



An Ethical Understanding of TN Social Work Licensure Law

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- ▶ 1. Participants will receive a comprehensive overview of the current TN Rules and Regulations of the TN Board of Social Worker Licensure including specific review of ethical behavior expectations and revisions adopted in 2022.
- ▶ 2. Participants will gain insight into the specific requirements for obtaining advanced licensure as a clinical or advanced practice social worker.
- ▶ 3. Participants will gain understanding of the current TN rule definitions of clinical and advanced generalist social work practice.
- ▶ 4. Participants will receive an overview of the licensure application process.

Learning Objectives

- ▶ I. Rules review – Including recent revisions
- ▶ II. Documentation of clinical/advanced generalist hours of experience/contact hours
- ▶ III. Supervisor requirements and expectations
- ▶ IV. Discussion/Q&A related to the TN Rules & Regulations definitions of clinical and advanced generalist experience

Agenda

- ▶ All members of the Board are appointed by the Governor and serve five (5) year terms.
- ▶ The eleven (11) member Board consists of:
 - ▶ three (3) clinical social workers (LCSW)
 - ▶ three (3) advanced practice social workers (LAPSW)
 - ▶ two (2) licensed masters social workers (LMSW)
 - ▶ two (2) baccalaureate social workers (LBSW)
 - ▶ one (1) consumer who is not directly or indirectly engaged in the social work profession.
- ▶ The Board is supported and staffed by the administrative staff of the Division of Health Related Boards, Tennessee Dept. of Health

About The Board

▶ **Definitions (TN Rules & Regulations)**

- ▶ **Clinical Experience** - The application of social work theory, knowledge, methods, principles, values, ethics, and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups, or persons who are adversely affected by social or psychosocial stress or health impairment. The provision of clinical services requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis and/or treatment of mental, emotional and behavioral disorders, conditions and/or addictions, including severe mental illness in adults and serious emotional disturbances in children. Treatment methods include the provision of individual, marital, couple, family, and group therapy, mediation, counseling, supportive counseling, advanced case management, direct private practice and psychotherapy. Clinical experience may also involve the provision of brief psychosocial and behavioral interventions, comprehensive crisis assessment, and treatment planning. Clinical experience is designated as the actual time spent providing direct services to clients. The practice of clinical social work is restricted to a Licensed Clinical Social Worker, or to a Licensed Master Social Worker or Licensed Advanced Practice Social Worker under supervision of a Licensed Clinical Social Worker meeting the standards set forth in T.C.A. §§ 63-23-101, et seq..

Rules Review

▶ **Definitions (TN Rules & Regulations)**

- ▶ **Nonclinical Advanced Practice Experience** - The application of generalist practice skills under the supervision of an L.C.S.W. or an L.A.P.S.W. in the areas of education, research, advocacy, community organization, mediation, consultation, public policy, legislative advocacy, healthcare, discharge planning, assessment, treatment planning, case management, counseling, supportive counseling, information and referral, and the development, implementation, evaluation and administration of policies, programs and activities. Nonclinical advanced practice experience is designated as the actual time spent in direct services to clients, client systems and/or organizations. Nonclinical advanced practice experience is not defined as solely face-to-face contact with individuals, couples, families and/or groups.

Rules Review

▶ Definitions (TN Rules & Regulations)

- ▶ **Group supervision** - The process of supervision of no more than four persons in a group setting provided by an L.C.S.W. or L.A.P.S.W. supervisor wherein practice problems are dealt with that are similar in nature and complexity to all supervisees in the group.
- ▶ **Individual supervision** - A live, face-to-face meeting with one (1) supervisor and one supervisee including the use of teleconferencing technologies, visual multi-media technology, or video conferencing technology.
- ▶ **Clinical Private Practice** - Practice in which practitioners, either on a full or part-time basis, establish their own conditions of exchange with their clients, receive direct fees, and are solely responsible for the services they provide to clients, without supervision, regardless of the organization structure. Only an L.C.S.W. may engage in clinical private practice.

Rules Review

▶ Definitions (TN Rules & Regulations)

- ▶ **Independent Practice** - Practice in which an individual receives direct compensation or remuneration of any kind from any person or third party payer, including but not limited to insurance companies, health plans, and state and federal benefit programs for the provision of any services.
- ▶ **NECESSITY OF LICENSURE.**
 - ▶ Unless an individual holds a current unrevoked or unsuspended Licensed Clinical Social Worker (L.C.S.W.) license in Tennessee, he or she may not engage in the private practice of clinical social work, as defined in the scope of practice requirements.

