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Emergency Rule Filing Form

Emergency and Public Necessity rules are effective from date of filing for a period of up to 180 days.

Agency/Board/Commission:	Board of Social Worker Licensure
Division:	
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Rule Type:

Emergency Rule

Revision Type (check all that apply):

Amendment

New

Repeal

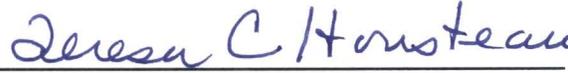
Statement of Necessity:

Pursuant to T.C.A. §4-5-200, the Board of Social Worker Licensure ("Board") is authorized to promulgate emergency rules in the event that the rules are required by an enactment of the general assembly within a prescribed period of time that precludes utilization of rulemaking procedures described elsewhere in T.C.A. Title 4, Chapter 5, for the promulgation of permanent rules.

Chapter 1016 of the Public Acts of 2008 rewrote the social worker practice act by creating new categories of licensure for social workers. The Act became effective on July 1, 2008 and T.C.A. § 63-23-101 grants the Board the authority to promulgate rules to implement this new law, including but not limited to establishing fees, temporary licensure, continuing education, and

Due to the length of time necessary to complete the rulemaking process, these emergency rules are required in order for the Board to begin implementation of this program to comply with the enactment of general assembly and to ensure that the Board has the resources necessary to implement the Act. The Board is conducting a rulemaking hearing on February 25, 2010 to consider comments on the adoption of these as permanent rules.

For a copy of these emergency rules contact: James Hill, Board of Social Worker Licensure, 227 French Landing Drive, Suite 300, Nashville, Tennessee 37243 at (615) 532-5088.



President of the Board of Social Worker Licensure
LCS

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1365-01	General Rules and Regulations
Rule Number	Rule Title
1365-01-.01	Definitions
1365-01-.02	Necessity of License
1365-01-.03	Use of Titles
1365-01-.04	Licensure Requirements
1365-01-.05	Fees
1365-01-.06	Application Review, Approval, Denial
1365-01-.07	Renewal, Reinstatement and Retirement
1365-01-.08	Supervision
1365-01-.09	Continuing Education
1365-01-.10	Standards of Conduct
1365-01-.11	Clinical Experience
1365-01-.12	Disciplinary Actions and Civil Penalties
1365-01-.13	Replacement License
1365-01-.14	Change of Address and/or Name
1365-01-.15	Consumer Right-to-Know Requirements
1365-01-.16	Professional Peer Assistance
1365-01-.17	Free Health Clinic and Volunteer Practice Requirements

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1365-01
General Rules and Regulations

Amendments

Rule 1365-01-.01 Definitions is amended by deleting the rule in its entirety and substituting it instead with the following so that the new rule will read as follows:

1365-01-.01 Definitions.

- (1) Applicant - Any individual seeking licensure by the board who has submitted an official application and paid the application fee.
- (2) Board - The Board of Social Worker Licensure.
- (3) Board administrative office - The office of the administrator assigned to the board located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.
- (4) Board designee - Any person who has received a written delegation of authority from the board to perform board functions subject to review and ratification by the full board where provided by these rules.
- (5) Clinical contact hour - A "therapeutic hour" of not less than a 45 minute period in which a clinical social worker works with an individual, couple, family, or group.
- (6) Clinical experience - The assessment, evaluation, diagnosis, and treatment involving the psychotherapy process based on the professional application of social work knowledge, values, and skills.
- (7) Fee splitting - The practice of paying commissions to colleagues out of fees received from rendering services to clients who have been referred by the colleague.
- (8) 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.
- (9) Individual supervision - A face-to-face meeting with one supervisor and one supervisee.
- (10) Person - Any individual, firm, corporation, partnership, organization, or body politic.
- (11) Post-graduate supervised experience - Supervised experience occurring after the educational institution grants the degree.
- (12) Private Practice - Those practitioners who, on either 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. or a L.A.P.S.W.s may engage in Private Practice.

- (13) 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.
- (14) Supervisor - A licensed clinical social worker or licensed advanced practice social worker who meets the requirements established by the Board of Social Worker Licensure, pursuant to Rules 1365-1-.04 through 1365-1-.08, and who provides supervision for a prospective applicant for licensure.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.02 Scope of Practice is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.02 Necessity Of License. Unless an individual holds a current unrevoked or unsuspended Licensed Clinical Social Worker License (L.C.S.W.) license in Tennessee, he, or she may not engage in the private practice of clinical social work.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.03 Necessity of License is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.03 Use of Titles.

- (1) Any person who possesses a valid license as a baccalaureate social worker may use the title and/or acronym "Licensed Baccalaureate Social Worker (L.B.S.W.)," as defined in T.C.A. § 63-23-102.
- (2) Any person who possesses a valid license as a master's social worker may use the title and/or acronym "Licensed Master's Social Worker (L.M.S.W.)," as defined in T.C.A. § 63-23-103.
- (3) Any person who possesses a valid license as an advanced practice social worker may use the title and/or acronym "Licensed Advanced Practice Social Worker (L.A.P.S.W.)," as defined in T.C.A. § 63-23-104.
- (4) Any person who possesses a valid license as a clinical social worker may use the title and/or acronym "Licensed Clinical Social Worker (L.C.S.W.)," as defined in T.C.A. § 63-23-105.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.04 Qualifications for Certification and Licensure is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.04 Licensure Requirements.

(1) Baccalaureate Social Worker.

(a) After December 31, 2010, an applicant for a license as a baccalaureate social worker shall submit the following to the Board office:

1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensing board, should the person be licensed in another state;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant.
2. Payment of the application, license, and state regulatory fees;
3. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
4. Results of his or her criminal background check to be sent from the vendor directly to the Board office;
5. Proof that he or she has received a baccalaureate degree in social work from a Council on Social Work Education approved program; and
6. Proof that he or she has successfully passed the Association of Social Work Board's licensing examination with a passing score of seventy-five (75).

(2) Master's Social Worker.

(a) After December 31, 2010, an applicant for a license as a master's social worker shall submit the following to the Board office:

1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensing board should the person be licensed in another state;

- (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant.
 - 2. Payment of the application, license, and state regulatory fees;
 - 3. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
 - 4. Results of his or her criminal background check to be sent from the vendor directly to the Board office;
 - 5. Proof that he or she has received a master's degree in social work from a Council on Social Work Education approved program, or a doctorate in Social Work; and
 - 6. Proof that he or she has successfully passed the Association of Social Work Board's licensing examination with a passing score of seventy-five (75).
- (3) Advanced Practice Social Worker.
 - (a) After December 31, 2010, an applicant for a license as an advanced practice social worker shall submit the following to the Board office:
 - 1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensing board, should the person have a license in another state;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant.
 - 2. Payment of the application, license, and state regulatory fees;
 - 3. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
 - 4. Results of his or her criminal background check to be sent from the vendor directly to the Board office;
 - 5. Proof that he or she has received a master's in social work from a Council on Social Work Education approved program, or a doctorate in Social Work;
 - 6. Proof that he or she has successfully passed the Association of Social Work Board's licensing examination with a passing score of seventy-five (75); and

7. Proof that he or she has practiced for no less than two (2) consecutive years prior to the date of application as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed advanced practice social worker or licensed clinical social worker. Within a period of no less than a (2) year period, and within a six year period, the applicant shall demonstrate proof of having obtained the following:
 - (i) At least three thousand (3000) hours of non-clinical experience, that may include administrative and direct client-social worker contact;
 - (ii) At least one hundred (100) of the three thousand (3000) hours must be between supervisor and supervisee;
 - (iii) Not less than sixty (60) of the one hundred (100) supervisor contact hours must be one-to-one supervision between the supervisor and supervisee; no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting; and
 - (iv) Supervision by someone who is related to the supervisee by marriage or family or by someone who shares the same household as the supervisee is not acceptable.

(4) Clinical Social Worker.

- (a) After December 31, 2010, an applicant for a license as a clinical social worker shall submit the following to the Board office:
 1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensing board, should the person be licensed in another state;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant.
 2. Payment of the application, license, and state regulatory fees;
 3. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
 4. Results of his or her criminal background check to be sent from the vendor directly to the Board office;

5. Proof that he or she has received a master's degree in social work from a Council on Social Work Education approved program or a doctorate in Social Work,
 6. Proof that he or she has successfully passed the Association of Social Work Board's licensing examination with a passing score of seventy-five (75); and
 7. Proof that he or she has worked for not less than two (2) years as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed clinical social worker. In the event that the applicant is from another state, then the applicant must have worked under the supervision of a person who possesses the same or exceeds the same educational and experience requirements to obtain licensure as a clinical social worker in Tennessee.
 - (i) At least three thousand (3000) hours of clinical experience, meaning client-therapist contact;
 - (ii) At least one hundred (100) of the three thousand (3000) hours must be between supervisor and supervisee;
 - (iii) Not less than (60) of the one hundred (100) supervisor contact hours must be one-to-one supervision between the supervisor and supervisee; no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting; and
 - (iv) Supervision by someone who is related to the supervisee by marriage or family or by someone who shares the same household as the supervisee is not acceptable.
- (5) Licensure before December 31, 2010.
- (a) An applicant may obtain licensure as a baccalaureate social worker, master's social worker, or advanced practice social worker without examination prior to December 31, 2010 if the person submits the following to the Board office:
 1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following;
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensure board;
 - (iii) Loss or restriction of licensure privileges;
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant; and

- (v) Letter of good standing from the other state's licensing board showing that the applicant's license is active or when it became inactive.
2. Payment of the application, license, and state regulatory fees;
 3. Result of his or criminal background check to be sent from the vendor directly to the Board office; and
 4. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office.
- (b) If the applicant is seeking licensure as a baccalaureate social worker, the applicant shall submit proof that he or she has graduated from any institution before 1980 with a bachelors degree in social work or proof that he or she has graduated from a Council on Social Work Education accredited program between 1980 and December 31, 2010.
 - (c) If the applicant is seeking licensure as a master's social worker, the applicant shall submit proof that he or she has graduated from any institution before 1980 with a master's or doctorate degree in social work or proof that he or she has graduated from a Council on Social Work Education accredited master's program or with a doctorate in Social Work between 1980 and December 31, 2010.
 - (d) If the applicant is seeking licensure as an advanced practice social worker, the applicant shall submit proof that he or she has graduated from any institution before 1980 with a master's or doctorate degree in social work or proof that he or she has graduated from a Council on Social Work Education accredited master's program or with a doctorate in Social Work between 1980 and December 31, 2010. The person shall also submit a work history of not less than three (3) years showing three (3) consecutive years working in the capacity of an advanced practice social worker from the date the application is filed with the Board office as well as a professional reference from a former or current employer, supervisor, or colleague. In lieu of a work history and professional reference, the person may submit proof of having current ACSW or DCSW credentials from the National Association of Social Workers.
 - (e) If the applicant is seeking licensure as a clinical social worker, the applicant shall submit the following:
 1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensing board, should the person be licensed in another state;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant.

2. Payment of the application, license, and state regulatory fees;
3. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
4. Results of his or her criminal background check to be sent from the vendor directly to the Board office;
5. Proof that he or she has received a master's degree in social work from a Council on Social Work Education approved program, or a doctorate in Social Work;
6. Proof that he or she has successfully passed the Association of Social Work Board's licensing examination with a passing score of seventy-five (75); and
7. Proof that he or she has worked for not less than two (2) years as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed clinical social worker. In the event that the applicant is from another state, then the applicant must have worked under the supervision of a person who possesses the same or exceeds the same educational and experience requirements to obtain licensure as a clinical social worker in Tennessee.
 - (i) At least two thousand (2000) hours clinical experience, meaning client-therapist contact;
 - (ii) At least one hundred (100) of the two thousand (2000) hours must be between supervisor and supervisee;
 - (iii) At least sixty (60) of the one hundred (100) supervisor contact hours must be one-to-one supervision between the supervisor and supervisee; no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting; and
 - (iv) Supervision by someone who is related to the supervisee by marriage or family or by someone who shares the same household as the supervisee is not acceptable.

(6) Reciprocity.

- (a) An applicant may obtain licensure as a baccalaureate social worker, master's social worker, or an advanced practice social worker by reciprocity and at any time, an applicant may obtain licensure as a clinical social worker by reciprocity by submitting the following to the Board office:
 1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;

- (ii) Denial of licensure or discipline imposed by another state's licensing board;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant.
2. Proof that the applicant has met or has substantially met all of the qualifications for licensure established by T.C.A. §63-23-101 *et seq.*;
 3. Payment of the application, license, and state regulatory fees;
 4. Result of his or her criminal background check to be sent from the vendor directly to the Board office;
 5. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
 6. Letter of good standing from the other state's licensing board showing that the applicant's license is active or when it became inactive;
 7. Proof that the person has not previously failed the examination given by the Board;
 8. A copy of the original state's licensing laws and rules, if available;
 9. Photocopy of original license from the original state of licensure with the applicant's current license number, if available; and
 10. Photocopy of the applicant's current renewal certificate with the license number and license expiration date.
- (b) If an applicant does not qualify for licensure by reciprocity, he or she must apply for licensure by examination. If documentation of appropriate supervision meeting the requirements pursuant to rule 1365-01-.03(4) or before December 31, 2010 pursuant to rule 1365-01-.03 (5) (E) is provided the applicant may not have possessed the credential of licensed master social worker in the State of Tennessee prior to application to sit for the examination.

