

**R156. Commerce, Professional Licensing.**

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

**R156-60a-101. Title - Authority - Organization and Relationship to Rule R156-1.**

- (1) This rule is known as the "Social Worker Licensing Act Rule."
- (2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 60, Part 2, Social Worker Licensing Act.
- (3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

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

The following definitions supplement the statutory definitions in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 60, Part 2, Social Worker Licensing Act:

- (1) "Approved diagnostic and statistical manual for mental disorders," means the following:
  - (a) Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition: DSM-5 published by the American Psychiatric Association;
  - (b) most current years International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM) for Physicians, Professional Edition published by the American Medical Association; or
  - (c) most current years International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM): The Complete Official Draft Code Set published by the American Medical Association.

(2) "APRN" as used in R156-60a-305(1)(a)(i) means an advanced practice registered nurse who meets the requirements of Title 58, Chapter 31b, Nurse Practice Act, Section 302(5)(g), to practice within the psychiatric mental health nursing specialty.

([1] 3) "ASWB" means the Association of Social Work Boards.

(4) "Client" or "patient" means an individual who, if competent, requests, or if not competent to request is lawfully provided professional services by a mental health therapist when the mental health therapist:

- (a) agrees verbally or in writing to provide professional services to that individual; or
- (b) without an overt agreement does in fact provide professional services to that individual.

(5) "Clinical mental health therapy", as used in sections R156-60a-302c(1)(a) and (b), means the practice area of social work which focuses on the assessment, diagnosis, treatment, and prevention of mental illness, emotional, and other behavioral disturbances using individual, group, and family therapy modalities.

([3] 6) "Clinical social work concentration and practicum," ~~"clinical concentration and practicum,"~~ "case[-]work," "group work," or "family treatment course sequence with a clinical practicum," ~~"clinical practicum," or "practicum,"~~ as used in Subsections 58-60-205(1)(c)(ii),

~~(1)(f)~~, and (2)(c)(ii), means a track of professional education that is specifically established to prepare an individual to practice or engage in mental health therapy.

(7) "Clinical social work experience", as used in section R156-60a-302c includes:

- (a) conducting an intake interview, mental status evaluation, biopsychosocial history, mental health history, or psychological assessment for treatment planning and caseload management;
- (b) techniques and interventions for the prevention and treatment of a broad range of mental health issues;
- (c) strategies for interfacing with the legal system regarding court-referred clients;
- (d) strategies for interfacing with integrated behavioral health care professionals; and
- (e) strategies to advocate for persons with mental health issues.

~~(2) 8~~ "CSW" means a licensed certified social worker.

~~[(3) "CSWI" or "clinical social worker intern" means an individual who has been issued a temporary externship license under Section 58-60-117.]~~

(9) "Direct supervision" of an individual in training, as used in Subsections 58-60-205(1)(e) means the supervisor meets with the supervisee:

- (a) when both are physically present in the same room at the same time; or
- (b) remotely via synchronous electronic methods that allow for visual and audio interaction between the supervisor and supervisee, in accordance with the requirements of their supervision contract.

(10) "Employee" means a W-2 employee as defined by the Internal Revenue Service.

(11) "General supervision" as used in Subsection 58-60-202(2)(a) means that the supervisor is available for consultation with the supervisee by personal face-to-face contact, or direct voice contact by telephone, radio, or other electronic means within a reasonable time consistent with the acts and practices in which the supervisee is engaged.

~~[(4) 12]~~ "Human growth and development," as used in Subsection 58-60-205(4)(c)(iii)(A)(II), means a course at ~~[an]~~ a Counsel of Social Work Education (CSWE) accredited college or university that includes an emphasis on human growth and development across the lifespan, from conception to death.

(13) "Independent of control" as used in section R156-60a-305b(4)(c) and (5)(e), means not being employed by the supervisee, or by an agency owned in total or in part by the supervisee, or in which the supervisee has any controlling interest.

(13) "Intermediate treatment" as used in section R156-60a-302c(2)(c), means clinical mental health therapy provided to individuals at an institution designed to provide accommodation,

board, and nursing care for a period exceeding twenty-four consecutive hours to three or more individuals, who primarily have a mental illness.

~~(15)~~ 14 "LCSW" means a licensed clinical social worker.