Rules Review

▶ Definitions (TN Rules & Regulations)

- ▶ **Supervision** - The ongoing, direct clinical review, and/or non-clinical review, for the purpose of training or teaching, by an L.C.S.W. or L.A.P.S.W. supervisor who monitors the performance of a person's interaction with a client and provides regular documented face-to-face contact, guidance and instructions with respect to the clinical and/or non-clinical skills and competencies of the person supervised. Supervision may include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct supervision.

Rules Review

▶ Scope of Practice - LBSW

- ▶ Basic Generalist Practice
- ▶ Are not qualified to diagnose or treat mental illness nor provide psychotherapy services
- ▶ Shall not provide services to clients in exchange for direct payment or third-party reimbursement
- ▶ Shall work in or for an agency or organization
- ▶ May not practice privately or independently

Rules Review

- ▶ Scope of Practice – LMSW
 - ▶ Specialized knowledge and advanced application of skills
 - ▶ may include the practice of clinical social work under the clinical supervision of a licensed clinical social worker **as an avenue for licensure** as a clinical social worker
 - ▶ Shall not provide services to clients in exchange for direct payment or third-party reimbursement
 - ▶ Shall work in or for an agency or organization
 - ▶ May not practice privately or independently
 - ▶ **Red Flag:** *Practicing as an independent contractor*

Rules Review

W2 vs 1099 for LMSWs

- ▶ LMSWs must be employed by an agency or organization
- ▶ Private practices can be considered “organizations”
- ▶ An LMSW may work as a “contracted employee”
 - ▶ Can be paid via 1099
 - ▶ Must contract for a specific amount of time
 - ▶ Must be paid for the time contracted
 - ▶ Must be paid whether the client attends sessions or not
 - ▶ Cannot be paid a percentage of the fee
 - ▶ Must be appropriately supervised at all times
 - ▶ Must be covered by the practice’s liability coverage
 - ▶ Should carry personal liability insurance

- ▶ **Scope of Practice – LAPSW**
 - ▶ may occur independently outside the jurisdiction of an agency or organizational setting
 - ▶ May practice in exchange for direct payment or third party reimbursement.
 - ▶ May provide supervision for licensed or temporarily licensed master's social workers seeking to become LAPSW's

Rules Review

- ▶ **Scope of Practice – LCSW**
 - ▶ advanced clinical skills in the areas of assessment, diagnosis and treatment of mental, emotional and behavioral disorders, conditions and addictions
 - ▶ qualified to use the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), and other diagnostic classification systems in assessment, diagnosis, treatment planning
 - ▶ may occur outside the jurisdiction of an agency or organizational setting
 - ▶ may engage in both independent clinical and agency-based, nonclinical, macro social work practice

Rules Review

▶ LAPSW Requirements

- ▶ Practiced for no less than two (2) years after the date of application as a LMSW or temporarily LMSW under the supervision of a LAPSW or LCSW.
- ▶ At least 3000 hours of non-clinical experience, that may include administrative and direct client-social worker contact;
- ▶ At least 100 of supervision hours in addition to the 3000 practice hours
- ▶ Not less than 60 of the 100 supervisor contact hours must be one-to-one supervision between the supervisor and supervisee; no more than 40 hours may be in a group setting with no more than 4 supervisees.

Rules Review

▶ LCSW Requirements

- ▶ Practiced for not less than 2 years after the date of application as a LMSW or temporarily LMSW under the supervision of a LCSW.
- ▶ At least 3000 hours of clinical experience, meaning client therapist contact;
- ▶ At least 100 of supervision hours in addition to the 3000 practice hours;
- ▶ Not less than 60 of the 100 supervisor contact hours must be one-to-one supervision between the supervisor and supervisee; no more than 40 hours may be in a group with no more than four (4) supervisees

Rules Review

- ▶ **Application Process**
 - ▶ Submit to the Board of Social Worker Licensure
 - ▶ Application reviewed, applicant notified of decision or pending decision
 - ▶ If incomplete, the applicant has 30 days to complete
 - ▶ Once approved, applicant has 12 months to pass the examination

Rules Review

- ▶ **Applying for the LMSW**
 - ▶ Complete and sign the application
 - ▶ Check of money order payable to the Board of Social Work Licensure (\$125.00 – Application & License Fee)
 - ▶ Include a passport size photo taken within the past 12 months (\$10 - \$14)
 - ▶ Complete and include the Declaration of Citizenship form
 - ▶ Request transcript be sent directly to the board (\$ varies)
 - ▶ Complete the mandatory practitioner profile questionnaire
 - ▶ Criminal background check/finger-printing (used to be \$32.00)
 - ▶ Take the exam (\$230.00)
 - ▶ Exam results sent directly to the board (after submitting application and being approved to take the exam)
 - ▶ Total Cost: Approximately \$420.00