(7) Temporary Licensure.

- (a) Temporary licenses can be issued for licensed baccalaureate social workers and licensed master's social workers who graduate from a university, college, or school of social work that at the time of the applicant's graduation has applied for, but has not yet received, accreditation by the Council on Social Work Education.
- (b) An applicant applying for licensure as a licensed baccalaureate or licensed master's, social worker shall submit the following to the Board office in order to obtain a temporary license:

1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following;
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's or licensure board should the person have a license in another state;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant.
 2. Proof that he or she has obtained a bachelor degree in social work if the person is seeking licensure as a licensed baccalaureate social worker;
 3. Proof that he or she has obtained a master's degree in social work if the person is seeking licensure as a licensed master's social worker,
 4. Proof that the institution granting the degree, at the time the degree was granted, has applied for accreditation by the Council on Social Work Education.
 5. Payment of the application, temporary license, and state regulatory fees;
 6. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office; and
 7. Results of his or her criminal background check to be sent from the vendor directly to the Board office;
- (c) The temporary licensed master's social worker license is required prior to beginning the supervised experience needed for licensed clinical social worker or licensed advanced practice social worker.
- (d) A temporary licensed baccalaureate social worker must submit an application for licensed baccalaureate social worker within sixty (60) days after his/her educational institution receives accreditation from the Council on Social Work Education, or the temporary license shall no longer be valid.
- (e) A temporary licensed master's social worker must submit an application for licensed master's social worker within sixty (60) days after his/her educational institution receives accreditation from the Council on Social Work Education, or the certificate shall no longer be valid.
- (f) The temporary certificate shall no longer be valid if the Board learns that the educational institution's application for accreditation from the Council on Social Work Education has been denied or withdrawn.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.05 Procedures for Certification and Licensure is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.05 Fees.

- (1) Baccalaureate Social Worker.
 - (a) Application fee..... \$50.00
 - (b) License fee..... \$50.00
 - (c) Endorsement/Verification fee..... \$20.00
 - (d) Renewal fee (biennial)..... \$70.00
 - (e) Late renewal fee..... \$50.00
 - (f) State regulatory fee (biennial)..... \$10.00
 - (g) Temporary License fee..... \$50.00
 - (h) Replacement license fee..... \$25.00

- (2) Master's Social Worker
 - (a) Application fee..... \$75.00
 - (b) License fee..... \$75.00
 - (c) Endorsement/Verification fee..... \$20.00
 - (d) Renewal fee (biennial)..... \$120.00
 - (e) Late renewal fee..... \$100.00
 - (f) State regulatory fee (biennial)..... \$10.00
 - (g) Temporary license fee..... \$50.00
 - (h) Replacement license fee..... \$25.00

- (3) Advanced Practice Social Worker and Clinical Social Worker.
 - (a) Application fee..... \$100.00
 - (b) License fee..... \$125.00
 - (c) Endorsement/Verification fee..... \$20.00
 - (d) Renewal fee (biennial)..... \$120.00
 - (e) Late renewal fee..... \$100.00
 - (f) State regulatory fee (biennial)..... \$10.00
 - (g) Replacement license fee..... \$25.00

- (4) An applicant or a licensee may pay all applicable fees in person, by mail or electronically by cash, check, money order or by credit or debit cards accepted by the Department. If the fees are paid by certified, personal, or corporate check, it must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Social Worker Licensure. All fees are nonrefundable with the exception of the license fee. In order to receive a refund, the applicant must submit a written request no later than sixty (60) days after the licensure application was denied or withdrawn.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.06 Fees is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.06 Application Review, Approval, Denial.

- (1) Initial review of all applications to determine whether the application file is complete may be delegated by the Board to the Board administrator.
- (2) The Board shall review all applications to grant or deny an application for licensure; however, the Board may appoint a designee to make a recommendation as to whether a license should be granted or denied. The final approval of all applications reviewed by the Board's designee shall be made by the Board.
- (3) After the Board or the Board's designee reviews a completed application and renders a decision or recommendation about whether the license should be granted or denied, the Board office shall notify the applicant within ten (10) days after that decision is made. In the event that a recommendation about the grant or denial of the license is made by the Board designee before the Board ratifies or rejects, the Board office shall notify the applicant of the designee's recommendation informing the applicant that the determination shall not be effective until the Board makes a decision.
- (4) If an applicant receives notification from the Board office informing the applicant that his or her application is incomplete or requires additional information or documentation, the applicant has thirty (30) days from receipt of the Board office notification to submit the additional information or documentation; otherwise, the application shall be closed and the applicant may reapply.
- (5) Once the applicant is deemed eligible to sit for the examination for the applied category of licensure, the applicant shall have twelve (12) months from the date the application is approved to pass the examination.
- (6) If the applicant fails to complete his or her application by failing to pass the required examination or failing to submit the required information pursuant to rule 1365-1-.04 then the application shall be closed and the applicant may reapply.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. §63-23-101 [effective July 1, 2008].

Rule 1365-01-.07 Application, Review, Approval, and Denial is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.07 Renewal, Reinstatement, and Retirement.

(1) Renewal.

- (a) A licensee may renew his or her license two (2) years from the date of issuance. All licenses expire two (2) years from the date of issuance.
- (b) A licensee may renew his or her license through the internet or by submitting a paper renewal application to the Board office.
- (c) A licensee who wishes to renew his or her license must have completed continuing education requirements provided in Rule 1365-1-.09 and shall submit the following to the Board office.
 - 1. A completed renewal application form prescribed by the Board; and
 - 2. Payment of the renewal and state regulatory fees.
- (d) A licensee may renew his or her license within sixty (60) days after the license expiration date by complying with paragraph (c) above and paying the late renewal fee established in rule 1365-1-.05. If a licensee fails to renew his or her license within the sixty (60) day grace period, then the licensee may apply for reinstatement or reapply for licensure.

(2) Reinstatement.

- (a) An applicant who wishes to reinstate his or her license and the license has been inactive, expired, or revoked for less than three (3) years shall submit the following to the Board office to reinstate his or her license.
 - 1. Payment of the renewal, state regulatory, and late renewal fees; and
 - 2. Proof that he or she has successfully completed continuing education requirements during the time in which the licensee's license was not active pursuant to Rule 1365-1-.09.
- (b) An applicant who wishes to reinstate his or her license and the license has been inactive, expired or revoked for three (3) to five (5) years shall submit the following to the Board office to reinstate his or her license.
 - 1. Payment of the renewal, state regulatory, and late renewal fees;
 - 2. Proof that the he or she has successfully completed continuing education requirements during the time in which the licensee's license was not active; and
 - 3. Any additional requirements requested by the Board to ensure continued competency.

- (c) An applicant who wishes to reinstate his or her license and the license has been inactive, expired, or revoked for more than five (5) years shall reapply for licensure.
- (3) Retirement.
- (a) A licensee may retire his or her license by submitting a completed affidavit of retirement form to the Board office.
 - (b) A licensee with a retired license may reactivate his or her license by submitting the following to the Board office:
 - 1. Written request for reactivation to the Board office;
 - 2. Payment of the licensure renewal and state regulatory fees; however, if the licensee requests reactivation within less than one (1) year from the date of retirement, then the licensee shall pay the renewal, late renewal, and state regulatory fees;
 - 3. Proof of having completed continuing education requirements pursuant to Rule 1365-1-.09 for each calendar year in which the license is retired; these hours will not be counted toward the next renewal period.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. §63-23-101 [effective July 1, 2008].

Rule 1365-01-.08 Examinations is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.08 Supervision.

- (1) Supervision as the term is used in T.C.A. § 63-23-101 et seq. is considered to include the following:
 - (a) Frequent and regularly scheduled one to one discussion or a group discussion between supervisor and supervisee(s) 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.
- (2) Prior to December 31, 2010
 - (a) The L.C.S.W. applicant by examination, after having become a licensed master social worker or a temporarily licensed master social worker, shall have completed a total of two thousand (2,000) clinical contact hours over not less than a two (2) year period. The L.C.S.W. applicant by reciprocity shall have completed a total of two thousand (2,000) clinical

contact hours after receipt of their master's or doctoral degree in social work. The clinical contact hours must be over not less than a two (2) year period. The applicant may or may not have held the credential of LMSW.

1. The clinical experience shall include at least one (1) supervisor-supervisee hour for every twenty (20) clinical contact hours (client-therapist) for a total of one hundred (100) supervisor contact hours (supervisor-supervisee) over not less than a two (2) year period.
2. At least sixty (60) of the one hundred (100) supervisor contact hours must be one-to-one supervisor-supervisee supervision; and no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting.
3. Individual and group supervision must be provided by a licensed clinical social worker.
4. The above supervision time shall be in addition to:
 - (i) Any overall administrative supervision, and
 - (ii) Any group seminar or group consultation which is deemed appropriate.

(3) After December 31, 2010

- (a) The L.C.S.W. applicant by examination, after having become a licensed master social worker or a temporarily licensed master social worker, as of January 1, 2009, shall have completed a total of three thousand (3,000) clinical contact hours over not less than a two (2) year period. The L.C.S.W. applicant by reciprocity shall have completed a total of three thousand (3,000) clinical contact hours after receipt of their master's or doctoral degree in social work. The clinical contact hours must be over not less than a two (2) year period. The applicant may or may not have held the credential of LMSW.

1. The clinical experience shall include at least one (1) supervisor-supervisee hour for every thirty (30) clinical contact hours (client-therapist) for a total of one hundred (100) supervisor contact hours (supervisor-supervisee) over not less than a two (2) year period.
2. At least sixty (60) of the one hundred (100) supervisor contact hours must be one-to-one supervisor-supervisee supervision; and no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting.
3. Individual and group supervision must be provided by a licensed clinical social worker.
4. The above supervision time shall be in addition to:
 - (i) Any overall administrative supervision, and

- (ii) Any group seminar or group consultation which is deemed appropriate.
- (b) The L.A.P.S.W. applicant by examination, after having become a licensed master social worker or a temporarily licensed master social worker, shall have completed a total of three thousand (3,000) non-clinical social work practice hours over not less than a two (2) year period. The L.A.P.S.W. applicant by reciprocity shall have completed a total of three thousand (3,000) non-clinical social work practice hours after receipt of their master's or doctoral degree in social work. The social work practice hours must be over not less than a two (2) year period. The applicant may or may not have held the credential of LMSW.
 - 1. The non-clinical experience shall include at least one (1) supervisor-supervisee hour for every thirty (30) non-clinical contact hours for a total of one hundred (100) supervisor contact hours (supervisor-supervisee) over not less than a two (2) year period.
 - 2. At least sixty (60) of the one hundred (100) supervisor contact hours must be one-to-one supervisor-supervisee supervision; and no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting.
 - 3. Individual and group supervision must be provided by a licensed clinical social worker or a licensed advanced practice social worker.
- (4) Both the supervisor and supervisee must maintain records of the experience and the supervision process. Verification of supervision will be submitted by both the supervisor and supervisee at the time the application for licensure is filed in the Board's administrative office.
- (5) A supervisor providing clinical supervision prior to December 31, 2010, must be a Licensed Clinical Social Worker during supervision period.
- (6) A supervisor providing supervision after December 31, 2010, must be a current L.C.S.W. or L.A.P.S.W. and must provide documentation to Board administrative staff that they have been continuously licensed (L.C.S.W. or L.A.P.S.W.) for a period of no less than three (3) years or for non-clinical supervision were licensed as an L.A.P.S.W. from the date such licensure designation became available and must provide documentation to the Board of satisfactory completion of nine (9) clock hours of continuing education pertaining specifically to clinical and/or non-clinical social work supervision.
- (7) Applicants from another state seeking licensure by examination in Tennessee must provide evidence of supervision by an L.C.S.W. or the equivalent in the state where the supervision was performed. The supervisor must have passed the Level C, ASWB examination. If the supervisor is not licensed or the state has no provision for licensure, then the applicant must obtain the prerequisite supervision from a licensed clinical social worker in Tennessee.
- (8) No members of any other mental health or medical discipline will qualify as an approved supervisor for L.C.S.W. or L.A.P.S.W. licensure.

- (9) Conflict of Interest Supervision - Supervision provided by the applicant's parents, spouse, former spouse, siblings, children, cousins, in-laws (present or former), step-children, grandparents, grandchildren, aunts, uncles, employees, or anyone sharing the same household shall not be acceptable toward fulfillment of licensure requirements. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payment for actual supervisory hours.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.09 Renewal of Certificate or License is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.09 Continuing Education.