(15) "Long-term treatment" as used in section R156-60a-302c(2)(d), means clinical mental health therapy provided to individuals at a nursing home, residential care home, group home, or other facility or institution that provides extended health care to resident patients.

(16) "On-the-job training program" as used in Subsection 58-1-307(1)(c), means a program that:

- (a) applies to individuals who have completed courses required for graduation in a degree or formal training program that would qualify for licensure under this chapter;
- (b) starts immediately upon completion of courses required for graduation;
- (c) ends 45 days from the date it begins, or upon licensure, whichever is earlier, and may not be extended or used a second time;
- (d) is completed while the individual is an employee of a public or private mental health agency, in-patient or out-patient hospital, educational institution, or government agency, and is providing clinical mental health services; and
- (e) is supervised by a qualified individual licensed under this chapter, and includes supervision meetings on at least a weekly basis with the supervisee and supervisor physically present in the same room at the same time.

~~(17)~~ 17 "Social welfare policy," as used in Subsection 58-60-205(4)(c)(iii)(A)(I), means a course at ~~a~~ a Counsel of Social Work Education (CSWE) 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.

~~(18)~~ 18 "Social work practice methods," as used in Subsection 58-60-205(4)(c)(iii)(A)(III), means a course at a ~~program accredited by the~~ Council for Social Work Education (CSWE) accredited college or university ~~[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.

~~(19)~~ 19 "SSW" means a licensed social service worker.

(20) "Supervision contract" means, a written, signed contract between a supervisor and a supervised individual to facilitate the completion of the supervised clinical training

requirements for licensure and includes the provisions required by Subsection R156-60a-305b (3).

([10]21) "Supervised practice of mental health therapy by a clinical social worker" as used in Subsection 58-60-202(4)(a), means that the CSW is under the general supervision of [an LCSW] a license holder meeting the requirements of [Section R156-60a-302e] Subsection 58-60-205(1)(d)(ii).

(22) "Supervisor Verification form" means the form provided by the Division to document who is providing supervision to a supervised individual, which at a minimum includes:

- (a) the name and license number of the supervised individual;
- (b) the name and license number of the supervisor; and
- (c) the supervised individual's place of employment.

#### **R156-60a-302a. Qualifications for Licensure as an SSW - Education Requirements.**

Under Subsection 58-60-205(4)(c)(ii), a master's degree qualifying an applicant for licensure as an SSW shall be in [a] the field of social work, psychology, marriage and family therapy, or mental health counseling.

#### **R156-60a-302b. Qualifications for Licensure as an SSW - Supervised Qualifying Experience Requirements.**

Under Subsection 58-60-205(4)(c)(iii)(B), the 2,000 hours of supervised qualifying experience for licensure as an SSW shall be performed:

- (1) [performed] as a W-2 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] in not less than one year.

#### **R156-60a-302c. Qualifications for Licensure as an LCSW – [Supervised Training] Experience Requirements.**

(1) Under Subsections 58-60-205(1)(d) and (e) [and 58-60-202(4)], the minimum 3,000 hours of clinical social work experience required [training and minimum 1,000 hours of supervised training in mental health therapy qualifying an applicant for licensure as an LCSW] shall include:

- (a) 1,000 hours providing clinical mental health therapy directly to clients; and
- (b) 75 hours of clinical mental health therapy performed under direct supervision per Subsection R160-60a-102(9).

(2) Clinical social work experience shall include the following:

- (a) individual, family, and group therapy;
- (b) crisis intervention;
- (c) intermediate treatment; and

(d) long-term treatment.

(3) Supervised training shall be obtained:

- (a) ~~[be obtained]~~ after completion of the education in Subsections 58-60-205(1)(c) and ~~[(1)(f), and [may] shall~~ not include any clinical practicum hours ~~[obtained as part of the education program];~~
- (b) unless Subsection (~~[2] 4~~) applies, ~~[be completed]~~ while the applicant is licensed as a CSW;
- (c) ~~[be completed]~~ while the applicant is a W-2 employee providing clinical mental health services at one of the following facilities: [of a public or private agency, educational institution, or hospital engaged in clinical mental health therapy;]
  - (i) mental health agency;
  - (ii) in-patient or out-patient hospital;
  - (iii) educational institution;
  - (iv) non-profit organization; or
  - (v) government agency;
- (d) ~~[(i) be completed]~~ in accordance with the supervised training requirements of Section R156-60a-~~[302]305b~~; ~~[and]~~
  - ~~[(ii) as required by Subsection 58-60-205(1)(e), at least 100 hours of the mental health therapy training shall be under direct supervision as defined in Subsection R156-60a-102(4);]~~
- (e) ~~[be completed]~~ under ~~[the supervision of]~~ a supervisor who meets the requirements of Subsection 58-60-205(1)(~~[e] d~~)(ii) and Section R156-60a-~~[302e] 305a~~; and
- (f) in not less than 18 months. [include the following training requirements:
  - ~~(i) individual, family, and group therapy;~~
  - ~~(ii) crisis intervention;~~
  - ~~(iii) intermediate treatment; and~~
  - ~~(iv) long term treatment.]~~

(~~[2] 4~~) Notwithstanding section (3)(c), an individual [An applicant may apply for an LCSW license without complying with this Subsection (1)(c) if the applicant] may qualify for licensure when:

- (a) ~~[qualifies for a license exemption]~~ exempt under Subsection 58-1-307(1)(a); or
- (b) they completed training in another jurisdiction while:
  - (i) licensed as the equivalent of a CSW; or
  - (ii) engaged in the practice of certified social work while not required to be licensed.

(~~[3] 5~~) The exemption in Subsection 58-1-307(1)(b) does not permit an applicant to engage in the required hours of clinical social work training or clinical mental health therapy training without first becoming licensed as a CSW.

**R156-60a-302d. Qualifications for Licensure as an LCSW - Examination Requirements.**

(1) Under Subsection 58-60-205(1)(g), ~~[the examination requirements for licensure as an LCSW shall include passing the]~~ the following examinations will meet this requirement:

- (a) Association of Social Work Boards (ASWB) Clinical licensing Exam[ination]; or ~~[the]~~
- (b) Clinical Social Workers Examination of the State of California.

~~[(2) Under Subsection 58-60-205(2)(d), the examination requirements for licensure as a CSW shall include passing the ASWB Masters, Advanced Generalist, or Clinical Examination.~~

~~[(3) Under Subsection 58-60-205(4)(d), the examination requirements for licensure as an SSW shall include passing the ASWB Bachelors Examination.]~~

~~[(4) 2] An applicant requesting additional testing time ~~[to complete an ASWB exam]~~ under Subsection 58-60-205(5) shall complete an ASWB application for ~~[special arrangements approved by the Division]~~ non-standard testing arrangements.~~

**~~[R156-60a-302e. Qualifications to be a CSW Training Supervisor.~~**

~~Under Subsections 58-60-202(3)(c) and 58-60-205(1)(e) and (f), to supervise a CSW, the supervisor shall:~~

- ~~(1) be currently licensed in good standing;~~
- ~~(2) for at least two consecutive years before beginning supervised training, have been licensed in good standing and engaged in lawful active practice, including providing mental health therapy;~~
- ~~(3) supervise no more than six individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the Division in collaboration with the Board; and~~
- ~~(4) comply with all duties and responsibilities uniformly established in Section R156-60-302.]~~

**~~[R156-60a-302f. Qualifications for Licensure as a CSWI.~~**

~~Under Section 58-60-117, an applicant for licensure as a CSWI shall:~~

- ~~(1) hold an earned master's degree from a Masters in Social Work program, as documented by a signed affidavit from the applicant's program director; and~~
- ~~(2) be scheduled for the ASWB Masters Examination, as documented by the ASWB.]~~

**R156-60a-302f. Qualifications for Licensure as an LCSW - Suicide Prevention Course.**

(1) Under Subsection 58-60-205(1)(d)(iii), the two hours suicide prevention course required to obtain licensure shall be:

(a) approved, sponsored, or conducted by one of the following:

(i) CSWE-accredited college or university;

(ii) county, state, or federal agency;

(iii) professional association, or similar body, involved in clinical mental health therapy; or

(iv) mental health agency that provides clinical mental health services; and

(b) relevant to mental health therapy and suicide prevention, consistent with the laws of this state, and include one or more of the following components:

(i) suicide concepts and facts;

