

RULES AND REGULATIONS
FOR LICENSING
CLINICAL SOCIAL WORKERS
AND
INDEPENDENT CLINICAL SOCIAL WORKERS
(R5-39.1 CSW/ICSW)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

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with the provisions of section 42-35-4.1
of the Rhode Island General Laws, as
amended)**

INTRODUCTION

These *Rules and Regulations For Licensing Clinical Social Workers and Independent Clinical Social Workers (R5-39.1 CSW/ICSW)* are promulgated pursuant to the authority conferred under section 5-39.1-5 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting minimum standards pertaining to the licensure of clinical social workers and independent clinical social workers in this state.

In accordance with the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) any significant economic impact on small business as defined in Chapter 42-35 of the General Laws. Based on available information, no known alternative approach, duplication or overlap, or significant economic impact was identified.

These *Rules and Regulations for Licensing Clinical Social Workers and Independent Clinical Social Workers (R5-39.1 CSW/ICSW)* shall supersede all previous rules and regulations pertaining to the licensure of clinical social workers and independent clinical social workers promulgated by the Department of Health and filed with the Secretary of State.

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PART I **DEFINITIONS**

Section 1.0 **Definitions**

Wherever used in these rules and regulations the following terms shall be construed as follows:

- 1.1 **"Act"** refers to Chapter 5-39.1, entitled, "License Procedure for Social Workers" of the General Laws of Rhode Island, as amended.
- 1.2 **"Administrator"** is the Administrator of the Division of Professional Regulation, Rhode Island Department of Health.
- 1.3 **"Board"** is the Board of Social Work within the Division of Professional Regulation of the Department of Health, established pursuant to the provisions of section 5-39.1-6 of the Act.
- 1.4 **"Clinical social work practice"** is defined as the professional application of social work theories, methods and values in the diagnosis, assessment and treatment of cognitive, affective and behavioral disorders arising from physical, environmental or emotional conditions. Clinical social work services shall include, but shall not be limited to, diagnosis; assessment; evaluation; psychotherapy and counseling for individuals, couples, families and groups; client-centered advocacy; consultation and supervision.

The practice of case work, group work and community organization services under the supervision of a licensed clinical social worker or the practice of basic data gathering and the formulation and implementation of plans to achieve specific goals related to specific life issues for groups or for individuals, or the assessment, evaluation and counseling of individuals or groups other than for a specific mental illness or the conduct of a psychosocial evaluation, excluding the diagnosis and treatment of a mental illness, such as may be performed by bachelor's level social workers in a nursing care facility or similar setting shall not be considered to be the practice of clinical social work for the purposes of these regulations.

Clinical social work services shall not include psychological testing and nothing in the Act or in these rules and regulations shall be construed as permitting social workers to practice psychology.

- 1.5 **"Continuing education hours"** means actual hours earned in continuing education courses, seminars, and workshops.
- 1.6 **"Department"** is the Rhode Island Department of Health.
- 1.7 **"Director"** is the Director of the Rhode Island Department of Health.
- 1.8 **"Division"** is the Division of Professional Regulation, Rhode Island Department of Health.
- 1.9 **"Experience"** is defined as three thousand (3,000) hours of post-master's practice of clinical social work during a twenty-four (24) month to seventy-two (72) month period of time immediately preceding the date of application for licensure. One thousand five hundred (1,500) hours must consist of providing clinical social work services directly to clients.

If performed in Rhode Island, said experience shall be completed while the person is licensed in Rhode Island as a clinical social worker or while performing clinical social work services in a

statutorily exempt setting (e.g., a state employee).

- 1.10 **"Supervision"** is defined as face-to-face contact with a licensed independent clinical social worker for the purpose of apprising the supervisor of the diagnosis, assessment, and treatment of each client; receiving oversight and guidance from the supervisor in the delivery of clinical social work services to each client; and being evaluated by the supervisor. This contact must consist of:
- (a) A minimum of two (2) hours of supervision every two (2) weeks; and
 - (b) A minimum of one (1) hour of supervision per twenty (20) hours of direct contact with clients whether or not the number of hours of supervision required for a two (2) week period have been met; and
 - (c) One-to-one contact with the supervisor at least seventy-five percent (75%) of the time with group supervision of no more than ten (10) supervisees during the balance of the time; and
 - (d) Supervision by an individual other than the applicant's parents; spouse; former spouse; siblings; children; employees; or anyone sharing the same household or any romantic, domestic, or familial relationship.
 - (e) Supervisors shall be responsible for assuring that supervisees are appropriately licensed in clinical social work or are otherwise exempt from licensure.