- (1) Requirements for licensed baccalaureate social worker.
 - (a) Each licensee shall obtain nine (9) continuing education clock hours relative to social work during each calendar year.
 - (b) Four (4) of the nine (9) hours shall be in social work.
 - (c) Three (3) of the nine (9) hours shall be in professional ethics.
 - (d) Two (2) of the nine (9) hours shall be in either social work or professional ethics.
 - (e) Those licensees who hold more than one (1) category of licensure to practice social work must separately satisfy the continuing education requirements for each level of licensure.
- (2) Requirements for licensed master social worker.
 - (a) Each licensee shall obtain twelve (12) continuing education clock hours relative to social work during each calendar year.
 - (b) Seven (7) of the twelve (12) hours shall be in social work.
 - (c) Three (3) of the twelve (12) hours shall be in professional ethics.
 - (d) Two (2) of the twelve (12) hours shall be in either social work or professional ethics.
 - (e) Those licensees who hold more than one (1) category of licensure to practice social work must separately satisfy the continuing education requirements for each level of licensure.
- (3) Requirements for licensed advanced practice social worker and licensed clinical social worker.

- (a) Each licensee shall obtain fifteen (15) continuing education clock hours relative to social work during each calendar year.
 - (b) Ten (10) of the fifteen (15) hours shall be in social work.
 - (c) Three (3) of the fifteen (15) hours shall be in professional ethics.
 - (d) Two (2) of the fifteen (15) hours shall be in either social work or professional ethics.
 - (e) Those licensees who hold more than one (1) category of licensure to practice social work must separately satisfy the continuing education requirements for each level of licensure.
- (4) Social Work Continuing Education is considered to be those preplanned/formalized activities with written learning objectives that are directed at developing and enhancing an individual's awareness of professional ethics and an individual's social work knowledge base and service delivery skills in the applicable areas of social work planning, administration, education, research or direct service with individuals, couples, families, and groups.
- (a) These activities may include short academic courses, courses audited at accredited colleges and universities, workshops, seminars, conferences, and lectures oriented toward enhancement of professional ethics awareness and of social work practice, values, skills and knowledge for the purpose of accomplishing specific written learning objectives.
 - (b) Multi-Media courses may be taken for continuing education credit. Multi-media learning activities must have specific learning objective, be presented by a qualified presenter, have a method to verify completion of the learning experience and include the issuance of verification of the completion of the continuing education.
 - 1. Multi-Media courses may include courses utilizing:
 - (i) The Internet
 - (ii) Closed circuit television
 - (iii) Satellite broadcasts
 - (iv) Correspondence courses
 - (v) Videotapes
 - (vi) CD-ROM
 - (vii) DVD
 - (viii) Teleconferencing
 - (ix) Videoconferencing
 - (x) Distance learning

2. A maximum of two-thirds ($\frac{2}{3}$) of a licensee's credit hours may be granted for multi-media courses during each calendar year.
- (5) Clock Hour - A clock hour represents actual time in continuing education activity. (Providers who measure continuing education activities in "continuing education units" shall define CEU in clock hours.)
 - (6) Basic Requirements - Each social worker registered with the board is required to complete continuing education pursuant to sections 1-3 during each calendar year.
 - (a) For licensed baccalaureate social workers and licensed master social worker applicants, successful completion of the education requirements, pursuant to rule 1365-1-.04, shall be considered sufficient preparatory education to be substituted for the required hours of continuing education for the remainder of the calendar year in which the education requirements were completed.
 - (b) Those persons who hold an active L.B.S.W., L.M.S.W., L.A.P.S.W. and/or L.C.S.W. authorization to practice must separately satisfy the continuing education requirements for each license they wish to renew with no duplication between the four.
 - (7) Acceptable Social Work Continuing Education
 - (a) Acceptable continuing education shall consist of seminars, workshops, or mini-courses oriented to the awareness of professional ethics and to the enhancement of social work practice, values, skills, and knowledge for the purpose of accomplishing specific written learning objectives.
 1. Cross-disciplinary offerings from medicine, law, administration, education and the behavioral sciences are acceptable, if they are clearly related to the awareness of professional ethics and to the enhancement of social work practices, values, skills, and knowledge.
 2. In-service training can be provided by the employer using presenters from the staff or from outside agencies.
 3. Attendance at educational events sponsored by national, state, regional, or local professional associations in the field or events related to the practice of the profession for which a nationally or regionally accredited institution of higher education grants CEU's is acceptable. Providers who measure continuing education activities in "continuing education units" (CEU's) shall define CEU in clock hours.
 - (b) Master or doctoral level social work courses or social work related courses such as mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling and guidance taken for credit or audited from a nationally or regionally accredited institution of higher education. Baccalaureate level social work courses or social work related courses such as mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling and guidance taken for credit or

audited from a nationally or regionally accredited institution of higher education are acceptable for licensed baccalaureate social workers.

- (c) Presentation for the first time of an academic social work course, in-service training workshop or seminar, or other professional seminar.
 - (d) Preparation for the first time of a professional social work paper published in a recognized professional journal or given for the first time at a statewide or national professional meeting.
- (8) Documentation
- (a) Each licensee registered with the board must retain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification if requested in writing by the board during its verification process. The board will not maintain continuing education files.
 - (b) The board will conduct a random audit of selected individual records to assure that the continuing education requirements have been met. An individual's records may be audited during consecutive renewal periods.
 - (c) If audited, the individual must, within fifteen (15) working days of a request from the board, provide evidence that is satisfactory to the Board of compliance with this rule. Such evidence may include, but not be limited to, one (1) or more of the following:
 - 1. Certificates verifying the individual's attendance at continuing education program described in these Rules.
 - 2. An individual submitting a program as evidence of attendance at a continuing education event will also be required to submit two or more of the following for each program submitted: original registration receipt, signed program canceled check (front and back), hotel bill, name badge, or an original letter on official stationery signed by a professional associate who attended.
 - 3. An original letter on official institution stationery from the instructor of the graduate level course verifying that the course was completed and listing the number of credit hours of attendance completed by the individual.
 - 4. Official transcript verifying credit hours earned. One academic credit hour is equivalent to 15 clock hours for the purpose of licensure renewal. Credit for auditing will be for the actual clock hours in attendance, not to exceed the academic credit.
 - 5. Written documentation of training that is kept by the social worker's employer. When submitting evidence of continuing education, the documentation must include employer's name, address and phone number along with the individual's name as registered with the board, certificate/license number and social security number, course name and clock hours of attendance. The licensee must sign the form as well as his supervisor or

employer certifying that the program was monitored and the social worker was in attendance at all of the sessions listed.

6. A copy of the course syllabus and verification that the course, workshop or seminar was presented may be used as documentation. A maximum of five clock hours will be allowed for preparation and presentation during each renewal period.
- (d) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the board will request a written description of the training and how it applies to the individual's employment as a social worker. If the board determines that the training cannot be considered appropriate continuing education, the individual will be given 60 days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next renewal period.
 - (e) Continuing education credit will not be allowed for the following:
 1. The licensee's regular work activities, administrative staff meetings, case staffing/reporting, etc.
 2. Membership, holding office in, or participation on boards or committees, business meetings of professional organizations, or banquet speeches.
 3. Independent unstructured or self-structured learning.
 4. Training specifically related to policies and procedures of an agency may not be counted.
 5. Non-social work content courses.
- (9) The board does not pre-approve continuing education programs. It is the licensee's responsibility, using his or her professional judgment and utilizing the guidelines provided within these rules, to determine whether or not the programs are applicable and appropriate to his professional development and meet the standards specified in these rules.
 - (10) Continuing Education for Reactivation or Reinstatement of Retired, Revoked, or Expired License.
 - (a) Reactivation of a retired license.
 1. An individual whose license has been retired for one year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reinstatement. Those hours will be considered replacement hours and cannot be counted during the next renewal period.
 2. Any individual requesting reactivation of a license which has been retired more than one year must submit along with the reactivation request, verification which indicates the attendance and completion of fifteen (15) hours of continuing education which must have been begun and successfully completed within twelve (12) months immediately preceding the date of requested reinstatement. The continuing education hours completed to

reinstate a retired license shall not be credited toward the continuing education hours required to be completed by the end of the renewal cycle following reinstatement.

3. The board, upon receipt of a written request and explanation, may waive the continuing education for reactivation of a retired license in emergency situations.
 - (b) Reactivation of a Revoked License - No person whose license has been revoked for failure to comply with continuing education may be reactivated without complying with these requirements. Continuing education requirements will accumulate at the same rate as for those licenses which are active. A license which has been revoked for non-compliance with the continuing education requirement shall also be subject to the late renewal fee pursuant to Rule 1365-1-.05.
 - (c) Reinstatement of an Expired License – No person whose license has expired may be reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reinstatement must equal the hours required, had the license remained in an active status.
 - (d) Continuing education hours obtained as a prerequisite for reactivating or reinstating a license may not be counted toward the calendar year requirement for the year in which reactivation or reinstatement is requested.
- (11) Waiver of Continuing Education
- (a) The board may grant a waiver to any licensee of the need to certify attendance and completion of the required hours of continuing education, if it can be shown to the board that the failure to comply was not attributable to or was beyond the physical capabilities of the individual, i.e., disability, residence abroad, military service, or other reasonable cause. Such requests for waiver must be accompanied by written documentation acceptable to the board.
 - (b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the board administrative office.
 1. A written request for a waiver which specifies what requirement is sought to be waived and including a written, signed explanation of the reasons for the request,
 2. Any documentation which supports the reason for the waiver requested or which may be subsequently requested by the board.
 - (c) A waiver approved by the board is effective for only the period for which the waiver of the continuing education requirement is sought, unless otherwise specified in writing by the board.

(12) Violations

- (a) Any licensee who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or

cannot adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action.

- (b) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrants the intended action.
- (c) The licensee has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license or certificate.
- (d) Any licensee who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (12) (b) above may be subject to disciplinary action.
- (e) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any calendar year.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.10 Supervision is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.10 Standards Of Conduct.

- (1) Code of Ethics – All licensees shall comply with the code of ethics adopted by the National Association of Social Workers, 750 First Street, NE, Suite 700, Washington, DC 20002-4241, except to the extent it conflicts with the laws of the State of Tennessee or the rules of the Board. If the code of ethics conflicts with state law or rules, the state law or rules govern the matter. Violation of the code of ethics or state law or rules may subject a licensee or certificate holder to disciplinary action.
- (2) Each applicant or licensee is responsible for being familiar with and following the code of ethics.
- (3) Unethical conduct shall include, but not be limited to, the following:
 - (a) Shall not knowingly circulate untrue, fraudulent, misleading, or deceptive advertising;
 - (b) Shall not engage in sexual activities with current or former clients;
 - (c) Shall not become addicted to the habitual use of intoxicating liquors, narcotics, or other stimulants to incapacitate a licensee from the performance of his or her professional obligations and duties;
 - (d) Shall not disclose confidential information;
 - (e) Shall inform clients about the limits of client-social worker confidentiality;

- (f) Shall not deny a client's reasonable request for access to any social worker records concerning the client;
 - (g) Shall obtain the informed consent of clients before taping, recording, or permitting third parties to observe their activities;
 - (h) Shall inform a client when a conflict of interest exists between the licensee and the client as well as between the licensee's employer and the client;
 - (i) Shall inform clients as to the purpose and nature of an evaluation, research, treatment, educational, or training procedure and informing the clients that they must participate freely and voluntarily;
 - (j) Shall terminate a client relationship when services are not longer required or requested or when it is reasonably clear that the relationship is not benefiting the client;
 - (k) Shall make every effort to avoid dual relationships with clients and/or relationships that might impair the licensee's independent professional judgment and impair the quality of services provided to each client;
 - (l) Shall not enter into a relationship with a client that increases the risk of exploitation for the client to the licensee's advantage;
 - (m) Shall assist clients in finding needed services;
 - (n) Shall not provide unnecessary or unwanted services;
 - (o) Shall notify clients when the licensee anticipates terminating services. The licensee shall notify the client promptly and accommodate the transfer, referral, or continuation of services relative to the client's needs and preferences;
 - (p) Shall not set fees that are unreasonable and not commensurate with the service performed; and
 - (q) Shall not engage in the division of fees or to agree to split or divide the fee received for professional services with any person for bringing or referring a client.
- (4) Release of Records – Upon receiving a written request from the client or the client's authorized representative, a licensee shall provide the client or the client's authorized representative a complete copy of the client's record or summary of such records maintained by the licensee; it shall be the licensee's option as to whether copies of the client records or a summary of the records will be given to the client or authorized representative.
- (5) Advertising.
- (a) Affirmative Duties.
 - 1. Licensees shall engage in the following conduct while advertising in the course of the practice of social work:

- (i) Make reasonable efforts to advance the welfare and best interests of the client;
- (ii) Not discriminate against a client based on age, gender, sexual orientation, race, color, national origin, religion, diagnosis, disability, political affiliation or social or economic status;
- (iii) Inform the client of the costs of the services before providing services;
- (iv) Include the corporation, partnership or individual name, address, and telephone number of the licensees named in the advertisement;
- (v) Upon request, a licensee shall disclose that he or she gave compensation or anything of value to a representative of the press, radio, television, or any communication medium in anticipation of or in return for any advertisement that was not initiated by the licensee; and
- (vi) The licensee partner or officer of a firm or entity shall remove all references in firm or individual advertisements of another licensee who has left the firm or entity within thirty (30) days of the licensee's departure.

(b) Prohibited Activities.