- (ii) suicide risk assessment, crisis intervention, and first aid;
    - (iii) evidence-based intervention for suicide risk;
    - (iv) continuity of care and follow-up services for suicide risk; and
    - (v) therapeutic alliances for intervention in suicide risk; and
  - (c) completed in not less than 50-minute blocks of time in one of the following formats:
    - (i) classroom lecture and discussion;
    - (ii) workshops;
    - (iii) synchronous webinars;
    - (iv) asynchronous online self-paced modules;
    - (v) case study reviews; or
    - (vi) simulations; and
  - (d) completed within two years of application.
- (2) The course provider shall provide certification of:
  - (a) course attendance;
  - (b) hours completed;
  - (c) name of provider; and
  - (d) date of completion.
- (3) An applicant for licensure shall submit certification of course completion, within the preceding two (2) years, to the Division as a prerequisite for licensure.

**R156-60a-303. ~~[Term, Expiration,] Renewal[.] and Reinstatement of License [~~Application Procedures]~~.~~**

- (1) Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle for licenses under Title 58, Chapter 60, Part 2, Social Worker Licensing Act, is established in Subsection R156-1-308a(1).
- (2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308a through R156-1-308l, except as provided in Subsection (3).
- (3) Under Subsection 58-1-308(5)(a)(ii)(B) and Section R156-1-308g, an applicant for reinstatement of licensure as an LCSW whose license has been expired ~~[between two years and]~~ over five years, shall upon the Division's request:
  - (a) ~~[upon request,]~~ meet with the Board to evaluate the applicant's ability to safely and competently practice clinical social work ~~[and mental health therapy]~~; and
  - (b) complete one or more of the following:~~[, if recommended by the Board to ensure the applicant can safely and competently practice clinical social work and mental health therapy;]~~
    - (i) establish a plan of supervision under an approved supervisor, which may include up to 3,000 hours of clinical social work and mental health therapy training as a CSW before qualifying for reinstatement of the LCSW license;
    - (ii) pass the Association of Social Work Boards (ASWB) Clinical Licensing Exam~~[ination]~~; or
    - (iii) complete up to 40 hours of continuing education in subjects determined by the Board.

**R156-60a-304. Continuing Education.**

~~[Under Sections 58-60-105 and 58-60-205.5, the continuing professional education requirements for a social worker licensed under Title 58, Chapter 60, Part 2, Social Worker Licensing Act, are established in Section R156-60-105.]~~

~~(1) Under Sections 58-60-105 and 58-60-205.5, the continuing education (CE) requirements for each two-year renewal cycle beginning on October 1 of each even-numbered year, for an individual licensed under Title 58, chapter 60, Part 2, shall:~~

~~(a) be completed by an individual as follows:~~

~~(i) 20 hours for SSW;~~

~~(ii) 20 hours for CSW; or~~

~~(iii) 40 hours for LCSW; and~~

~~(b) include:~~

~~(i) six hours in ethics of social work practice, law, or technology; and~~

~~(ii) two hours in suicide prevention, this course shall meet the requirements of Section R156-60a-302f.~~

~~(2) An individual who completes more than the required number of CE hours during a two-year renewal cycle may carry over excess hours to the next two-year renewal cycle, as follows:~~

~~(a) five hours for SSW;~~

~~(b) five hours for CSW; and~~

~~(c) ten hours for LCSW.~~

~~(3) CE shall be:~~

~~(a) approved, conducted, or under the sponsorship of one of the following:~~

~~(i) CSWE-accredited college or university;~~

~~(ii) county, state, or federal agency;~~

~~(iii) professional association, or similar body, involved in clinical mental health therapy; or~~

~~(iv) mental health agency that provides clinical mental health services;~~

~~(b) completed in not less than 50-minute blocks of time in one of the following formats:~~

~~(i) college or university lecture and discussion up to a maximum of:~~

~~(A) three CE hours per semester hour; or~~

~~(B) 1.5 CE per quarter hour;~~

~~(ii) conference;~~

~~(iii) lecture or instruct up to a maximum of two times per course, up to a maximum of:~~

~~(A) five hours for SSW;~~

~~(B) five hours for CSW; and~~

~~(C) ten hours for LCSW~~

~~(iii) seminar;~~

~~(iv) training session;~~

~~(v) synchronous distance learning course that is clearly documented as real-time and interactive;~~



