifies license qualification requirements and supervision requirements under the
- 34 Substance Abuse Practice Act; and
- 35       ▶ makes technical changes.

36 **Monies Appropriated in this Bill:**

37       None

38 **Other Special Clauses:**

39       None

40 **Utah Code Sections Affected:**

41 **AMENDS:**

- 42       **58-60-109**, as last amended by Laws of Utah 2001, Chapter 281
- 43       **58-60-115**, as last amended by Laws of Utah 2009, Chapter 183
- 44       **58-60-202**, as enacted by Laws of Utah 1994, Chapter 32
- 45       **58-60-203**, as enacted by Laws of Utah 1994, Chapter 32
- 46       **58-60-205**, as last amended by Laws of Utah 2009, Chapter 183
- 47       **58-60-206**, as enacted by Laws of Utah 1994, Chapter 32
- 48       **58-60-304**, as last amended by Laws of Utah 2001, Chapter 281
- 49       **58-60-305**, as last amended by Laws of Utah 2009, Chapter 183
- 50       **58-60-308**, as last amended by Laws of Utah 2009, Chapter 183
- 51       **58-60-404**, as last amended by Laws of Utah 2001, Chapter 281
- 52       **58-60-405**, as last amended by Laws of Utah 2009, Chapter 183
- 53       **58-60-407**, as last amended by Laws of Utah 2009, Chapter 183
- 54       **58-60-506**, as last amended by Laws of Utah 2009, Chapter 183
- 55       **58-60-508**, as last amended by Laws of Utah 2007, Chapter 283

56 **ENACTS:**

- 57       **58-60-115.2**, Utah Code Annotated 1953

58           **58-60-205.5**, Utah Code Annotated 1953

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60   *Be it enacted by the Legislature of the state of Utah:*

61           Section 1. Section **58-60-109** is amended to read:

62           **58-60-109. Unlawful conduct.**

63           As used in this chapter, "unlawful conduct" includes:

64           (1) practice of the following unless licensed in the appropriate classification or  
65   exempted from licensure under this title:

66           (a) mental health therapy;

67           (b) clinical social work;

68           (c) certified social work;

69           (d) marriage and family therapy;

70           (e) professional counseling;

71           (f) practice as a social service worker; or

72           (g) licensed substance abuse counselor;

73           (2) practice of mental health therapy by a licensed psychologist who has not  
74   acceptably documented to the division his completion of the supervised training in mental  
75   health therapy required under Subsection 58-61-304(1)(f); or

76           (3) representing oneself as or using the title of any of the following unless currently  
77   licensed in a license classification under this title:

78           (a) psychiatrist;

79           (b) psychotherapist;

80           (c) registered psychiatric mental health nurse specialist;

81           (d) mental health therapist;

82           (e) clinical social worker;

83           (f) certified social worker;

84           (g) marriage and family therapist;

85           (h) professional counselor;

- 86 (i) clinical hypnotist;
- 87 (j) social service worker;
- 88 (k) licensed substance abuse counselor;
- 89 (l) ~~[certified]~~ associate professional counselor ~~[intern]~~; or
- 90 (m) ~~[certified]~~ associate marriage and family therapist ~~[intern]~~.

91 Section 2. Section ~~58-60-115~~ is amended to read:

92 **58-60-115. License by endorsement.**

93 The division shall issue a license by endorsement under this chapter to a person who:

- 94 (1) submits an application on a form provided by the division;
- 95 (2) pays a fee determined by the department under Section 63J-1-504;
- 96 (3) provides documentation of current licensure in good standing in any state, district,
- 97 or territory of the United States to practice in the profession ~~[in]~~ for which licensure is being
- 98 sought;

99 ~~[(4) provides documentation of having been actively engaged in the legal practice of~~  
100 ~~the person's profession, including, but not limited to, mental health therapy, for not less than~~  
101 ~~4,000 hours during the three years immediately preceding the date of application for licensure~~  
102 ~~in Utah;]~~

103 (4) except as provided in Subsection (5), provides documentation that the person has  
104 engaged in the lawful practice of the profession for which licensure is sought for not less than  
105 4,000 hours, of which 1,000 hours are in mental health therapy;