1. Licensees shall not engage in the following forms of advertisement in the practice of social work:
 - (i) Making claims that the services performed, personnel employed, or office equipment used are professionally superior to that which is ordinarily performed, employed, or used or that conveys the message that one (1) licensee or certificate holder is better than another when superiority of services, personnel, or equipment cannot be substantiated;
 - (ii) Making false or misleading claims about their degree;
 - (iii) Promoting professional services that the licensee knows or should know are beyond the licensee's scope of practice;
 - (iv) Using communication techniques that intimidate, exert undue pressure or undue influence over a client or prospective client;
 - (v) Appealing to a client or prospective client's anxiety in an excessive or unfair manner;

- (vi) Using unverifiable personal testimonials attesting to the quality or competency of the services provided by the licensee;
 - (vii) Utilizing statistical data or other information based on past performances to indicate the results of future services creating an unjustified expectation about the results that the licensee can achieve;
 - (viii) Communicating personal identifiable facts, data, or information about a client without first obtaining the client's consent;
 - (ix) Misrepresenting a material fact. For the purposes of this rule, a "material fact" is any fact which an ordinary, reasonable, and prudent person would need to know to reply upon in order to make an informed decision;
 - (x) Stating or implying that certain licensees provide certain services when such services are performed by another licensee;
 - (xi) Directly or indirectly offering, giving, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a client in connection with the performance of professional services;
 - (xii) Making false, deceptive, misleading, or fraudulent statements relative to fees.
- (c) Responsibility for Advertising and Records.
1. The licensee who is named in the advertisement is responsible for the form and content of the advertisement.
 2. The licensee who is a principal partner or officer of the firm or entity identified in the advertisement is jointly and severally responsible for the form and content of the advertisement.
 3. Each licensee shall retain every advertisement communicated by the licensee to the print, television, or radio media for two (2) years from the last date of the broadcast or publication and shall be made available for review upon the request of the Board office or its designee.
 4. Each licensee shall also retain any and all information that would substantiate the truthfulness of any assertion, omission or representation of material fact contained in the advertisement.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. §63-23-101 [effective July 1, 2008].

Rule 1365-01-.11 Retirement and Reactivation of Certificate and License is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.11 Clinical Experience

- (1) The professional application of social work knowledge, values, and skills for the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional and mental disorders;
- (2) Interventions directed to interpersonal interactions, intrapsychic dynamics, life-support, and management issues; and
- (3) Assessment, diagnosis, and treatment involving the psychotherapy process based on counseling, client-centered advocacy, consultation, and evaluation of the professional application of social work knowledge values, and skills.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.12 Continuing Education is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.12 Disciplinary Actions and Civil Penalties.

- (1) Actions - Upon a finding by the Board that any provision of the Tennessee Social Worker Practice Act or the rules promulgated pursuant thereto has been violated, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense.
 - (a) Denial of an application for licensure
 - (b) "Letter of warning" This is a written action. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (c) "Formal reprimand" This is a written action. It is a formal disciplinary action.
 - (d) "Probation" This is a formal disciplinary action for a fixed period of time.
 - (e) "Licensure suspension" This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the re-entry of the individual into the practice under the licensure previously issued.
 - (f) "Licensure revocation" This is a formal disciplinary action which removes an individual from the practice of the profession and terminates the license previously issued. No new application for licensure from a person whose license was revoked shall be considered prior to the expiration of at least one (1) year unless otherwise stated in the Board's revocation order.
 - (g) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
 1. During any period of probation, suspension;
 2. As a prerequisite to the lifting of probation or suspension; or

3. As a stand-alone requirement or requirements in any disciplinary action.
- (h) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph three (3) of this rule.
 - (i) Once ordered, probation, suspension, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee appears before the Board after the period of initial probation, suspension, or other conditioning has run and all conditions placed on the probation, suspension, have been met, and after any civil penalties assessed have been paid.
- (2) Order Modifications – A licensee can petition the Board to modify a previously issued disciplinary order if the licensee cannot fulfill the conditions of the imposed discipline. This procedure is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. This procedure cannot be used to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order.
 - (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
 - (b) Procedures
 1. The petitioner shall submit a written and signed Petition for Order Modification to the Board's Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
 2. The Board authorizes administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or

- (ii) Deny the petition, after consultation with the Office of General Counsel, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
 - 3. If the petition is granted, a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
 - 4. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven, the petitioner may request, in writing, to appear before the Board not less than thirty (30) days before the next regularly scheduled meeting of the Board.
- (3) Civil Penalties - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T.C.A. § 63-1-134.
- (a) Schedule and Amount of Civil Penalties
 - 1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed by the Board is guilty of a willful and knowing violation of T.C.A. § 63-23-101, et seq. or regulations promulgated pursuant thereto, to such an extent that there is, or is likely to be a substantial threat to the health, safety and welfare of an individual client or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who is or was practicing social work without a license from the Board. Type A civil penalties shall be assessed in the amount of not less than \$500 and not more than \$1,000.
 - 2. A Type B civil penalty may be imposed whenever the Board finds the person required to be licensed by the Board is guilty of a violation of T.C.A. § 63-23-101, et seq. or regulations promulgated pursuant thereto in such manner as to impact directly on the care of clients or the public. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
 - 3. A Type C civil penalty may be imposed whenever the Board finds the person required to be licensed, permitted, or authorized by the Board is guilty of a violation of T.C.A. § 63-23-101, et seq. or regulations promulgated pursuant thereto, which are neither directly detrimental to the clients or public, nor directly impact their care, but have only an indirect relationship to client care or the public. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.
 - (b) Procedures for Assessing Civil Penalties

1. During a contested case proceeding the Board may assess civil penalties in a type and amount which was not recommended by the Office of General Counsel.
2. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and
 - (v) The interest of the public.
3. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.13 Unethical Conduct is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.13 Replacement License.

A licensee may request a replacement license if the licensee's artistically designed license has been lost or destroyed by submitting a written request to the Board office in the form of an affidavit requesting the replacement license and stating the reasons for the request along with payment of the replacement license fee contained in rule 1365-01-.05.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.14 Clinical Experience is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.14 Change of Address and/or Name

- (1) Each licensee shall notify the Board office of any change in mailing address and physical address in writing within thirty (30) days after such change occurs; the notification must reference the licensee's name, category of licensure, and license number.
- (2) Each licensee shall notify the Board office of any change in the licensee's name in writing within thirty (30) days after such change occurs; the notification must reference the licensee's name, category of licensure, and license number.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. §63-23-101 [effective July 1, 2008].

Rule 1365-01-.15 Disciplinary Actions, Civil Penalties, and Declaratory Orders is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.15 Consumer Right-To-Know Requirements.

- (1) Licensees shall only report medical malpractice judgments, awards, or settlements against them if the settlement amount is more than ten thousand dollars (\$10,000).
- (2) Licensees shall report to the Board office if they received a felony criminal conviction or if they have received a misdemeanor criminal conviction for offenses involving any one (1) or more of the following:
 - (a) Sex;
 - (b) Alcohol or drugs;
 - (c) Physical injury or threat of injury to any person;
 - (d) Abuse or neglect of any minor, spouse, or the elderly; and
 - (e) Fraud or theft;
- (3) If any conviction reported under this rule is subsequently expunged, the licensee shall provide a copy of the Order of Expungement to the Board office. Upon receipt of the Order of Expungement, the Board office shall remove the conviction from the licensee's profile.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. §63-23-101 [effective July 1, 2008].

Rule 1365-01-.16 Replacement license is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.16 Professional Peer Assistance. As an alternative to disciplinary action or as a part of disciplinary action, the Board may refer or mandate a licensee to utilize the services of a professional assistance program approved by the Board to assess and monitor issues of substance abuse, chemical abuse, co-dependency issues, mental fitness, or lapses in professional or ethical judgments.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. §63-23-101 [effective July 1, 2008].

Rule 1365-01-.17 Change of Address and/or Name is amended by deleting the rule in its entirety and substituting it instead with the following and renaming it so that the new rule shall read as follows:

1365-01-.17 Free Health Clinic And Volunteer Practice Requirements.

- (1) A licensee, who has not been disciplined by any licensure board may receive a "special volunteer license" pursuant to T.C.A. §63-1-201, which will allow the licensee to practice social work without remuneration and solely within a "free health clinic" as defined by T.C.A. §63-1-201(1).
- (2) In order to obtain a special volunteer license, a licensee shall submit the following to the Board office:
 - (a) Completed application along with any required documentation;
 - (b) Letter of good standing from each state licensing board where the licensee is licensed to practice social work;
 - (c) The name, location of the free health clinic in which the licensee intends to practice along with proof that the clinic is operated by a nonprofit private entity that does not receive payments for its services and does not charge the individuals that it serves.
- (3) A licensee with a special volunteer license may renew, retire, or reinstate his or her license and the license may be subject to disciplinary action.
- (4) A licensee with a special volunteer license may only practice social work in a free health clinic at a specified site or setting.
- (5) A licensee with a special volunteer license may not charge or receive any fee, compensation or remuneration of any kind from any person or third party payor, including but not limited to insurance companies, health plans, and state and federal benefit programs for the provision of any services.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.18 Mandatory Release of Client Records is deleted in its entirety.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.19 Board Meetings, Officers, Consultants, Records, and Screening Panels is deleted in its entirety.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.20 Consumer Right-To-Know Requirements is deleted in its entirety

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.21 Professional Peer Assistance is deleted in its entirety

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.22 Free Health Clinic and Volunteer Practice Requirements is deleted in its entirety.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008].

Rule 1365-01-.23 Advertising is deleted in its entirety.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. §63-23-101 [effective July 1, 2008].

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Teresa Housteau, LCSW	X				
Beverly Esposito, LCSW	X				
Pamela Sams, LCSW	X				
Michele Horton, MSW	X				
Vicki Williams, MSW	X				
Julia Axley, BSW	X				
Steven Pharris, LMSW	X				
Frances Mazzagerro, LMSW	X				
Amy Gasser				X	
Sheryl A. Demott, LMSW				X	
Georgia A. Alexander, LCSW				X	
Vacant					

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

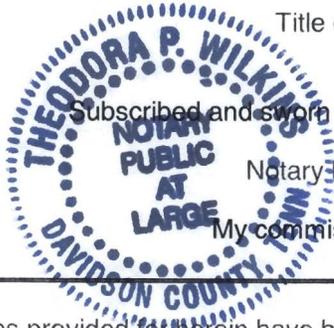
Date: 12/22/09

Signature: *Christopher J. Larkin*

Name of Officer: Christopher J. Larkin

Assistant General Counsel

Title of Officer: Department of Health



Subscribed and sworn to before me on: 12/22/09

Notary Public Signature: *Theodora P. Wilkins*

My commission expires on: 11/7/2011

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.

Robert E. Cooper, Jr.
Attorney General and Reporter

2-2-10
Date

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Filed with the Department of State on: 02/2/10

Effective for: 180 *days

Effective through: 8/1/10

* Emergency rule(s) may be effective for up to 180 days from the date of filing.



Tre Hargett
Secretary of State

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

1365-01-.01 Adds and deletes several definitions;
1365-01-.02 Scope of Practice is deleted, and replaced by adding rule that allows only an individual holding a Licensed Clinical Social Worker (L.C.S.W.) license to engage in the private practice of social work;
1365-01-.03 Deletes Necessity of License and adds the use of titles for the four licensure tiers of social workers;
1365-01-.04 Deletes Qualifications for Certifications and Licensure and creates license requirements for the four licensure tiers of social workers and increases the supervisory requirement for clinical social workers from at least two thousand (2,000) hours of clinical experience to at least three thousand (3,000) hours of clinical experience;
1365-01-.05 Deletes Procedures for Certification and Licensure and creates an updated fee schedule for licensure;
1365-01-.06 Deletes Fees and adds rule regulating the process for application review, approval, and denial.
1365-01-.07 Deletes Application, Review, Approval, and Denial and adds rule regarding Renewal, Reinstatement, and Retirement;
1365-01-.08 Deletes Examinations and adds rule regulating supervision;
1365-01-.09 Deletes Renewal of Certificate or License and adds language regulating continuing education;
1365-01-.10 Deletes Supervision and adds language regarding Standards of Conduct;
1365-01-.11 Deletes Retirement and Reactivation of Certificate and License and adds rule addressing Clinical Experience;
1365-01-.12 Deletes Continuing Education and adds rule relating to Disciplinary Actions and Civil Penalties;
1365-01-.13 Deletes rule relating to Unethical Conduct and adds rule regulating Replacement License;
1365-01-.14 Deletes rule regarding Clinical Experience and adds rule relating to Change of Address and/or Name;
1365-01-.15 Deletes rule relating to Disciplinary Actions, Civil Penalties, and Declaratory Orders and adds rule relating to Consumer Right-to-Know Requirements
1365-01-.16 Depletes rule relating to Replacement License and adds rule regarding Professional Peer Assistance; and
1365-01-.17 Deletes rule regulating Change of Address and/or Name and adds rule regulating Free Healthcare and Volunteer Practice Requirements.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Chapter 1016 of the Public Acts of 2008, §1 and T.C.A. §63-23-110

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Persons seeking licensure under these rules in the categories of Licensed Baccalaureate Social Worker; Licensed Master Social Worker; Licensed Advanced Practice Social Worker; and Licensed Clinical Social Worker. Educational Programs and Agencies relating to the practice of Social Work.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

To the best of our knowledge, there are no Attorney General opinions relative to the new rules.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two

percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There will be neither a positive nor a negative fiscal impact because the new rules will implement a program that is self-sufficient.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

I, as well as the program administrator, Barbara Maxwell are the appropriate agency representative possessing substantial knowledge of these new rules.