Rules Review

▶ Applying for the LPSW or the LCSW

- ▶ Complete and sign the application
- ▶ Check of money order payable to the Board of Social Work Licensure (\$225.00)
- ▶ Include a passport size photo taken within the past 12 months (\$10 - \$14)
- ▶ Complete and include the Declaration of Citizenship
- ▶ LMSW renewal card
- ▶ Professional reference from your supervisor/Verification of supervision
- ▶ Supervisor's verification of supervisor's 12 supervision CEU's
- ▶ Detailed supervision logs
- ▶ Request transcript be sent directly to the board (\$ varies)
- ▶ Complete the mandatory practitioner profile questionnaire
- ▶ Criminal background check (\$32.00)
- ▶ Exam results sent directly to the board (after submitting application and being approved to take the exam) (\$260.00)
- ▶ Total Cost: Approximately \$540.00

Rules Review

Supervision

- ▶ Supervision as the term is used in T.C.A. § 63-23-101 et seq. is considered to include the following:
 - ▶ (a) Individual or group supervision, which shall focus on:
 - ▶ 1. Data from the supervisee's clinical or non-clinical work made available to the supervisor by oral and written clinical or non-clinical reports, direct observation, and/or audio recordings.
 - ▶ 2. Mutually establishing goals and objectives for the promotion of learning.
 - ▶ (b) Review of supervisee's specific cases and evaluating his or her skill development by the supervisor.
 - ▶ (c) Supervision may occur via visual multi-media technology. Supervision may NOT be completed via email, instant messaging, texting or any format that does not allow for visual contact.
 - ▶ (d) A supervisor must be secured prior to the accumulation of hours of experience.
 - ▶ (e) Supervision must occur at reasonable intervals and must continue at reasonable intervals until the completion of the necessary hours of experience and a license has been granted.

Rules Review

▶ Supervision - LCSW

- ▶ 1 supervisor-supervisee hour for every 30 clinical contact hours for a total of 100 supervisor contact hours (supervisor-supervisee) over not less than 2 years and no more than 8 years.
- ▶ At least 60 of the 100 supervisor contact hours must be one-to-one supervisor-supervisee; and no more than 40 hours may be in a group setting.
- ▶ Individual and group supervision must be provided by a LCSW.
- ▶ Supervisor must have been licensed for a least 3 years prior to beginning supervision
- ▶ No more than 75% of individual supervision hours may be obtained through video conferencing technology.
- ▶ The above supervision time shall be in addition to:
 - ▶ Any overall administrative supervision, and
 - ▶ Any group seminar or group consultation which is deemed appropriate

Rules Review

▶ Supervision - LAPSW

- ▶ 1 supervisor-supervisee hour for every 30 non-clinical contact hours for a total of 100 supervisor contact hours (supervisor-supervisee) over not less than a (2) year period and no more than 8 years.
- ▶ At least 60 of the 100 supervisor contact hours must be one-to-one supervisor-supervisee; and no more than 40 hours may be in a group setting.
- ▶ Individual and group supervision must be provided by a LAPSW or a LCSW.
- ▶ Supervisor must have been licensed for a least 3 years prior to beginning supervision.
- ▶ No more than 75% of individual supervision hours may be obtained through video conferencing technology.

Rules Review

▶ Continuing Education

- ▶ 18 hours, 24 hours, 30 hours every 2 calendar years
- ▶ 6 must be an ethics topic
- ▶ Beginning January 2020, 2 hours must be pre-approved suicide prevention (once every four years)
- ▶ 1 must be related to SW rules and regulations
- ▶ 2/3 of the hours can be done via multimedia
 - ▶ Live, interactive trainings/webinars are considered "in-person"
- ▶ preplanned/formalized activities with written learning objectives
- ▶ directed at developing and enhancing knowledge base and service delivery skills
- ▶ Documentation of completion kept for four (4) years
- ▶ Audits are randomly conducted
- ▶ Waivers are possible on individual basis

Rules Review

▶ Ethical Behavior - 1365-01-.10

- ▶ Comply with NASW Code of Ethics
- ▶ False advertising
- ▶ Sexual activity
- ▶ Addiction issues that interfere with duties
- ▶ Disclosure of confidential information
- ▶ Failure to provide information regarding limits of confidentiality
- ▶ Conflicts of interest
- ▶ Dual relationships

Rules Review

1365-01-11 Disciplinary Actions and Civil Penalties

- ▶ Penalties
 - ▶ Application denial
 - ▶ Letter of warning/concern
 - ▶ Formal reprimand
 - ▶ Probation
 - ▶ Suspension
 - ▶ Revocation
- ▶ Change of Address
- ▶ Consumer Right to Know

Rules Review

▶ 1365-01-01 CLINICAL EXPERIENCE.