PART II *SOCIAL WORKER LICENSING REQUIREMENTS*

Section 2.0 *License Requirements*

- 2.1 Pursuant to section 5-39.1-3 of the Act, to safeguard the welfare and health of the people of the state of Rhode Island, it is unlawful for any person to engage in the practice of clinical social work or to represent him or herself as a licensed clinical social worker or a licensed independent clinical social worker in this state or to use any title, abbreviation, sign or device to indicate that such person is a clinical social worker or independent clinical social worker, unless such a person has been duly licensed pursuant to the provisions of the Act and the rules and regulations herein.
- 2.1.1 Any person who holds a license to practice as a clinical social worker or independent social worker in this state shall have the right to use the titles and abbreviations "L.C.S.W." and "L.I.C.S.W.". No other person shall assume such title or use the abbreviation L.C.S.W. OR L.I.C.S.W. or other words, or letters, signs, figures or devices to indicate that the person using the same is a licensed clinical social worker or licensed independent clinical social worker or unless exempted under the Act.
- 2.1.2 All persons licensed under the provisions of the Act and these rules and regulations shall adhere to the current standards of practice and to such code(s) of professional ethics as adopted by the Board.
- 2.1.3 No individual shall use "licensed social worker", "clinical social worker", "psychiatric social worker", or any other designation implying qualification to practice clinical social work unless she or he is licensed as a "licensed clinical social worker" or "licensed independent clinical social worker" pursuant to the Act.
- 2.1.4 Any individual licensed as a "licensed clinical social worker" and under supervision, as defined in the Act, is permitted to practice clinical social work, whether in a private practice or in association with a public or private agency or institution.
- 2.1.5 Any individual licensed as a "licensed independent social worker" is permitted to practice clinical social work autonomously, whether in a private practice or in association with a public or private agency or institution.
- 2.1.6 No individual shall engage in the practice of clinical social work unless she or he holds an active license as a "licensed clinical social worker" or "licensed independent clinical social worker."

Exemptions from Licensure

- 2.2 The provisions of the Act do not apply to the following individuals:
- 2.2.1 Qualified members of other professions or occupations engaging in practices similar in nature to clinical social work; provided, that they are authorized by the laws of this state to engage in similar practices, do not represent themselves as a "licensed clinical social worker" or "licensed independent clinical social worker," and do not characterize their practices as clinical social work;
- 2.2.2 Students engaged in master's level study in a school of social work accredited by the

Council on Social Work Education or students engaged in doctorate level study in clinical social work in a duly accredited college or university; provided, that the students are practicing as part of a supervised course of study and designated by such titles as "social work intern," "social work trainee," "social work student" or others clearly indicating training status; or

2.2.3 State employees.

Section 3.0 *Qualifications For Licensure*

3.1 Any applicant for licensure shall submit to the Board written evidence on forms furnished by the Division, verified by oath that said applicant meets all of the following requirements:

3.1.1 Prerequisites – "*Licensed clinical social worker*" – A license as a "licensed clinical social worker" is issued to an applicant who meets the following qualifications:

- (1) Has a doctorate in clinical social work from a duly accredited college or university or master's degree from a school of social work accredited by the Council on Social Work Education, and
- (2) Has satisfactorily completed an examination for this license, or
- (3) Has a comparable license, certification, or registration from the state, or another state or territory of the United States that imposes qualifications substantially similar to those of the Act, as determined by the Board.

3.1.2 Prerequisites – "*Licensed independent clinical social worker*" – A license for a "licensed independent clinical social worker" is issued to an applicant who meets the following qualifications:

- (1) Is licensed under the Act as a "licensed clinical social worker", and
- (2) Has twenty-four (24) months of experience acceptable to the Board, which experience shall only be acceptable if the applicant was licensed as a licensed clinical social worker (if required in the jurisdiction where the experience was attained) and under appropriate supervision, and
- (3) Has fulfilled the continuing education requirements for this license, and
- (4) Has satisfactorily completed an examination for this license, or
- (5) Has a comparable license, certification, or registration from the state, or another state or territory of the United States that imposes qualifications substantially similar to those of the Act.