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

I, as well as the program administrator, Barbara Maxwell will explain the new rules at a scheduled meeting of the committees

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

My contact information is Office of General Counsel, Tennessee Department of Health, 220 Athens Way, Suite 210, Nashville, TN 37243, (615) 741-1611, christopher.j.larkin@tn.gov. Barbara Maxwell's contact information is: Bureau of Health Licensure and Regulation, 227 French Landing Drive, Suite 300 Nashville, TN 37243, (615) 532-5127, barbara.maxwell@tn.gov

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

There is no additional information relevant to the new rules.

**RULES
OF
TENNESSEE BOARD OF SOCIAL WORKER CERTIFICATION
AND LICENSURE**

**CHAPTER 1365-1
GENERAL RULES AND REGULATIONS**

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1365-1-.01 DEFINITIONS. As used in these rules, the terms and acronyms listed below shall have the following meanings ascribed to them:

- (1) ~~Actively engaged~~ Engaged as an independent practitioner as a clinical social worker.
- (2) ~~Advertising~~ Includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, or television broadcasting or any other means designed to secure public attention.
- (3) ~~Applicant~~ Any individual seeking certification or licensure by the board who has submitted an official application and paid the application fee.
- (4) ~~Board~~ The Board for Social Worker Certification and Licensure.
- (5) ~~Board administrative office~~ The office of the administrator assigned to the board located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.
- (6) ~~Board designee~~ Any person who has received a written delegation of authority from the board to perform board functions subject to review and ratification by the full board where provided by these rules.
- (7) ~~Certified Master Social Worker~~ When the acronym C.M.S.W. appears in this rule, it is intended to mean certified master social worker as provided in T.C.A. §63-23-102.
- (8) ~~Clinical contact hour~~ A "therapeutic hour" of not less than a 45 minute period in which a clinical social worker works with an individual, couple, family, or group.

(Rule 1365-1-.01, continued)

- ~~(9) — Clinical experience — The assessment, evaluation, diagnosis, and treatment involving the psychotherapy process based on the professional application of social work therapy and methods.~~
- ~~(10) — Closed Files — An administrative action which renders an incomplete or denied file inactive.~~
- ~~(11) — Clock hour — Fifty five minutes spent in a continuing education activity. Providers who measure continuing education activities in “continuing education units” shall define CEU in clock hours.~~
- ~~(12) — Continuing education — Education beyond the basic licensing or certifying education requirement and which is related to the practice of social work and to the awareness of professional ethics.~~
- ~~(13) — Department — Tennessee Department of Health.~~
- ~~(14) — Division — The Division of Health Related Boards, Tennessee Department of Health, from which the board receives administrative support.~~
- ~~(15) — Fee — Money, gifts, services, or anything of value offered or received as compensation in return for rendering services.~~
- ~~(16) — Fee splitting — The practice of paying commissions to colleagues out of fees received from clients who have been referred by the colleague for rendering services.~~
- ~~(17) — Group supervision — The process of clinical supervision of no more than four persons in a group setting provided by an L.C.S.W. supervisor wherein practice problems are dealt with that are similar in nature and complexity to all supervisees in the group.~~
- ~~(18) — He/she His/her — When “he” appears in the text of these rules, the word represents both the feminine and the masculine genders.~~
- ~~(19) — Independent Practice — Private practice as a licensed clinical social worker.~~
- ~~(20) — Independent Practitioner — Licensed clinical social worker.~~
- ~~(21) — Individual supervision — A face to face meeting with one supervisor and one supervisee.~~
- ~~(22) — L.C.S.W. eligible — Having filed an application for the L.C.S.W. with the board and having had the application approved as eligible to sit for the clinical level examination.~~
- ~~(23) — License — Document issued to an applicant who successfully completes the licensure process. The license takes the form of an “artistically designed” license as well as other versions issued bearing an expiration date.~~
- ~~(24) — Licensed Clinical Social Worker — When the acronym L.C.S.W. appears in this rule, it is intended to mean licensed clinical social worker which is synonymous with “Independent Practitioner” as that term is used in T.C.A. §63-23-103.~~
- ~~(25) — Licensee — Any person who has been lawfully issued a license to practice social work in Tennessee by the board.~~
- ~~(26) — Person — Any individual, firm, corporation, partnership, organization, or body politic.~~
- ~~(27) — Post-graduate supervised experience — Supervised experience occurring after the educational institution grants the degree.~~

(Rule 1365-1-.01, continued)

- ~~(28) Private Practice — Those practitioners who, on either 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 L.C.S.W. supervision, regardless of the organization structure.~~
- ~~(29) Registrant — Any person who has been lawfully issued a certificate to practice as a certified master social worker or licensed clinical social worker in Tennessee.~~
- ~~(30) Relative — Parent, spouse, former spouse, siblings, children, cousins, in-laws (present and former), aunts, uncles, grandparents, grandchildren, step children, employees, or anyone sharing the same household.~~
- ~~(31) Supervisee — An individual who is engaged in post masters, supervised experience under the direction of a supervisor.~~
- ~~(32) Supervision — The ongoing, direct clinical review, for the purpose of training or teaching, by an L.C.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 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.~~
- ~~(33) Supervisor — A licensed clinical social worker who meets the requirements established by the Board for Social Worker Certification and Licensure, pursuant to Rules 1365-1-.04 through 1365-1-.08, and who provides supervision for a prospective applicant for licensure.~~
- ~~(34) Use a title or description of — To hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards or other instruments of professional identification.~~
- (1) Applicant - Any individual seeking licensure by the board who has submitted an official application and paid the application fee.
- (2) Board - The Board of Social Worker Licensure.
- (3) Board administrative office - The office of the administrator assigned to the board located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.
- (4) Board designee - Any person who has received a written delegation of authority from the board to perform board functions subject to review and ratification by the full board where provided by these rules.
- (5) Clinical contact hour - A "therapeutic hour" of not less than a 45 minute period in which a clinical social worker works with an individual, couple, family, or group.
- (6) Clinical experience - The assessment, evaluation, diagnosis, and treatment involving the psychotherapy process based on the professional application of social work knowledge, values, and skills.
- (7) Fee splitting - The practice of paying commissions to colleagues out of fees received from rendering services to clients who have been referred by the colleague.
- (8) 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.
- (9) Individual supervision - A face-to-face meeting with one supervisor and one supervisee.

(Rule 1365-1-.01, continued)

- (10) Person - Any individual, firm, corporation, partnership, organization, or body politic.
- (11) Post-graduate supervised experience - Supervised experience occurring after the educational institution grants the degree.
- (12) Private Practice - Those practitioners who, on either 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. or a L.A.P.S.W.s may engage in Private Practice.
- (13) 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.
- (14) Supervisor - A licensed clinical social worker or licensed advanced practice social worker who meets the requirements established by the Board of Social Worker Licensure, pursuant to Rules 1365-1-.04 through 1365-1-.08, and who provides supervision for a prospective applicant for licensure.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 4-5-204, 63-23-101, 63-23-102, 63-23-103, 63-23-104 and 63-23-108. *Administrative History:* Original rule filed January 22, 1986; effective February 21, 1986. Amendment filed December 20, 1988; effective February 3, 1989. Amendment filed August 17, 1990; effective October 1, 1990. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed December 19, 1998; effective March 4, 1998. Amendment filed March 9, 2001; effective May 23, 2001. Amendment filed August 16, 2002; effective October 30, 2002.

1365-1-.02 — SCOPE OF PRACTICE.

(1) — Licensed Clinical Social Worker

~~(a) — A licensed clinical social worker may render services or offer to render services to individuals, couples, organizations, families, groups, or the general public. Such services shall be guided by knowledge of social resources, social systems, and human behavior. They may provide assessment, evaluation, prevention, intervention, supervision, consultation and psychotherapy guided by the social work theory base.~~

~~(b) — A social worker may not prescribe medication or interpret psychological tests.~~

(2) — Certified Master Social Worker

~~(a) — A certified master social worker may render services or offer to render services to, individuals, couples, organizations, families, groups, or the general public. Such services shall be guided by knowledge of social resources, social systems, and human behavior. They may provide assessment, evaluation, prevention, intervention, supervision, consultation and psychotherapy guided by the social work theory base.~~

~~(b) — A social worker may not prescribe medication or interpret psychological tests.~~

~~(c) — A certified master social worker may not practice privately or hold himself out as a licensed clinical social worker.~~

(Rule 1365-1-.02, continued)

1365-1-.02 NECESSITY OF LICENSE. Unless an individual holds a current unrevoked or unsuspended Licensed Clinical Social Worker License (L.C.S.W.) license in Tennessee, he, or she may not engage in the private practice of clinical social work.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 63-23-102, 63-23-103, 63-23-1016, and 63-23-108. *Administrative History:* Original rule filed January 22, 1986; effective February 21, 1986. Amendment filed October 31, 1990; effective December 15, 1990. Repeal and new rule filed April 6, 1994; effective June 20, 1994.

~~**1365-1-.03 NECESSITY OF LICENSE**~~

~~(1) Unless an individual holds a current unrevoked or unsuspended license in Tennessee, he may not practice social work as an independent practitioner.~~

~~(2) Use of Titles~~

~~(a) Any person who possesses a valid, unsuspended and unrevoked certificate issued by the Board has the right to use the title and/or acronym "Certified Master Social Worker (C.M.S.W.)," as defined in T.C.A. § 63-23-102.~~

~~(b) Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the title and/or acronym "Licensed Clinical Social Worker (L.C.S.W.)," as defined in T.C.A. § 63-23-103.~~

~~(e) Violation of this rule or T.C.A. §§ 63-23-106 and 63-23-111 regarding use of titles shall constitute unethical conduct and subject the licensee or certificate holder to disciplinary action.~~

1365-1-.03 USE OF TITLES.

(1) Any person who possesses a valid license as a baccalaureate social worker may use the title and/or acronym "Licensed Baccalaureate Social Worker (L.B.S.W.)," as defined in T.C.A. § 63-23-102.

(2) Any person who possesses a valid license as a master's social worker may use the title and/or acronym "Licensed Master's Social Worker (L.M.S.W.)," as defined in T.C.A. § 63-23-103.

(3) Any person who possesses a valid license as an advanced practice social worker may use the title and/or acronym "Licensed Advanced Practice Social Worker (L.A.P.S.W.)," as defined in T.C.A. § 63-23-104.

(4) Any person who possesses a valid license as a clinical social worker may use the title and/or acronym "Licensed Clinical Social Worker (L.C.S.W.)," as defined in T.C.A. § 63-23-105.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 63-23-103, 63-23-106, and 63-23-108. *Administrative History:* Original rule filed January 22, 1986; effective February 21, 1986. Amendment filed January 5, 1990; effective February 19, 1990. Amendment filed July 19, 1990; effective September 2, 1990. Amendment filed February 14, 1991; effective March 31, 1991. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed August 18, 2006; effective November 1, 2006.

~~**1365-1-.04 QUALIFICATIONS FOR CERTIFICATION AND LICENSURE.** Prior to submitting an application each of the following qualifications must be met by a candidate for certification or licensure.~~

~~(1) Temporarily Certified Master Social Worker — Must be a graduate with a master's or doctorate degree in social work, as provided in T.C.A. § 63-23-102, granted after April, 2005 by a university, college, or school of social work that at the time of graduation has applied for, but has not yet received, accreditation by the Council on Social Work Education.~~

(Rule 1365-1-.04, continued)

- ~~(2) — Certified Master Social Worker — Must be a graduate with a master's or doctorate degree in social work, as provided in T.C.A. § 63-23-102, granted by a university, college, or school of social work accredited by the Council on Social Work Education.~~
- ~~(3) — Licensed Clinical Social Worker by Examination~~
- ~~(a) — Must be currently registered with the board as a certified master social worker.~~
- ~~(b) — Must have had two (2) years of supervised post masters' clinical experience accrued after receipt of C.M.S.W., which was supervised by an L.C.S.W. The supervised post masters' clinical experience accrued as a temporarily C.M.S.W. shall be applicable towards meeting this requirement.~~
- ~~(4) — Licensure by Reciprocity — The Board may issue a license to any person to practice as a clinical social worker who, at the time of application, holds a valid license issued by a board of social work of any state, has met the requirements of paragraph (1) of this rule, has completed two (2) years of supervised post graduate clinical experience pursuant to rule 1365-1-.10, and provides evidence of not having failed the examination pursuant to Rule 1365-1-.08.~~

1365-1-.04 LICENSURE REQUIREMENTS.