(vi) asynchronous distance learning course that is not real-time and interactive, up to a maximum of:  
(A) eight hours for SSW;  
(B) eight hours for CSW; or  
(C) 15 CE hours for an LCSW;  
(vii) specialty certification; or  
(viii) direct supervision of a CSW, ACMHC, or AMFT completing the experience requirements for licensure, up to a maximum of ten hours for an LCSW; or  
(ix) volunteer service on a board, committee, or in a leadership role in any state, national, or international organization for the development and improvement of the licensee's profession; one CE hour may be counted as a regular credit, ethics, law, or technology credit, up to a maximum of six CE hours during each two-year period.

(c) prepared and presented by individuals who are qualified by education, training, and experience to provide CE.

(d) relevant to the licensee's scope of practice; and

(e) verified by a certificate of course completion which shall include:

(i) name of the attendee;

(ii) name of course provider;

(iii) name of instructor;

(iv) date of the course;

(v) title of the course;

(vi) number of CE hours;

(vii) course objectives; and

(viii) type of CE, e.g., seminar, real-time interactive, distance learning, teaching.

(4) An individual shall maintain adequate documentation as proof of compliance with this section for a period of two years after the end of the renewal cycle for which the CE is due.

(5) An individual may not carry forward any CE hours received prior to a granted license, including professional upgrades.

(6) CE hours shall be decreased proportionately according to the date of licensure within the two-year renewal cycle.

(7) The Division may defer or waive CE requirements in accordance with Section R156-1-308d.

### **R156-60a-305a. Supervisor Eligibility Requirements**

(1) Under Subsections 58-60-202(3)(c) and 58-60-205(1)(d) and (e), to be eligible to supervise a CSW, the supervisor shall be:

(a) an active license holder in good standing, in one of the following classifications;

(i) APRN specializing in psychiatric mental health nursing;

- (ii) clinical mental health counselor (CMHC);
- (iii) clinical social worker (LCSW);
- (iv) marriage and family therapist;
- (v) psychiatrist; or
- (vi) psychologist;
- (b) licensed for at least two years as outlined in this section (1)(a) before providing supervision;
- (c) engaged in the lawful practice of providing clinical mental health therapy;
- (d) supervise no more than six individuals who are obtaining experience hours for further licensure, unless granted an exception in writing from the Division in collaboration with the Board; and
- (e) certified as a supervisor through the National Association of Social Workers (NASW-UT) if supervising a CSW.

(2) A training supervisor shall comply with all duties and responsibilities established in Section R156-60a-305a.

(3) A supervisor of a CSW shall complete a four-hour recertification course through NASW-UT, during each two-year renewal cycle, to maintain supervisor eligibility.

### **R156-60a-305b. Supervised Experience Requirements - Supervision Contract - Duties and Responsibilities of Supervisor and Supervisee.**

Under Subsections 58-60-205(1)(e) and 58-60-205(4)(c)(iii)(B), the supervised experience qualifications for licensure required under Title 58, Chapter 60, Part 2, Social Worker Licensing Act are established and clarified as follows:

(1) Prior to accruing supervised experience, an individual shall:

- (a) enter into a written supervision contract with a supervisor, signed by both parties; and
- (b) verify that the supervisor has received acknowledgment from the Division of receipt of the Supervisor Verification document.

(2) Prior to providing supervision, a supervisor shall:

- (a) enter into a written supervision contract with a supervisee, signed by both parties;
- (b) ensure that during the period of supervised experience the supervisee is a W-2 employee providing clinical mental health services at one of the following facilities:
  - (i) mental health agency;
  - (ii) in-patient or out-patient hospital;
  - (iii) educational institution;
  - (iv) non-profit organization; or
  - (v) government agency;
- (c) submit to the Division:
  - (i) a complete Supervisor Verification form; and
  - (ii) certification that the supervision contract meets the requirements of Subsection (3).

(d) receive an acknowledgment from the Division verifying receipt of the Supervisor Verification form.