106 (5) if the person is applying for a license to practice as a licensed substance abuse  
107 counselor, provides documentation that the person has:

108 (a) engaged in the lawful practice of the profession for not less than 4,000 hours; and

109 (b) has passed an examination approved by the division, by rule, to establish  
110 proficiency in the profession;

111 ~~[(5)]~~ (6) has passed the profession specific jurisprudence examination if required of a  
112 new applicant; and

113 ~~[(6)]~~ (7) is of good moral character and professional standing, and has no disciplinary

114 action pending or in effect against the applicant's license in any jurisdiction.

115 Section 3. Section 58-60-115.2 is enacted to read:

116 **58-60-115.2. Pre-existing license by endorsement.**

117 A person who, on May 11, 2010, has a valid license by endorsement under Section  
118 58-60-115 that was granted before May 11, 2010, is considered to have met the requirements  
119 of Subsection 58-60-115(4) if the person provides documentation that the person has engaged  
120 in:

121 (1) the lawful practice of the person's profession, including mental health therapy, for  
122 not less than 4,000 hours during the three years immediately preceding the date of application  
123 for licensure in Utah; or

124 (2) the lawful practice of the profession for which licensure is sought for not less than  
125 4,000 hours, of which 1,000 hours are in mental health therapy.

126 Section 4. Section 58-60-202 is amended to read:

127 **58-60-202. Definitions.**

128 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part:

129 (1) "Board" means the Social Worker Licensing Board created in Section 58-60-203.

130 (2) (a) "Practice as a social service worker" means performance of general entry level  
131 services under general supervision of a mental health therapist through the application of  
132 social work theory, methods, and ethics in order to enhance the social or psychosocial  
133 functioning of an individual, a couple, a family, a group, or a community, including:

134 (i) conducting:

135 (A) a non-clinical psychosocial assessment; or

136 (B) a home study;

137 (ii) collaborative planning and goal setting;

138 (iii) ongoing case management;

139 (iv) progress monitoring;

140 (v) supportive counseling;

141 (vi) information gathering;

142 (vii) making referrals; and

143 (viii) engaging in advocacy.

144 (b) "Practice as a social service worker" does not include:

145 (i) diagnosing or treating mental illness; or

146 (ii) providing psychotherapeutic services to an individual, couple, family, group, or  
147 community.

148 [~~2~~] (3) "Practice of clinical social work" includes:

149 (a) the practice of mental health therapy by observation, description, evaluation,  
150 interpretation, intervention, and treatment to effect modification of behavior by the application  
151 of generally recognized professional social work principles, methods, and procedures for the  
152 purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the  
153 symptoms of any of these, or maladaptive behavior;

154 (b) the application of generally recognized psychotherapeutic and social work  
155 principles and practices requiring the education, training, and clinical experience of a clinical  
156 social worker; and

157 (c) supervision of the practice of a certified social worker or social service worker as  
158 the supervision is required under this chapter and as further defined by division rule.

159 [~~3~~] (4) "Practice of certified social work" includes:

160 (a) the supervised practice of mental health therapy by a clinical social worker by  
161 observation, description, evaluation, interpretation, intervention, and treatment to effect  
162 modification of behavior by the application of generally recognized professional social work  
163 principles, methods, and procedures for the purpose of preventing, treating, or eliminating  
164 mental or emotional illness or dysfunctions, the symptoms of any of these, or maladaptive  
165 behavior;

166 (b) the supervised or independent and unsupervised application of generally  
167 recognized professional social work principles and practices requiring the education, training,  
168 and experience of a certified social worker; and

169 (c) supervision of the practice of a social service worker as the supervision is required

170 under this chapter and as further defined by division rule.