- (1) Baccalaureate Social Worker.
- (a) After December 31, 2010, an applicant for a license as a baccalaureate social worker shall submit the following to the Board office:
1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensing board, should the person be licensed in another state;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving fraudulent, misleading, deceptive, or negligent acts.
 2. Payment of the application, license, and state regulatory fees;
 3. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
 4. Results of his or her criminal background check to be sent from the vendor directly to the Board office;
 5. Proof that he or she has received a baccalaureate degree in social work from a Council on Social Work Education approved program; and
 6. Proof that he or she has successfully passed the Association of Social Work Board's licensing examination with a passing score of seventy-five (75).

(Rule 1365-1-.04, continued)

(2) Master's Social Worker.

- (a) After December 31, 2010, an applicant for a license as a master's social worker shall submit the following to the Board office:
1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensing board should the person be licensed in another state;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving fraudulent, misleading, deceptive, or negligent acts.
 2. Payment of the application, license, and state regulatory fees;
 3. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
 4. Results of his or her criminal background check to be sent from the vendor directly to the Board office;
 5. Proof that he or she has received a master's degree in social work from a Council on Social Work Education approved program, or a doctorate in Social Work; and
 6. Proof that he or she has successfully passed the Association of Social Work Board's licensing examination with a passing score of seventy-five (75).

(3) Advanced Practice Social Worker.

- (a) After December 31, 2010, an applicant for a license as an advanced practice social worker shall submit the following to the Board office:
1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) criminal conviction(s), except for traffic violations;
 - (ii) denial of licensure or discipline imposed by another state's licensing board, should the person have a license in another state;
 - (iii) loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving fraudulent, misleading, deceptive, or negligent acts.
 2. Payment of the application, license, and state regulatory fees;
 3. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;

(Rule 1365-1-.04, continued)

4. Results of his or her criminal background check to be sent from the vendor directly to the Board office;
 5. Proof that he or she has received a master's in social work from a Council on Social Work Education approved program, or a doctorate in Social Work;
 6. Proof that he or she has successfully passed the Association of Social Work Board's licensing examination with a passing score of seventy-five (75); and
 7. Proof that he or she has practiced for no less than two (2) consecutive years prior to the date of application as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed advanced practice social worker or licensed clinical social worker. Within a period of no less than a (2) year period, and within a six year period, the applicant shall demonstrate proof of having obtained the following:
 - (i) At least three thousand (3000) hours of non-clinical experience, that may include administrative and direct client-social worker contact;
 - (ii) At least one hundred (100) of the three thousand (3000) hours must be between supervisor and supervisee;
 - (iii) Not less than sixty (60) of the one hundred (100) supervisor contact hours must be one-to-one supervision between the supervisor and supervisee; no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting; and
 - (iv) Supervision by someone who is related to the supervisee by marriage or family or by someone who shares the same household as the supervisee is not acceptable.
- (4) Clinical Social Worker.
- (a) After December 31, 2010, an applicant for a license as a clinical social worker shall submit the following to the Board office:
 1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensing board, should the person be licensed in another state;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving fraudulent, misleading, deceptive, or negligent acts.
 2. Payment of the application, license, and state regulatory fees;
 3. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
 4. Results of his or her criminal background check to be sent from the vendor directly to the Board office;

(Rule 1365-1-.04, continued)

5. Proof that he or she has received a master's degree in social work from a Council on Social Work Education approved program or a doctorate in Social Work,
 6. Proof that he or she has successfully passed the Association of Social Work Board's licensing examination with a passing score of seventy-five (75); and
 7. Proof that he or she has worked for not less than two (2) years as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed clinical social worker. In the event that the applicant is from another state, then the applicant must have worked under the supervision of a person who possesses the same or exceeds the same educational and experience requirements to obtain licensure as a clinical social worker in Tennessee.
 - (i) At least three thousand (3000) hours of clinical experience, meaning client-therapist contact;
 - (ii) At least one hundred (100) of the three thousand (3000) hours must be between supervisor and supervisee;
 - (iii) Not less than (60) of the one hundred (100) supervisor contact hours must be one-to-one supervision between the supervisor and supervisee; no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting; and
 - (iv) Supervision by someone who is related to the supervisee by marriage or family or by someone who shares the same household as the supervisee is not acceptable.
- (5) Licensure before December 31, 2010.
- (a) An applicant may obtain licensure as a baccalaureate social worker, master's social worker, or advanced practice social worker without examination prior to December 31, 2010, if the person submits the following to the Board office:
 1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensure board;
 - (iii) Loss or restriction of licensure privileges;
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant; and
 - (v) Letter of good standing from the other state's licensing board showing that the applicant's license is active or when it became inactive.
 2. Payment of the application, license, and state regulatory fees;
 3. Result of his or her criminal background check to be sent from the vendor directly to the Board office; and
 4. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office.

(Rule 1365-1-.04, continued)

- (b) If the applicant is seeking licensure as a baccalaureate social worker, the applicant shall submit proof that he or she has graduated from any institution before 1980 with a bachelors degree in social work or proof that he or she has graduated from a Council on Social Work Education accredited program between 1980 and December 31, 2010.
- (c) If the applicant is seeking licensure as a master's social worker, the applicant shall submit proof that he or she has graduated from any institution before 1980 with a master's or doctorate degree in social work or proof that he or she has graduated from a Council on Social Work Education accredited master's program or with a doctorate in Social Work between 1980 and December 31, 2010.
- (d) If the applicant is seeking licensure as an advanced practice social worker, the applicant shall submit proof that he or she has graduated from any institution before 1980 with a master's or doctorate degree in social work or proof that he or she has graduated from a Council on Social Work Education accredited master's program or with a doctorate in Social Work between 1980 and December 31, 2010. The person shall also submit a work history of not less than three (3) years showing three (3) consecutive years working in the capacity of an advanced practice social worker from the date the application is filed with the Board office as well as a professional reference from a former or current employer, supervisor, or colleague. In lieu of a work history and professional reference, the person may submit proof of having current ACSW or DCSW credentials from the National Association of Social Workers.
- (e) If the applicant is seeking licensure as a clinical social worker, the applicant shall submit the following:
 - 1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensing board, should the person be licensed in another state;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant.
 - 2. Payment of the application, license, and state regulatory fees;
 - 3. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the board office;
 - 4. Results of his or her criminal background check to be sent from the vendor directly to the board office;
 - 5. Proof that he or she has received a master's degree in social work from a council on social work education approved program, or a doctorate in social work;
 - 6. Proof that he or she has successfully passed the association of social work board's licensing examination with a passing score of seventy-five (75); and
 - 7. Proof that he or she has worked for not less than two (2) years as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed clinical social worker. In the event that the applicant is from another state, then

(Rule 1365-1-.04, continued)

the applicant must have worked under the supervision of a person who possesses the same or exceeds the same educational and experience requirements to obtain licensure as a clinical social worker in Tennessee.

- (i) At least two thousand (2000) hours clinical experience, meaning client-therapist contact;
- (ii) At least one hundred (100) of the two thousand (2000) hours must be between supervisor and supervisee;
- (iii) At least sixty (60) of the one hundred (100) supervisor contact hours must be one-to-one supervision between the supervisor and supervisee; no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting; and
- (iv) Supervision by someone who is related to the supervisee by marriage or family or by someone who shares the same household as the supervisee is not acceptable.

(6) Reciprocity.

- (a) An applicant may obtain licensure as a baccalaureate social worker, master's social worker, or an advanced practice social worker by reciprocity and at any time, an applicant may obtain licensure as a clinical social worker by reciprocity by submitting the following to the Board office:
 - 1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure or discipline imposed by another state's licensing board;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant.
 - 2. Proof that the applicant has met or has substantially met all of the qualifications for licensure established by T.C.A. §63-23-101 *et seq.*;
 - 3. Payment of the application, license, and state regulatory fees;
 - 4. Result of his or her criminal background check to be sent from the vendor directly to the Board office;
 - 5. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
 - 6. Letter of good standing from the other state's licensing board showing that the applicant's license is active or when it became inactive;
 - 7. Proof that the person has previously passed the examination approved by the Association of Social Work Boards;
 - 8. A copy of the original state's licensing laws and rules, if available;

(Rule 1365-1-.04, continued)

9. Photocopy of original license from the original state of licensure with the applicant's current license number, if available; and
 10. Photocopy of the applicant's current renewal certificate with the license number and license expiration date.
- (b) If an applicant does not qualify for licensure by reciprocity, he or she must apply for licensure by examination. If documentation of appropriate supervision meeting the requirements pursuant to rule 1365-1-.04(a) (or before December 31, 2010 pursuant to rule 1365-1-.04 (5)(e)) is provided, the applicant is not required to possess the credential of licensed master's social worker in the State of Tennessee prior to application to sit for the examination.
- (7) Temporary Licensure.
- (a) Temporary licenses can be issued for licensed baccalaureate social workers and licensed master's social workers who graduate from a university, college, or school of social work that at the time of the applicant's graduation has applied for, but has not yet received, accreditation by the Council on Social Work Education.
 - (b) An applicant applying for licensure as a licensed baccalaureate or licensed masters social worker shall submit the following to the Board office in order to obtain a temporary license:
 1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial of licensure discipline imposed by another state's or licensure board;
 - (iii) Loss or restriction of licensure privileges; and
 - (iv) Civil suit judgment or adverse civil settlement involving the applicant.
 2. Proof that he or she has obtained a bachelor degree in social work if the person is seeking licensure as a licensed baccalaureate social worker;
 3. Proof that he or she has obtained a master's degree in social work if the person is seeking licensure as a licensed masters social worker,
 4. Proof that the institution granting the degree, at the time the degree was granted, has applied for accreditation by the council on social work education.
 5. Payment of the application, temporary license, and state regulatory fees;
 6. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the board office; and
 7. Results of his or her criminal background check to be sent from the vendor directly to the board office.
 - (c) The temporary licensed masters social worker license is required prior to beginning the supervised experience needed for licensed clinical social worker or licensed advanced practice social worker.

(Rule 1365-1-.04, continued)

- (d) A temporary licensed baccalaureate social worker must submit an application for licensed baccalaureate social worker within sixty (60) days after his/her educational institution receives accreditation from the Council on Social Work Education, or the certificate shall no longer be valid.
- (e) A temporary licensed masters social worker must submit an application for licensed masters social worker within sixty (60) days after his/her educational institution receives accreditation from the Council on Social Work Education, or the certificate shall no longer be valid.
- (f) The temporary certificate shall no longer be valid if the Board learns that the educational institution's application for accreditation from the Council on Social Work Education has been denied or withdrawn.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-4-5-202, 4-5-204, 63-23-102, 63-23-103, and 63-23-108. **Administrative History:** Original rule filed September 15, 1987; effective October 30, 1987. Amendment filed December 30, 1988; effective February 13, 1989. Amendment filed July 19, 1990; effective September 2, 1990. Amendment filed August 17, 1990; effective October 1, 1990. Amendment filed January 24, 1991; effective March 10, 1991. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed November 4, 2002; effective January 18, 2003. Amendment filed September 4, 2003; effective November 18, 2003. Amendment filed July 3, 2007; effective September 16, 2007.

~~**1365-1-.05 PROCEDURES FOR CERTIFICATION AND LICENSURE.** To become certified and/or licensed as a social worker in Tennessee, a person must comply with the following procedures and requirements:~~

- ~~(1) **Temporarily Certified Master Social Worker.** Any individual holding a master's or doctorate degree in social work, as provided in T.C.A. § 63-23-102, granted after April, 2005 by a university, college, or school of social work which is in the process of seeking accreditation by the Council on Social Work Education, may make application for certification as a temporarily certified master social worker.~~
- ~~(a) An applicant shall obtain a current application form from the Board's web page on the Internet. In the absence of access to the Internet, an applicant may obtain the application from the Board's administrative office.~~
- ~~(b) Applicants who are presently practicing pursuant to T.C.A. § 63-23-102 (e) must apply for temporary certification as a Certified Master Social Worker within ninety (90) days of the effective date of this rule paragraph. No applicant may continue to practice pursuant to Public Chapter 658 of the Public Acts of 2006 without temporary certification as a Certified Master Social Worker.~~
- ~~(c) An applicant shall respond truthfully and completely to every question or request for information contained in the application form, and submit it along with all documentation and fees required by the form and this rule to the board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.~~
- ~~(d) At the time of application, an applicant shall pay the temporary certification and State Regulatory fees as provided in Rule 1365-1-.06.~~
- ~~(e) An applicant shall submit with his application a "passport style" photograph taken within the preceding twelve (12) months.~~
- ~~(f) It is the applicant's responsibility to request a graduate transcript from his institution pursuant to T.C.A. § 63-23-102 be submitted directly from the school to the board's administrative office. This transcript must show that the degree has been conferred and carry the official seal of the institution. The transcript must show a master's or doctorate degree in social work. The~~

(Rule 1365-1-.05, continued)

~~applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program, at the time the degree was granted, has applied for accreditation by the Council on Social Work Education. The degree must have been granted prior to the date of the application for temporary certification.~~