3.2 In addition to the qualification stated in section 3.1 above, an applicant for any of the these titles must prove to the Board's satisfaction that he/she:

- a) is at least twenty-one (21) years of age;

- b) is of good moral character and merits the public trust;
- c) has graduated with a master's degree from a school of social work accredited by the Council on Social Work Education or has graduated with a doctoral degree in clinical social work from a duly accredited college or university;
- d) has passed, to the satisfaction of the Board, a national examination at the appropriate level as specified herein;
- e) is a United States citizen or legal resident of the United States;
- f) has no record of the conviction of a felony. This requirement is subject to waiver by the Board upon presentation of satisfactory evidence that such conviction does not impair the ability of the person to conduct with safety to the public the practice authorized by this license; the applicant shall bear the burden of proving that his/her conviction does not impair his/her ability to conduct with safety to the public the practice authorized by this license;
- g) has no record of disciplinary sanction by the NASW or by a board of social work in this or another jurisdiction for violation of statute, rules and regulations or code of ethics. This requirement is subject to waiver by the Board upon presentation of satisfactory evidence that such sanction does not impair the ability of the person to conduct with safety to the public the practice authorized by this license; the applicant shall bear the burden of proving that his/her conviction does not impair his/her ability to conduct with safety to the public the practice authorized by this license;
- h) that the applicant has not been declared mentally incompetent by any court, and if any such decree has been rendered, that there has been a subsequent court determination that the applicant is competent;
- i) that the applicant is free from the use of any controlled substance or any alcoholic beverage to the extent that said use impairs the ability of the person to conduct with safety to the public the practice authorized by this license. The applicant bears the burden of proving that he/she is free from use of any controlled substance or any alcoholic beverages which impair his/her ability to conduct with safety to the public the practice authorized by this license.

Section 4.0

Application for Licensure and Fee

4.1 Application for licensure to practice social work in this state, shall be made on forms provided by the Division, which shall be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled date of the Board meeting at which they are to be reviewed. Such application shall be accompanied by the following documents:

- a) for U. S. Citizens:
a certified copy of birth certificate;

for Non-U.S. Citizens:

documented evidence of lawful entry into the country;

- b) two (2) references from responsible professional persons attesting to applicant's good moral character;
- c) supporting official transcripts of education credentials as required in section 3.0 herein sent directly from the school;
- d) a statement from the board of social work in each state in which the applicant has held or holds licensure to be submitted to the Board of this state, attesting to the licensure status of the applicant during the time period the applicant held licensure in said state;
- e) the official results of the appropriate level written examination:
 - (1) for licensure as a clinical social worker this shall be the intermediate level of the examination administered by the Association of Social Work Boards (ASWB) or such other examination as the Board shall consider to be acceptable;
 - (2) for licensure as an independent clinical social worker this shall be the clinical level of the examination administered by the ASWB or such other examination as the Board shall consider to be acceptable;
- f) a passport-type photograph of the applicant;
- g) the non-refundable application fee of one hundred twenty-five dollars (\$125.00) made payable by check or money order to the General Treasurer, state of Rhode Island;
- h) for applicants for licensure at the independent social work level; statement(s) documenting the required hours of post-master's supervised practice under a licensed independent clinical social worker.

Section 5.0 *Examinations for Licensure of Social Workers*

5.1 By Examination:

Applicants, except those exempt pursuant to sections 5.2 herein, shall be required to pass a written examination as the Board deems most practical and expeditious to test the applicant's fitness to engage in the practice of social work.

- 5.1.1 For written examination, the Division may administer a national examination approved by the ASWB, or such other national examination as may be determined by the Board.
- 5.1.2 In lieu of a written examination, the Division may, at its discretion, administer a computer based examination which requires the applicant to mark answers electronically, rather than a pen and paper format.
- 5.1.3 Examinations shall be given at least four (4) times per year.
- 5.1.4 Applicants shall be responsible for the payment of the examination/re-examination fee in

accordance with the fee schedule and instructions developed by the examination vendor.

- 5.1.5 Requests for testing accommodations under the Americans with Disabilities Act or inquiries concerning other issues involving the examination process shall be directed to the Board.

5.2 ***Without Examination by Endorsement***

A license to practice social work may be issued without examination to an applicant who has been duly licensed by administration of the appropriate level of examination as a social worker under the laws of another state or territory or District of Columbia, if, in the opinion of the Board, the applicant meets the qualifications required of clinical social workers in this state. Said applicant must submit, thirty (30) days prior to the scheduled meeting of the Board, completed licensure application forms and fee, in accordance with section 4.0 herein, including such additional supporting documentation as may be required.

- 5.2.1 Until such time as a license has been issued, the candidate for licensure by endorsement may not practice as a clinical social worker in Rhode Island.