171 ~~[(4) "Practice as a social service worker":]~~

172 ~~[(a) includes performance under supervision of a mental health therapist of~~  
173 ~~professional services consistent with the education and training of a social service worker and~~  
174 ~~the standards and ethics of the profession, including patient management activities;]~~

175 ~~[(b) includes the supervised or unsupervised application of professional social work~~  
176 ~~principles and practices and the practice of case management, which practices require only the~~  
177 ~~education, training, and experience of a social service worker and are conducted in accordance~~  
178 ~~with generally accepted standards and ethics of the profession; and]~~

179 ~~[(c) does not include engaging in the practice of mental health therapy with an~~  
180 ~~individual, family, group, or any other persons.]~~

181 (5) "Program accredited by the Council on Social Work Education" means a program  
182 that:

183 (a) was accredited by the Council on Social Work Education on the day on which the  
184 applicant for licensure satisfactorily completed the program; or

185 (b) was in candidacy for accreditation by the Council on Social Work Education on  
186 the day on which the applicant for licensure satisfactorily completed the program.

187 ~~[(5)]~~ (6) "Supervision of a social service worker" means supervision conducted by an  
188 individual licensed as a mental health therapist under this title in accordance with division  
189 rules made in collaboration with the board.

190 Section 5. Section **58-60-203** is amended to read:

191 **58-60-203. Board.**

192 (1) There is created the Social Worker Licensing Board consisting of ~~[two]~~ one  
193 certified social ~~[workers, two]~~ worker, three clinical social workers, two social service  
194 workers, and one member from the general public.

195 (2) The board shall be appointed, serve terms, and be compensated in accordance with  
196 Section 58-1-201.

197 (3) The duties and responsibilities of the board are under Sections 58-1-202 and

198 58-1-203. In addition, the board shall:

199 (a) designate one of its members on a permanent or rotating basis to assist the division  
200 in review of complaints concerning unlawful or unprofessional practice by a licensee in any  
201 profession regulated by the board and to advise the division regarding the conduct of  
202 investigations of the complaints; and

203 (b) disqualify any member from acting as presiding officer in any administrative  
204 procedure in which that member has previously reviewed the complaint or advised the  
205 division.

206 Section 6. Section **58-60-205** is amended to read:

207 **58-60-205. Qualifications for licensure or certification as a clinical social**  
208 **worker, certified social worker, and social service worker.**

209 (1) An applicant for licensure as a clinical social worker shall:

210 (a) submit an application on a form provided by the division;

211 (b) pay a fee determined by the department under Section 63J-1-504;

212 (c) be of good moral character;

213 (d) produce certified transcripts from an accredited institution of higher education  
214 recognized by the division in collaboration with the board verifying satisfactory completion of  
215 an education and earned degree as follows:

216 (i) an earned master's degree in social work resulting from completion of an education  
217 program accredited by the Council on Social Work Education; or

218 (ii) an earned doctoral degree in social work that results from successful completion of  
219 a clinical concentration and practicum approved by the division and defined by rule under  
220 Section 58-1-203;

221 (e) have completed a minimum of 4,000 hours of clinical social work training as  
222 defined by division rule under Section 58-1-203 in not less than two years and under the  
223 supervision of a clinical social worker supervisor approved by the division in collaboration  
224 with the board;

225 (f) document successful completion of not less than 1,000 hours of supervised training

226 in mental health therapy obtained after completion of the education requirement in Subsection  
227 (1)(d), which training may be included as part of the 4,000 hours of training in Subsection  
228 (1)(e), and of which documented evidence demonstrates not less than 100 of the hours were  
229 obtained under the direct personal face to face supervision of a clinical social worker approved  
230 by the division in collaboration with the board;

231 (g) have completed a case work, group work, or family treatment course sequence with  
232 a clinical practicum in content as defined by rule under Section 58-1-203; and

233 (h) pass the examination requirement established by rule under Section 58-1-203.

234 (2) An applicant for licensure as a certified social worker shall:

235 (a) submit an application on a form provided by the division;

236 (b) pay a fee determined by the department under Section 63J-1-504;

237 (c) be of good moral character;

238 (d) produce certified transcripts from an accredited institution of higher education  
239 recognized by the division in collaboration with the Social Worker Licensing Board verifying  
240 satisfactory completion of an education and an earned degree as follows:

241 (i) a social work education program accredited by the Council on Social Work  
242 Education and an earned master's degree resulting from completion of that program; or

243 (ii) an education program that contains approved clinical social work concentration  
244 and practicum in content as defined by rule under Section 58-1-203 and an earned doctorate  
245 resulting from completion of that program; and

246 (e) pass the examination requirement established by rule under Section 58-1-203.