- ▶ (b) Clinical Experience - The assessment, diagnosis, and/or treatment of mental, emotional, and behavioral conditions and/or addictions, including severe mental illness and serious emotional disturbances in adults, adolescents and children based on the application of social work theory, knowledge, methods, and ethical standards. Treatment methods may include, but are not limited to, providing individual, marital, couple, family, and/or group psychotherapy. Clinical experience may also involve the provision of brief psychosocial and behavioral interventions, comprehensive crisis assessment, and treatment planning for clients who are adversely affected by social or psychosocial stress or health or mental impairment. Clinical experience is designated as the actual time spent providing direct services to clients. The practice of clinical social work is restricted to a Licensed Clinical Social Worker, or to a Licensed Master Social Worker or Licensed Advanced Practice Social Worker under supervision of a Licensed Clinical Social Worker meeting the standards set forth in T.C.A. § 63-23-101 et seq.

Documentation of Hours

- ▶ **Supervision Logs Are Still Required**
 - ▶ **Pre-approved supervision plans will be required**
 - ▶ **Planned changes will eliminate logs**
 - ▶ **Supervisees will submit quarterly reports via LARS**
 - ▶ **No information on the initiation of this new process**
 - ▶ If quarterly reports are questionable, back up documentation is critical
 - ▶ **Examples found on the website**
https://www.tn.gov/content/dam/tn/health/documents/Supervision_Hours_Log.pdf
 - ▶ **Should be reviewed on an ongoing basis**
 - ▶ **Document actual contact hours/practice hours**
 - ▶ **Staff meetings, agency specific policy meetings any job related routine administrative activities cannot be counted**

Documentation of Hours

▶ Supervisor Responsibilities

- ▶ **Insuring LMSW is providing appropriate services/care**
- ▶ **Certifies that the application in regard to the number of hours logged is accurate**
- ▶ **Ethically and legally responsible for the quality of work provided by the supervisee**
- ▶ **Supervision must occur at reasonable intervals and must continue at reasonable intervals until the completion of the necessary hours of experience and a license has been granted.**

Supervision

- ▶ A supervisor must be secured prior to the accumulation of hours of experience.
- ▶ Supervisor must have been continually licensed for three (3) years prior to beginning supervision
- ▶ Must have or gain within the first year of supervision, twelve (12) CEU's related to the provision of social work supervision (**Beginning January 2023**)
- ▶ Three (3) of the twelve (12) must be related to TN licensing rules
- ▶ Certification of CEU's must be submitted with application
- ▶ Supervision contract/plan highly recommended whether or not the supervisor is internal or external to the organization
 - ▶ **Will be mandatory but unclear when**

Supervision

▶ FAQ's

- ▶ Do I have to call to get permission to sit for the exam?
- ▶ Do I apply first or register with ASWB first?
- ▶ Do I *have to* complete the Declaration of Citizenship? (I was born here!) and YES, it does require one supporting item e.g. copy of your driver's license, birth certificate OR copy of your passport
- ▶ Can the "passport style photo" be a picture I took of my passport? Just a photo made in that style-headshot/facing forward
- ▶ YES, you MUST remain under supervision until you are licensed (so you are not practicing outside YOUR scope of practice/and keep logging hours should some of your hours; (A)-Begin to drop off/too old (B)-in case some hours are not approved for whatever reason(C)-you fail all attempts and have to reapply (past your one year approval)
- ▶ You are REQUIRED to complete CE's every 2 years/keep the certificates for 4 years. In CASE you are audited!
- ▶ How do I send in my CEU certificates when I renew my license?

Discussion

Pending Changes

- Formal supervision plans submitted with initiation of supervision (examples on board website)
- Termination of supervision forms
- Quarterly reporting
- Supervisor registration (LCSW-S or LAPSW-S)
- Should have taken effect April 2022 but there is no updated information on the board's website

Other Changes

- ▶ All information obtained from:

- ▶ **RULES OF TENNESSEE BOARD OF SOCIAL WORKER CERTIFICATION AND LICENSURE CHAPTER 1365-01**

- ▶ **GENERAL RULES AND REGULATIONS**

- ▶ <https://publications.tnsosfiles.com/rules/1365/1365-01.20220302.pdf>

- ▶ **Board Contact Information: Unit1HRB.Health@tn.gov**
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615-741-5735

- ▶ **Paula Foster, LCSW – paulafosterlcsw@yahoo.com**

Reference

**YOUR FEEDBACK IS KEY TO
OUR GROWTH AND SUCCESS.**

SESSION EVALUATION FORM & REQUEST FOR
DOCUMENTATION OF CE_s EARNED:



[https://www.surveymonkey.com/r/
SocialWorkLicensure23](https://www.surveymonkey.com/r/SocialWorkLicensure23)

**FOR ASSISTANCE, PLEASE
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EVENT LANDING PAGE:

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