(3) A supervision contract shall include at least the following provisions:

(c) a plan to ensure the supervised individual has accessibility to the supervisor;

(d) a plan for meetings between the supervisor and supervisee, addressing:

(i) frequency;

(ii) duration;

(iii) objectives;

(iv) format, such as individual or small group; and

(v) location, such as face-to-face or remotely;

(e) a plan for documenting the ongoing supervision, including objective and measurable circumstances;

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

(g) remedies in the event of a breach of contract by either the supervisor or supervisee, including procedures for contract termination; and

(h) if any part of the supervision will be conducted remotely, plans for:

(i) how the supervisor and supervisee will meet via real-time electronic methods allowing visual or audio interaction, and protect the security of electronic, confidential data and information;

(ii) how the supervisor will comply with the supervisor's duties and responsibilities as established in rule;

(iii) how the supervisor will physically visit the location where the supervisee practices on at least a quarterly basis during the period of supervision, or at such lesser frequency as is approved in advance by the Division in collaboration with the Board; and

(iv) how notice will be provided to the supervisee's clients or patients and employer regarding the supervisee's use of remote supervision.

(4) A supervisor shall have the following duties and responsibilities:

(a) ensure that during the period of supervision:

(i) the supervisee is a W-2 employee providing clinical mental health services at one of the following facilities:

(A) mental health agency;

(B) in-patient or out-patient hospital;

(C) educational institution;

(D) non-profit organization; or

(E) government agency;

(ii) the supervisor and supervisee remain appropriately licensed; and

(iii) the supervisor supervises no more than six individuals who are lawfully engaged in gathering experience for the practice of clinical mental health therapy;

(b) comply with the terms of the supervision contract;

- (c) maintain a relationship with the supervisee in which the supervisor is independent of control by the supervised individual, and in which the ability of the supervisor to supervise and direct the practice of that individual is not compromised;
- (e) be available to the supervisee for advice, consultation, and direction consistent with the standards and ethics of the profession and the requirements suggested by the total circumstances, including consideration of the supervisee's level of training, diagnosis of patients, and other factors known to the supervisor;
- (f) periodically review the client records assigned to the supervisee;
- (g) comply with the confidentiality requirements of Section 58-60-114;
- (h) monitor the supervisee's performance for compliance with the laws, rules, standards, and ethics of the profession, and report violations to the Division; and
- (i) upon completion of the supervised training, submit to the Division on Division-provided forms:
  - (i) documentation of the training hours completed by the supervisee; and
  - (ii) an evaluation of the supervised individual with respect to the quality of the work performed and the individual's competency to practice in the profession.

(5) A supervisee shall have the following duties and responsibilities:

- (a) prior to beginning any supervised training:
  - (i) enter into a written supervision contract with the supervisor in accordance with Subsection (3); and
  - (ii) ensure the required Supervisor Verification form is received by the Division;
- (b) maintain required licensure;
- (c) maintain employment as a W-2 employee providing clinical mental health services at one of the following facilities:
  - (i) mental health agency;
  - (ii) in-patient or out-patient hospital;
  - (iii) educational institution;
  - (iv) non-profit organization; or
  - (v) government agency;
- (d) comply with the terms of the supervision contract;
- (e) maintain a relationship with the supervisor in which the supervisor is independent of the supervisee's control, and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;
- (f) be professionally responsible for the acts and practices of the supervisee that are a part of the required supervised training;
- (g) comply with the confidentiality requirements of Section 58-60-114; and
- (h) comply with applicable laws, rules, standards, and ethics of the profession.

(6) A supervisor shall notify the Division in writing of any of the following changes, within 30 days of the change:

- (a) termination of a supervision contract; or
- (b) a change in the supervisee's place of employment.

(7)(a) If a supervisor does not support the issuance of a license to a supervisee to practice unsupervised, or if the supervisor has other concerns regarding the supervisee that the

supervisor believes requires input from the Division and Board, the supervisor shall submit to the Division a written explanation outlining the supervisor's concerns.

(b) Upon receipt of written concerns from a supervisor with respect to a supervisee, the Division:

(i) shall provide the supervisee an opportunity to respond in writing to the Division regarding the supervisor's concerns;

(ii) shall review the written statements from the supervisor and supervisee with the Board; and

(iii) in consultation with the Board, the supervisee may be required to obtain additional supervised hours, education, and training.