247 (3) (a) An applicant for certification as a certified social worker intern shall meet the  
248 requirements of Subsections (2)(a), (b), (c), and (d).

249 (b) Certification under Subsection (3)(a) is limited to the time necessary to pass the  
250 examination required under Subsection (2)(e) or six months, whichever occurs first.

251 (c) A certified social worker intern may provide mental health therapy under the  
252 general supervision of a clinical social worker.

253 (4) An applicant for licensure as a social service worker shall:

- 254 (a) submit an application on a form provided by the division;
- 255 (b) pay a fee determined by the department under Section 63J-1-504;
- 256 (c) be of good moral character;
- 257 (d) produce certified transcripts from an accredited institution of higher education
- 258 recognized by the division in collaboration with the Social Worker Licensing Board verifying
- 259 satisfactory completion of an earned degree resulting from education as follows:
- 260 (i) a bachelor's degree in a social work program accredited by the Council on Social
- 261 Work Education;
- 262 (ii) a master's degree in a field approved by the division in collaboration with the
- 263 social worker board;
- 264 ~~[(iii) a bachelor's degree in sociology, psychology, family sciences, or other field~~
- 265 ~~approved by the division in collaboration with the Social Worker Licensing Board and also~~
- 266 ~~documentation of 2,000 hours of supervised social work activity approved by the division in~~
- 267 ~~collaboration with the board, which is performed after completing bachelor's degree~~
- 268 ~~requirements under this Subsection (4);]~~
- 269 ~~[(iv) a bachelor's degree in any field, if the applicant has completed:]~~
- 270 ~~[(A) the equivalent of three credit hours of course work or other approved training in~~
- 271 ~~full-life human growth behavior, abnormal psychology, social work values and ethics, social~~
- 272 ~~welfare, or social welfare policy;]~~
- 273 (iii) a bachelor's degree in any field if the applicant:
- 274 (A) except as provided in Subsection 58-60-205.2(2), has completed at least three
- 275 semester hours, or the equivalent, in each of the following areas:
- 276 (I) social welfare policy;
- 277 (II) human growth and development; and
- 278 (III) social work practice methods, as defined by rule; and
- 279 ~~[(B) an approved social work practice methods course; and]~~
- 280 ~~[(C) one year of] (B) provides documentation that the applicant has completed at least~~
- 281 2,000 hours of qualifying experience under the supervision of a [licensed-certified or clinical

282 ~~social worker]~~ mental health therapist, which experience is approved by the division in  
283 collaboration with the Social Worker Licensing Board, and which is performed after  
284 completion of the requirements to obtain the bachelor's degree required under this Subsection  
285 (4); or

286 [~~(v)~~] (iv) successful completion of the first academic year of a Council on Social Work  
287 Education approved master's of social work curriculum and practicum; and

288 (e) pass the examination requirement established by rule under Section 58-1-203.

289 Section 7. Section **58-60-205.5** is enacted to read:

290 **58-60-205.5. Continuing education.**

291 As a condition for renewal of a license under this part, a social service worker licensee  
292 shall, during each two-year licensure cycle, complete qualified continuing professional  
293 education, as defined by rule made in accordance with Title 63G, Chapter 3, Utah  
294 Administrative Rulemaking Act.

295 Section 8. Section **58-60-206** is amended to read:

296 **58-60-206. Qualifications for admission to examination.**

297 All applicants for admission to any examination qualifying an individual for licensure  
298 under this part shall, before taking the examination:

299 (1) submit an application for examination and licensure on a form provided by the  
300 division;

301 (2) pay the fee established for the examination; and

302 (3) certify under penalty of perjury as evidenced by notarized signature on the  
303 application for [~~admission to the~~] examination and licensure that the applicant;

304 (a) has completed the education requirement and been awarded the earned degree  
305 required for licensure[-]; or

306 (b) has only one semester, or the equivalent, remaining before the applicant completes  
307 the education requirement for earning the degree that is required for licensure.