5.3 ***Re-Examination***

- 5.3.1 In the case of the failure of any applicant to satisfactorily pass an examination, such applicant shall be entitled to a re-examination upon submission of an additional fee to the examination service without making further application to the Board. In making application for re-examination the applicant shall be subject to any standards imposed by the ASWB or other examination vendor regarding the minimum time interval between administrations of the examination.
- 5.3.2 In order to qualify for re-examination after three (3) failures, the applicant must request a formal meeting with the Board, at which time requirements (consisting of additional course work and/or training) for re-examination may be determined. If such requirements are determined by the Board, they must be fulfilled prior to admittance to a future examination.

Section 6.0 ***Issuance & Renewal Of License - Continuing Education***

- 6.1 Upon the recommendation of the Board, the Director shall issue to applicants who have satisfactorily met the licensure requirements herein, a license to practice clinical social work in this state. Said license, unless sooner suspended or revoked, shall expire on the first day of May of the next odd year following the date of issuance of the original license.
- 6.2 On or before the first day of March of each odd year, the Administrator of the Division shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current licensure period. Every person so licensed who desires to renew his/her license shall file with the Division such renewal application, duly executed, together with a renewal fee of one hundred twenty-five dollars (\$125.00) payable to the General Treasurer, state of Rhode Island, on or before the fifteenth (15th) day of April of each odd year.
- 6.3 Every person desiring to renew his or her license shall present such evidence as may be required by the Board attesting to the completion of thirty (30) contact hours of continuing social work education during the preceding twenty-four (24) months in accordance with the following requirements:

- a) a minimum of three (3) contact hours shall be in the area of cross-cultural practice to include the alleviation of oppression;
- b) a minimum of three (3) contact hours shall be in the area of social work professional ethics;
- c) credit may be claimed for serving as a supervisor for students duly enrolled in a program of studies at an accredited social work program at a college or university in accordance with the following: A maximum of six (6) hours credit may be claimed during a renewal period for both the supervision of a master's level social work student for a full academic year; or for the supervision of a bachelor's level social work student for a full academic year.
- d) upon prior agreement with the Board, credit may be claimed for serving as a supervisor to an impaired practitioner or to a practitioner under disciplinary sanction by the Board at the rate of six (6) hours for a one (1) year period of supervision.

6.3.1 Continuing education hours will be accepted by the Board for course work which has been presented, accepted or approved by the NASW or its local chapter, the ASWB, other recognized social work professional organizations, any department or school of social work accredited by the Council on Social Work Education (CSWE) to offer the Master's in Social Work (MSW) degree or such other professional or accrediting agency as may be approved by the Board.

6.3.2 At the time of license renewal, each licensee will be required to attest to the fact of having complied with the above requirements. Course descriptions, proof of attendance or other documentation of completion will be retained by the licensee for a minimum of two years and is subject to random audit by the Board. Failure to produce satisfactory documentation of completion upon request by the Board constitutes grounds for disciplinary action under the provisions of 5-39.1-10 (4).

6.4 Upon receipt of such renewal application, documentation of continuing education and payment of said fee, the accuracy of the application shall be verified, and the Administrator shall grant a renewal license effective the second day of May, and expiring of the first day of May of the next odd numbered year.

6.5 Any person who allows his or her license to lapse by failing to renew it on or before the first day of May of the next odd year, as provided above may be reinstated by the Administrator on payment of the current renewal fee of one hundred twenty-five dollars (\$125.00) plus an additional fee of twenty-five dollars (\$25.00).

6.5.1 Any person using the title "clinical social worker" or "independent clinical social worker" or practicing clinical social work during the time that his or her license has lapsed shall be subject to the penalties provided for violations of these regulations and the Act.

Section 7.0 *Social Worker Privilege*

7.1 No licensee under the Act or an employee of a licensee may disclose any information acquired from clients or persons consulting with the licensee to render professional services except:

- (1) With the written consent of the person(s) or, in the case of death or disability, of the

individual's personal representative, or person authorized to sue, or the beneficiary of an insurance policy on an individual's life, health, or physical conditions;

- (2) When there is a clear and present danger to the safety of the patient or client or to other individuals;
- (3) When a person is a minor under the laws of this state and the information acquired by the licensee involves abuse of the minor the licensee is required to report this pursuant to § 40-11-3 and may be required to testify fully in an examination, trial, or other proceeding in which the commission of this crime is the subject of inquiry;
- (4) When the person licensed or certified under the Act is a party defendant to a civil, criminal, or disciplinary action arising from a complaint filed by the patient or client, in which case the waiver is limited to that action;
- (5) When the licensee is called upon to testify in court or administrative hearings concerning the potential for abuse or neglect in foster and adoptive placements; or
- (6) When the licensee is collaborating or consulting with an administrative superior on behalf of the client.