### **R156-60a-502. Unprofessional Conduct.**

Under Subsection 58-60-110(2), "unprofessional conduct" includes:

- (1) using the abbreviated title of LCSW unless licensed as a Licensed Clinical Social Worker;
- (2) using the abbreviated title of CSW unless licensed as a Certified Social Worker;
- (3) using the abbreviated title of SSW unless licensed as a Social Service Worker;
- (4) acting as a supervisor or accepting supervision ~~[of] from~~ a supervisor without complying with or ensuring compliance with Sections ~~[R156-60-302,]~~ R156-60a-~~[302e,]~~305a and 305b ~~and R156-60a-302e~~;
- (5) engaging in the supervised practice of clinical mental health therapy as a licensed CSW unless:
  - (a) the licensee has completed a clinical practicum as part of the Council on Social Work Education (CSWE) accredited master's degree program; and
  - (b) the scope of practice is within the licensee's competency, abilities and education;
- (6) engaging in the supervised practice of clinical mental health therapy while not in compliance with ~~Section[s]~~ R156-60a-~~305b~~~~[302e and R156-60-302]~~;
- (7) engaging in or aiding or abetting conduct or practices that are dishonest, deceptive, or fraudulent;
- (8) engaging in or aiding or abetting deceptive or fraudulent billing practices;
- (9) failing to establish and maintain professional boundaries with a client or former client;
- (10) engaging in dual or multiple relationships with a client or former client in which there is a risk of or potential harm to the client;
- (11) engaging in sexual activities or sexual contact with a client with or without the client's consent;
- (12) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services, even if there is no risk of exploitation or potential harm to the client;
- (13) engaging in sexual activities or sexual contact with a client's relative or another individual with whom the client maintains a personal relationship, if there is a risk of exploitation or potential harm to the client;
- (14) embracing, massaging, cuddling, caressing, or performing any other act of physical contact with a client, if there is a risk of exploitation or potential harm to the client resulting from the contact;

- (15) engaging in or aiding or abetting sexual harassment or any conduct that is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;
  - (16) failing to exercise professional discretion and impartial judgment required for the performance of professional activities, duties, and functions;
  - (17) failing to provide impartial, objective, and informed services, recommendations, or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health, or other determination concerning an individual's civil or legal rights;
  - (18) exploiting a client or former client for personal gain;
  - (19) exploiting a person who has a personal relationship with a client for personal gain;
  - (20) failing to maintain client records including records of assessment, treatment, progress notes, and billing information for a period of not less than ten years from the documented termination of services to the client;
  - (21) failing to provide client records in a reasonable time upon written request of the client, or the client's legal guardian;
  - (22) failing to obtain informed consent from the client or the client's legal guardian before taping, recording, or permitting third-party observations of client activities or records;
  - (23) failing to protect the confidences of persons named or identified in the client records;
- [and]**
- (24) failing to abide by the Code of Ethics of the National Association of Social Workers (NASW) as approved by the 1996 NASW Delegate Assembly and revised by the 2020 and 2021 NASW Delegate Assembly, which is incorporated by reference[-];
  - (25) failing to abide by the NASW, ASWB, CSWE, and CSWA Standards for Technology in Social Work Practice as approved by the 2017 NASW Delegate Assembly;
  - (26) failing to follow the Model Standards of Practice for Child Custody Evaluation of the Association of Family and Conciliation Courts (AFCC) May 2006, which is hereby incorporated by reference;
  - (27) if providing services remotely, failing to:
    - (a) practice according to professional standards of care in the delivery of services;
    - (b) protect the security of electronic confidential data and information; or
    - (c) appropriately store and dispose of electronic confidential data and information;
  - (28) violating any provision of Section R156-60a-305a regarding supervisor experience; or
  - (29) violating any provision of Section R156-60a-305b as a supervisor or supervised individual.

**~~[R156-60a-601. Supervision—Scope of Practice—SSW.~~**

~~Under Subsections 58-60-202(2) and (6), supervision and scope of practice of an SSW is further defined as follows:~~

- ~~(1) general supervision of an SSW by a licensed mental health therapist is only required when mental health therapy services are provided; and~~
- ~~(2) the scope of practice of the SSW shall be in accordance with a written social work job description approved by the licensed mental health therapist supervisor, except that the SSW may not engage in the supervised or unsupervised practice of mental health therapy.]~~

**KEY: licensing, social workers**

**Date of Last Change: January 4, 2023**

**Notice of Continuation: June 13, 2019**

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