- ~~(g) — An applicant shall disclose the circumstances surrounding any of the following:~~
- ~~1. — Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.~~
 - ~~2. — The denial of certification or licensure application by any other state or the discipline of the certificate or license holder in any country, state, or municipality.~~
 - ~~3. — Loss or restriction of certification or licensure privileges.~~
 - ~~4. — Any other civil suit judgment or adverse settlement in which the applicant was party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or other civil action recognized under the country's or state's statutory, common, or case law.~~
- ~~(h) — If an applicant holds or has ever held a certificate or license to practice as a social worker in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each state licensing board which indicates the applicant holds a certificate or license and whether it is in good standing presently or was at the time it became inactive.~~
- ~~(i) — The board may request information directly from various sources; however, it is the applicant's responsibility to submit the documentation or cause to be submitted the documentation necessary to complete the file.~~
- ~~(j) — Personal resumes will not be accepted in lieu of any part of the application and will not be reviewed.~~
- ~~(k) — The burden is on the applicant to prove by a preponderance of the evidence that his course work is equivalent to the Board's requirements.~~
- ~~(l) — The temporary certification is required prior to beginning the supervised clinical experience needed for licensure as a clinical social worker who practices independently. Temporary certificate holders who obtained supervised clinical experience pursuant to Public Chapter 658 of the Public Acts of 2006 shall receive credit for that experience.~~
- ~~(m) — A Temporarily Certified Master Social Worker must submit an application for Certified Master Social Worker within sixty (60) days after his/her educational institution receives accreditation from the Council on Social Work Education, or the temporary certification shall no longer be valid.~~
- ~~(n) — The temporary certification shall no longer be valid if the Board learns that the educational institution's application for accreditation from the Council on Social Work Education has been denied or withdrawn.~~
- ~~(2) — Certified Master Social Worker. Any individual holding a master's or doctorate degree in social work, as provided in T.C.A. § 63-23-102, granted by a university, college, or school of social work accredited by the Council on Social Work Education, may make application for licensure as a certified master social worker.~~
- ~~(a) — An application packet shall be requested from the board office.~~

(Rule 1365-1-.05, continued)

- ~~(b) — An applicant shall respond truthfully and completely to every question or request for information contained in the application form, and submit it along with all documentation and fees required by the form and this rule to the board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.~~
- ~~(c) — At the time of application, an applicant shall pay the certification and State Regulatory fees as provided in Rule 1365-1-.06.~~
- ~~(d) — An applicant shall submit with his application a signed passport photograph taken within the preceding 12 months. The applicant must sign his name on the back of the photograph.~~
- ~~(e) — It is the applicant's responsibility to request a graduate transcript from his institution pursuant to T.C.A. § 63-23-102 be submitted directly from the school to the board's administrative office. This transcript must show that the degree has been conferred and carry the official seal of the institution. The transcript must show a master's or doctorate degree in social work. The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the transcript meets the requirements of T.C.A. § 63-23-102. The degree must have been granted prior to the date of the application for certification.~~
- ~~(f) — An applicant shall disclose the circumstances surrounding any of the following:~~
- ~~1. — Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.~~
 - ~~2. — The denial of certification or licensure application by any other state or the discipline of the certificate or license holder in any country, state, or municipality.~~
 - ~~3. — Loss or restriction of certification or licensure privileges.~~
 - ~~4. — Any other civil suit judgment or adverse settlement in which the applicant was party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or other civil action remedy recognized under the country's or state's statutory, common, or case law.~~
- ~~(g) — An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification application materials, the result of a criminal background check.~~
- ~~(h) — If an applicant holds or has ever held a certificate or license to practice as a social worker in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each state licensing board which indicates the applicant holds a certificate or license and whether it is in good standing presently or was at the time it became inactive.~~
- ~~(i) — Any person who holds a master's degree in social work from an institution outside the United States may apply to the board for certification after his academic training in social work has been evaluated and determined to be equivalent to a degree awarded from a school accredited by the Council on Social Work Education. Any such person shall submit a copy of the academic training evaluation from the Foreign Equivalency Determination Service of the Council on Social Work Education.~~
- ~~(j) — Where necessary, all required documents shall be translated into English, and a translation (certified as to authenticity) and the original document shall be submitted.~~

(Rule 1365-1-.05, continued)

- ~~(k) The Board may request information directly from various sources; however, it is the applicant's responsibility to submit the documentation or cause to be submitted the documentation necessary to complete the file. The Board shall, in its discretion, determine if any components of the documentation previously submitted pursuant to paragraph (1) are acceptable.~~
- ~~(l) Personal resumes will not be accepted in lieu of any part of the application and will not be reviewed.~~
- ~~(m) The burden is on the applicant to prove by a preponderance of the evidence that his course work is equivalent to the board's requirements.~~
- ~~(n) Certification as a temporarily certified master social worker or as a certified master social worker is required prior to beginning the supervised clinical experience needed for licensure as a clinical social worker who practices independently. Temporary certificate holders who obtained supervised clinical experience pursuant to Public Chapter 658 of the Public Acts of 2006 shall receive credit for that experience.~~
- (3) ~~Licensed Clinical Social Worker. An applicant who has the equivalence of two (2) calendar years full-time clinical experience, pursuant to Rules 1365-1-.10 and 1365-1-.14, may apply for licensure by examination to engage in independent practice.~~
- ~~(a) Certification as a temporarily certified master social worker or as a certified master social worker is a prerequisite to filing an application for licensure and/or beginning a supervised clinical experience for the purpose of licensure. A photocopy of the applicant's current CMSW certificate or temporarily CMSW certificate must accompany the LCSW application.~~
- ~~(b) The applicant shall request an application packet from the board's administrative office.~~
- ~~(c) An applicant shall respond truthfully and completely to every question or request for information contained in the application form, and submit it along with all documentation and fees required by the form and this rule to the board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.~~
- ~~(d) At the time of application, an applicant shall pay the application, license, and State Regulatory fees as provided in Rule 1365-1-.06.~~
- ~~(e) An applicant shall submit with his application a signed passport photograph taken within the preceding 12 months. The applicant must sign his name on the back of the photograph.~~
- ~~(f) Except for applicants who are currently certified in Tennessee as a CMSW or who have received a temporary certificate, an applicant must provide a photocopy of his diploma or official transcript. An official transcript must be sent directly from the school to the board's administrative office.~~
- ~~(g) It is the applicant's responsibility to furnish a reference letter from another licensed clinical social worker (not the LCSW who provided the clinical supervision), to the effect that the applicant has had the equivalency of two (2) years full-time clinical experience, accrued after receipt of the master's degree in social work and after obtaining his CMSW, under the supervision of a person licensed as a clinical social worker. The supervised post-masters' clinical experience accrued as a temporarily C.M.S.W. shall be applicable towards meeting this requirement. If the person signing the reference letter is not duly licensed in Tennessee, but is licensed in another state, documentation of his licensure must be included.~~

(Rule 1365-1-.05, continued)

- ~~(h) — A “Profession Reference Assessment” (verification of supervision) form, furnished by the board and included with the application information, must be completed by the applicant’s LCSW supervisor(s) and sent directly to the board showing evidence of completion of two years full-time clinical experience pursuant to Rule 1365-1-.10.~~
- ~~(i) — An applicant shall submit with his application, as required by Rule 1365-1-.10, copies of his personal records / logs of the two thousand (2000) clinical contact hours of supervised experience.~~
- ~~(j) — An applicant shall submit with his application, as required by Rule 1365-1-.10, copies of his supervisor(s) records / logs of the two thousand (2000) clinical contact hours of supervised experience.~~
- ~~(k) — The applicant shall instruct the examination service to send directly to the board’s administrative office verification of his examination scores and level of exam taken.~~
- ~~(l) — An applicant shall disclose the circumstances surrounding any of the following:~~
- ~~1. — Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.~~
 - ~~2. — The denial of certification or licensure application by any other state or the discipline of the certificate or license holder in any country, state, or municipality.~~
 - ~~3. — Loss or restriction of certification or licensure privileges.~~
 - ~~4. — Any other civil suit judgment or adverse settlement in which the applicant was party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or other civil action remedy recognized under the country’s or state’s statutory, common, or case law.~~
- ~~(m) — An applicant shall cause to be submitted to the Board’s administrative office directly from the vendor identified in the Board’s licensure application materials, the result of a criminal background check.~~
- ~~(n) — If an applicant holds or has ever held a certificate or license to practice as a social worker in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each state licensing board which indicates the applicant holds a certificate or license and whether it is in good standing presently or was at the time it became inactive.~~
- ~~(o) — The board may request information directly from various sources; however, it is the applicant’s responsibility to submit the documentation or cause to be submitted the documentation necessary to complete the file.~~
- ~~(p) — Personal resumes will not be accepted in lieu of any part of the application and will not be reviewed.~~
- ~~(q) — The burden is on the applicant to prove by a preponderance of the evidence that his course work is equivalent to the board’s requirements.~~
- ~~(r) — Where necessary, all required documents shall be translated into English, and a translation (certified as to authenticity) and the original document shall be submitted.~~
- ~~(4) — Licensure by Reciprocity~~

(Rule 1365-1-.05, continued)

- ~~(a) — The board may issue a license to any person who, at the time of application, holds a valid license issued by a board of social work of any state; provided, in the board's opinion, the requirements for that original licensure are substantially equivalent to Tennessee's and the person has not previously failed the examination given by the board. The licensing state's original licensure issuance must have been based on the following, for which documentation must be provided by the applicant if deemed necessary by the board:~~
- ~~1. — The individual having an educational degree of master or doctor of social work, as provided in T.C.A. § 63-23-102, from a college, university or school of social work accredited by the Council on Social Work Education; and~~
 - ~~2. — The individual having completed two years post master's clinical experience under the supervision of an individual whose credentials are equivalent to a Tennessee LCSW; and~~
 - ~~3. — The individual having taken and passed the Association of Social Work Boards (ASWB) clinical-level approved examination in the state where the original license was issued and obtained a passing score pursuant to paragraph (8) of rule 1365-1-.08.~~
- ~~(b) — The applicant shall request an application packet from the board's administrative office.~~
- ~~(c) — An applicant shall respond truthfully and completely to every question or request for information contained in the application form, and submit it along with all documentation and fees required by the form and this rule to the board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.~~
- ~~(d) — At the time of application, an applicant shall pay the application, license, and state regulatory fees as provided in Rule 1365-1-.06.~~
- ~~(e) — An applicant shall submit with his application a signed passport photograph taken within the preceding 12 months. The applicant must sign his name on the back of the photograph.~~
- ~~(f) — An applicant shall disclose the circumstances surrounding any of the following:~~
- ~~1. — Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.~~
 - ~~2. — The denial of certification or licensure application by any other state or the discipline of the certificate or license holder in any country, state, or municipality.~~
 - ~~3. — Loss or restriction of certification or licensure privileges.~~
 - ~~4. — Any other civil suit judgment or adverse settlement in which the applicant was party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity, or other civil action remedy recognized under the country's or state's statutory, common, or case law.~~
- ~~(g) — An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's certification or licensure application materials, the result of a criminal background check.~~
- ~~(h) — An applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each state licensing board which indicates the applicant holds a certificate or license and whether it is in good standing presently or was at the time it became inactive. At least one license shall be current.~~

(Rule 1365-1-.05, continued)

- ~~(i) The applicant shall provide the board with a legible photocopy of:

 - ~~1. His original state's licensing law and rules.~~
 - ~~2. Photocopy of original license with number from state where applicant holds a current license.~~
 - ~~3. Photocopy of current renewal certificate with number and expiration date from the issuing state.~~~~
- ~~(j) The applicant shall instruct the examination service to send directly to the board's administrative office verification of his examination scores and level of exam taken.~~
- ~~(k) The board may request information directly from various sources; however, it is the applicant's responsibility to submit the documentation or cause to be submitted the documentation necessary to complete the file.~~
- ~~(l) Personal resumes will not be accepted in lieu of any part of the application and will not be reviewed.~~
- ~~(m) The burden is on the applicant to prove by a preponderance of the evidence that his course work is equivalent to the board's requirements.~~
- ~~(n) Where necessary, all required documents shall be translated into English, and a translation (certified as to authenticity) and the original document shall be submitted.~~
- ~~(o) An individual licensed in another state who does not qualify for licensure by reciprocity must apply for licensure by examination~~

1365-1-.05 FEES.