**PART III *GROUNDS FOR DENIAL, SUSPENSION, REVOCATION OR VIOLATIONS
PROCEDURES FOR DISCIPLINE AND SEVERABILITY***

Section 8.0 *Grounds for Denial, Suspension or Revocation of License/Violations*

8.1 Licensees subject to these regulations shall conduct their activities, services, and practice in accordance with Chapter 5-39.1 of the Rhode Island General Laws. The Board may recommend to the Director the refusal to grant a license, suspension, revocation, conditioning, restriction or limitation of the license of any individual who the Board, after a hearing, determines:

- a) is incompetent to practice under the provisions of the Act, or is found to engage in the practice of social work in a manner harmful or dangerous to a client or to the public;
- b) has obtained or attempted to obtain a certificate or license, or renewal therefore, by bribery or fraudulent representation;
- c) has knowingly made a false statement on a form required by the Board for licensing or renewal therefore;
- d) has failed to obtain the continuing education credits required by the Board;
- e) has engaged in or solicited sexual relations with a client, or committed an act of sexual abuse or sexual misconduct against a past or current client;
- f) has failed to remain free from use of any controlled substance or any alcoholic beverages to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by this license. The applicant shall bear the burden of proving that he/she is free from use of any controlled substance or any alcoholic beverages which impair his/her ability to conduct with safety to the public the practice authorized by this license;

- g) has been convicted of a felony, which is subject to waiver by the Board upon presentation of satisfactory evidence that such conviction does not impair the ability of the person to conduct with safety to the public practice authorized by this license. The applicant shall bear the burden of proving that his/her conviction does not impair his/her ability to conduct with safety to the public the practice authorized by this license;
- h) has disciplinary action pending or has revocation, suspension, or probation taken against the licensee in another state;
- i) assists or permits unlicensed persons under the licensee's supervision to perform services for which a license is required under the Act and these rules and regulations;
- j) has failed to maintain confidentiality, except as required or permitted by law;
- k) has engaged in false or misleading advertising;
- l) has a mental disability which significantly impairs the ability of the person to conduct with safety to the public the practice authorized by this license. (Mental disability shall include, but not be limited to, an order by a court that a licensee is in need of mental treatment for incompetence); or
- m) has violated any provisions of Chapter 5-39.1 of the General Laws of Rhode Island, as amended, or the provisions of any code of ethics adopted by the Board.

Complaints

8.2 All complaints concerning a licensee's business or professional practice shall be received by either the Board or the state agency. Each complaint received shall be logged, recording at a minimum the following information:

- Licensee's Name;
- Name of the complaining party;
- Date of complaint;
- Brief statement of complaint; and
- Disposition.

Section 9.0 *Disciplinary Process*

Disciplinary procedures under the Act shall be conducted in accordance with Chapter 42-35 of the General Laws of the state of Rhode Island.

9.1 The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board or its designee shall make recommendation to the Director who shall issue an order.

Section 10.0 *Disciplinary Sanctions*

10.1 The Board may recommend that the Director impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any offenses described in section 5-39.1-10 of the Rhode Island General Laws, as amended:

- a) revocation of the license;
 - b) suspension of the license for any period of time;
 - c) censure of the licensee;
 - d) issue a letter or reprimand;
 - e) place a licensee on probationary status and require the licensee to submit to any of the following:
 - (i) report regularly to the Board upon matters which are the basis of probation;
 - (ii) continue to renew professional education until a satisfactory degree of skill has been attached in those areas which are basis of probation;
 - f) refuse to renew a license; or
 - g) revoke probation which has been granted and impose any other discipline provided in this section when the requirements of probation have not been fulfilled or have been violated.
- 10.2 The Board may recommend that the Director reinstate any licensee to good standing under the Act and these rules and regulations, if after hearing, the Board is satisfied that the applicant's renewed practice is in the public interest.
- 10.3 Upon the suspension or revocation of a license issued under the Act and these rules and regulations, a licensee shall be required to surrender the license or registration to the Director and upon failure to do so, the Director shall have the right to seize the same.
- 10.4 The Director shall make available annually a list of the names and addresses of all licensees under the provisions of these rules and regulations, and of all persons who have been disciplined within the proceeding twelve (12) months.
- 10.5 Any person convicted of violating the provisions of the Act and these rules and regulations shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00).

Section 11.0 *Rules Governing Practices & Procedures*

- 11.1 All hearings and reviews required under the provisions of Chapter 5-39.1 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the Act and of the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 12.0 *Severability*

- 12.1 If any provision of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and

regulations are declared to be severable.

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