308 Section 9. Section **58-60-304** is amended to read:

309 **58-60-304. License classifications.**

310           The division shall issue licenses to individuals qualified under this part in the  
311 classification of:

- 312           (1) marriage and family therapist; or
- 313           (2) [~~certified~~] associate marriage and family therapist [~~intern~~].

314           Section 10. Section **58-60-305** is amended to read:

315           **58-60-305. Qualifications for licensure.**

316           (1) All applicants for licensure as marriage and family therapists shall:

- 317           (a) submit an application on a form provided by the division;
- 318           (b) pay a fee determined by the department under Section 63J-1-504;
- 319           (c) be of good moral character;
- 320           (d) produce certified transcripts evidencing completion of a masters or doctorate

321 degree in marriage and family therapy from:

322           (i) a program accredited by the Commission on Accreditation for Marriage and Family  
323 Therapy Education; or

324           (ii) an accredited institution meeting criteria for approval established by rule under  
325 Section 58-1-203;

326           (e) have completed a minimum of 4,000 hours of marriage and family therapy training  
327 as defined by division rule under Section 58-1-203, in not less than two years, under the  
328 supervision of a marriage and family therapist supervisor who meets the requirements of  
329 Section 58-60-307, and obtained after completion of the education requirement in Subsection  
330 (1)(d);

331           (f) document successful completion of not less than 1,000 hours of supervised training  
332 in mental health therapy obtained after completion of the education requirement described in  
333 Subsection (1)(d)(i) or (1)(d)(ii), which training may be included as part of the 4,000 hours of  
334 training described in Subsection (1)(e), and of which documented evidence demonstrates not  
335 less than 100 of the supervised hours were obtained during direct, personal, face-to-face  
336 supervision by a marriage and family therapist supervisor qualified under Section 58-60-307;  
337 and

**R156-60a-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or this rule:

(4) **"Human growth and development"**, as used in Subsection 58-60-205(4)(d)(iii)(A)(II), means a course at an accredited college or university that includes an emphasis on human growth and development across the lifespan, from conception to death.

(6) **"Social welfare policy"**, as used in Subsection 58-60-205(4)(d)(iii)(A)(I), means a course 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.

(7) **"Social work practice methods"**, as used in Subsection 58-60-205(4)(d)(iii)(A)(III), means a course 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.

**R156-60a-302b. Experience Requirements for Licensure as an SSW.**

In accordance with Subsection 58-60-205(4)(d)(iii)(B), the 2,000 hours of supervised qualifying experience for licensure as an SSW shall be:

- (1) performed as an 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 over a duration of not less than one year.

**R156-60. Mental Health Professional Practice Act Rule.**

**R156-60-102. Definitions.**

(3) "Direct supervision" of a supervisee in training, as used in Subsection 58-60-205(1)(f), 58-60-305(1)(f), and 58-60-405(1)(f), means:

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

(b) a supervisor meeting with the supervisee remotely via real-time electronic methods that allow for visual and audio interaction between the supervisor and supervisee under the following conditions:

(i) the supervisor and supervisee shall enter into a written supervisory agreement which, at a minimum, establishes the following:

(A) frequency, duration, reason for, and objectives of electronic meetings between the supervisor and supervisee;

(B) a plan to ensure accessibility of the supervisor to the supervisee despite the physical distance between their offices;

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

(D) a plan to inform a supervisee's client or patient and employer regarding the supervisee's use of remote supervision;

(E) a plan to comply with the supervisor's duties and responsibilities as established in rule; and

(F) a plan to physically visit the location where the supervisee practices on at least a quarterly basis during the period of supervision or at a lesser frequency as approved by the Division in collaboration with the Board;

(ii) the supervisee submits the supervisory agreement to the Division and obtains approval before counting direct supervision completed via live real-time methods toward the 100 hour direct supervision requirement; and

(iii) in evaluating a supervisory agreement, the Division shall consider whether it adequately protects the health, safety, and welfare of the public.