- (1) Baccalaureate Social Worker.
 - (a) Application fee.....\$50.00
 - (b) License fee.....\$50.00
 - (c) Endorsement/Verification fee.....\$20.00
 - (d) Renewal fee (biennial)..... \$70.00
 - (e) Late renewal fee.....\$50.00
 - (f) State regulatory fee (biennial).....\$10.00
 - (g) Temporary License fee.....\$50.00
 - (h) Replacement license fee.....\$25.00
- (2) Master's Social Worker
 - (a) Application fee..... \$75.00
 - (b) License fee.....\$75.00

(Rule 1365-1-.05, continued)

- (c) Endorsement/Verification fee.....\$20.00
 - (d) Renewal fee (biennial).....\$120.00
 - (e) Late renewal fee..... \$100.00
 - (f) State regulatory fee (biennial).....\$10.00
 - (g) Temporary license fee.....\$50.00
 - (h) Replacement license fee..... \$25.00
- (3) Advanced Practice Social Worker and Clinical Social Worker.
- (a) Application fee..... \$100.00
 - (b) License fee.....\$125.00
 - (c) Endorsement/Verification fee.....\$20.00
 - (d) Renewal fee (biennial).....\$120.00
 - (e) Late renewal fee.....\$100.00
 - (f) State regulatory fee (biennial).....\$10.00
 - (g) Replacement license fee.....\$25.00
- (4) An applicant or a licensee may pay all applicable fees in person, by mail or electronically by cash, check, money order or by credit or debit cards accepted by the Department. If the fees are paid by certified, personal, or corporate check, it must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Social Worker Licensure. All fees are nonrefundable with the exception of the license fee. In order to receive a refund, the applicant must submit a written request no later than sixty (60) days after the licensure application was denied or withdrawn.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 4-5-204, 63-23-102, 63-23-103, and 63-23-108. **Administrative History:** Original rule filed September 15, 1987; effective October 30, 1987. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed March 9, 2001; effective May 23, 2001. Amendment filed February 1, 2002; effective April 17, 2002. Amendment filed September 13, 2002; effective November 27, 2002. Amendment filed November 4, 2002; effective January 18, 2003. Amendment filed July 22, 2003; effective October 5, 2003. Amendment filed September 4, 2003; effective November 18, 2003. Amendment filed March 14, 2006; effective May 28, 2006. Amendment filed July 3, 2007; effective September 16, 2007.

1365-1-.06—FEES.~~(1) The fees are as follows:~~

- ~~(a) Application fee—A nonrefundable fee to be paid by all applicants for licensure as a clinical social worker, including those seeking licensure by reciprocity, and must be paid each time an application for licensure is filed.~~

(Rule 1365-1-.06, continued)

- (b) ~~Certification fee~~—A refundable fee to be paid by all applicants for certification as a master social worker, and must be paid each time an application for certification is filed. In order to receive a refund, the applicant must submit a written request no later than sixty (60) days after the certification application was denied or withdrawn.
- (c) ~~Duplicate License fee~~—A nonrefundable fee to be paid when an individual requests a replacement for a lost or destroyed “artistically designed” license.
- (d) ~~Endorsement/Verification~~—A nonrefundable fee to be paid for each certification, endorsement or verification of an individual’s record for any purpose.
- (e) ~~Late Renewal fee~~—A nonrefundable fee to be paid when an individual fails to timely renew his certificate or license.
- (f) ~~License fee~~—A refundable fee to be paid prior to the issuance of the “artistically designed” license, and applies to applicants seeking licensure as a clinical social worker by examination or by reciprocity. In order to receive a refund, the applicant must submit a written request no later than sixty (60) days after the licensure application was denied or withdrawn.
- (g) ~~Renewal fee~~—A nonrefundable fee to be paid by all certificate and license holders. This fee also applies to individuals who reactivate a retired license.
- (h) ~~State Regulatory fee~~—To be paid by all individuals at the time of application and with each renewal application.
- (i) ~~Reinstatement fee~~—A nonrefundable fee to be paid each time an individual requests to reinstate his license.
- (j) ~~Temporary Certification fee~~—A nonrefundable fee to be paid by all applicants for temporary certification as a master social worker, and must be paid each time an application for certification is filed.
- (2) ~~All fees shall be established by the board or the division. Fees may be reviewed and changed at the discretion of the board.~~
- (3) ~~All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Social Worker Certification and Licensure.~~
- (4) ~~Schedule of Fees~~
- (a) ~~Certified Master Social Worker~~
- | | |
|---|---------------------|
| 1. Certificate | \$100.00 |
| 2. Endorsement/Verification | \$ 20.00 |
| 3. Late Renewal | \$100.00 |
| 4. Reinstatement | \$100.00 |
| 5. Renewal (Biennial) | \$120.00 |
| 6. State Regulatory (Biennial) | \$ 10.00 |

(Rule 1365-1-.06, continued)

~~7. Temporary Certificate \$50.00~~~~(b) Licensed Clinical Social Worker~~~~1. Application~~~~(i) By Examination \$125.00~~~~(ii) By Reciprocity \$325.00~~~~2. Endorsement/Verification \$ 20.00~~~~3. Late Renewal \$100.00~~~~4. License \$ 75.00~~~~5. Reinstatement \$100.00~~~~6. Renewal (Biennial) \$120.00~~~~7. Replacement License (Duplicate) \$ 25.00~~~~8. State Regulatory (Biennial) \$ 10.00~~**1365-1-.06 APPLICATION REVIEW, APPROVAL, DENIAL.**

- (1) Initial review of all applications to determine whether the application file is complete may be delegated by the Board to the Board administrator.
- (2) The Board shall review all applications to grant or deny an application for licensure; however, the Board may appoint a designee to make a recommendation as to whether a license should be granted or denied. The final approval of all applications reviewed by the Board's designee shall be made by the Board.
- (3) After the Board or the Board's designee reviews a completed application and renders a decision or recommendation about whether the license should be granted or denied, the Board office shall notify the applicant within ten (10) days after that decision is made. In the event that a recommendation about the grant or denial of the license is made by the Board designee before the Board ratifies or rejects, the Board office shall notify the applicant of the designee's recommendation informing the applicant that the determination shall not be effective until the Board makes a decision.
- (4) If an applicant receives notification from the Board office informing the applicant that his or her application is incomplete or requires additional information or documentation, the applicant has thirty (30) days from receipt of the Board office notification to submit the additional information or documentation; otherwise, the application shall be closed and the applicant may reapply.
- (5) Once the applicant is deemed eligible to sit for the examination for the applied category of licensure, the applicant shall have twelve (12) months from the date the application is approved to pass the examination.
- (6) If the applicant fails to complete his or her application by failing to pass the required examination or failing to submit the required information pursuant to rule 1365-1-.04 then the application shall be closed and the applicant may reapply.

(Rule 1365-1-.06, continued)

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§ 4-5-202, 4-5-204, 63-23-102, and 63-23-108. *Administrative History:* Original rule filed September 15, 1987; effective October 30, 1987. Amendment filed August 17, 1990; effective October 1, 1990. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed November 4, 2002; effective January 18, 2003. Amendment filed September 4, 2003; effective November 18, 2003. Amendment filed January 30, 2007; effective April 15, 2007. Amendment filed July 3, 2007; effective September 16, 2007.

~~1365-1-.07 APPLICATION REVIEW, APPROVAL, DENIAL.~~

- ~~(1) Applications for certification and licensure will be accepted throughout the year. Files which are completed on or before the 30th day prior to a meeting will ordinarily be processed at the next board meeting scheduled for the purpose of reviewing files. A complete file consists of the original application, fees, and all supporting documentation.~~
- ~~(2) Initial review of all applications to determine whether or not the application file is complete may be delegated to the board's administrator; however, final approval of all applications is made and ratified by the board. In no event may an application be denied without prior review by the board or its designee.~~
- ~~(3) After review of a completed application and a decision rendered by the board or its designee, the applicant will be notified by mail within ten working days. A certificate or license may be issued pursuant to the initial determination made by a board designee; however, such determination shall not become fully effective until such time as the full board ratifies it.~~
- ~~(4) Incomplete applications—
 - ~~(a) The Board's determination of the completeness of an application includes:
 - ~~1. The assessing of the merit of each document submitted.~~
 - ~~2. The ability to ask for additional documentation when necessary.~~
 - ~~3. The right to refuse certain documentation as not meeting requirements.~~~~
 - ~~(b) If an application is incomplete when received in the Board's administrative office, or the Board or its designee determines during its review that additional explanation or documentation is necessary, the following will occur:
 - ~~1. A deficiency letter will be sent by the Board's administrative office to the applicant.~~
 - ~~2. The applicant shall cause requested information or documentation that is evidence satisfactory to the Board of successful completion of the requirement(s) to be sent directly to the Board's administrative office. The evidence submitted shall not be dispositive of this requirement.~~
 - ~~3. If the requested information or documentation is not received in the Board's administrative office on or before the thirtieth (30th) day after receipt of the deficiency letter, the application file shall be closed and the applicant notified. No further board action will take place until a new application is received pursuant to the rules governing the application process, including another payment of all fees.~~~~~~

(Rule 1365-1-.07, continued)

- ~~(5) If a completed application has been denied and ratified as such by the board, the action shall become final and the following shall occur:~~
- ~~(a) A notification of the denial shall be sent within ten working days by the board's administrative office. Such notification will be sent to the applicant by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure or certification, and such notification shall contain all the specific statutory or rule authorities for the denial.~~
- ~~(b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Acts (T.C.A. §4-5-301, et seq.) to contest the denial and the procedure necessary to accomplish that action.~~
- ~~(c) An applicant has a right to a contested case hearing only if the denial was based on subjective or discretionary criteria.~~
- ~~(d) An applicant may be granted a contested case hearing if licensure denial is based on an objective, clearly defined criteria only if after review and attempted resolution by the board's administrative staff, the application cannot be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal. Such request must be made in writing to the board within 30 days of the receipt of the notice from the Board.~~
- ~~(6) The board may at its discretion delay a decision on eligibility to take the examination for any applicant for whom the board wishes additional information for the purpose of clarifying information previously submitted. This request from the board shall be made to the applicant in writing and shall be made within ten working days after the date of the official review of the application by the board.~~
- ~~(7) A certificate or license will be issued only after all requirements have been met and upon approval by the board or board designee. Determinations made by a board designee shall not become fully effective until such time as the full board ratifies it.~~
- ~~(8) If the board finds it has erred in the issuance of a certificate or license, the board will give written notice by certified mail return receipt requested of its intent to annul the certificate or license. The notice will allow the applicant the opportunity to meet the requirements of certification or licensure within 30 days from date of receipt of the notification.~~
- ~~(9) Abandonment of Application. Failure of an applicant to timely complete all forms and provide all information required by the board and by the law shall be just cause for an application to be denied by the board and for the file to be closed as set forth in these rules.~~
- ~~(a) An application shall be deemed abandoned and closed if:~~
- ~~1. The CMSW application has not been completed by the applicant on or before the 30th day from receipt of the deficiency notification.~~
 - ~~2. The LCSW by examination application has not been completed on or before the 30th day from receipt of the deficiency notification. Once deemed eligible to sit for the examination, the applicant will have 12 months to take and pass the examination, pursuant to Rule 1365-1-.08.~~
 - ~~3. The LCSW by reciprocity application has not been completed on or before the 30th day after receipt of the deficiency notification.~~
- ~~(b) Whenever an applicant fails to complete the application process within the time frame stated above, the following shall occur:~~

(Rule 1365-1-.07, continued)

- ~~1. The application will be deemed abandoned and the file will be closed; and~~
 - ~~2. The determination of abandonment will be ratified by the Board; and~~
 - ~~3. Written notification of the board's determination will be mailed to the applicant.~~
- ~~(e) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.~~
- ~~(10) If an applicant requests one entrance for licensure and later wishes to change that application to a different type of entrance, a new application with supporting documents and an additional application fee must be submitted, i.e., from reciprocity to examination.~~

1365-1-.07 RENEWAL, REINSTATEMENT AND RETIREMENT.

(1) Renewal.

- (a) A licensee may renew his or her license two (2) years from the date of issuance. All licenses expire two (2) years from the date of issuance.
- (b) A licensee may renew his or her license through the internet or by submitting a paper renewal application to the Board office.
- (c) A licensee who wishes to renew his or her license must have completed continuing education requirements provided in Rule 1365-1-.09 and shall submit the following to the Board office.
 1. A completed renewal application form prescribed by the Board; and
 2. Payment of the renewal and state regulatory fees.
- (d) A licensee may renew his or her license within sixty (60) days after the license expiration date by complying with paragraph (c) above and paying the late renewal fee established in rule 1365-1-.05. If a licensee fails to renew his or her license within the sixty (60) day grace period, then the licensee may apply for reinstatement or reapply for licensure.
- (e) A licensee who has not practiced social work for two consecutive calendar years shall be required to undergo a criminal background check before a license will be renewed. This background check shall be irrespective to any other previous criminal background checks.

(2) Reinstatement.

- (d) An applicant who wishes to reinstate his or her license and the license has been inactive, expired, or revoked for less than one (1) year but not more than three (3) years shall submit the following to the Board office to reinstate his or her license.
 1. Payment of the renewal, state regulatory, and late renewal fees; and
 2. Proof that he or she has successfully completed continuing education requirements during the time in which the licensee's license was not active pursuant to Rule 1365-1-.07.

(Rule 1365-1-.07, continued)

- (e) An applicant who wishes to reinstate his or her license and the license has been inactive, expired or revoked for three (3) to five (5) years shall submit the following to the Board office to reinstate his or her license.
 1. Payment of the renewal, state regulatory, and late renewal fees;
 2. Proof that the he or she has successfully completed continuing education requirements during the time in which the licensee's license was not active; and
 3. Any additional requirements requested by the Board to ensure continued competency.
 - (f) An applicant who wishes to reinstate his or her license and the license has been inactive, expired, or revoked for more than five (5) years shall reapply for licensure.
 - (g) An applicant who has not practiced social work for two consecutive calendar years shall be required to undergo a criminal background check before a reinstated license will be issued .
- (3) Retirement.
- (a) A licensee may retire his or her license by submitting a completed affidavit of retirement form to the Board office.
 - (b) A licensee with a retired license may reactivate his or her license by submitting the following to the Board office:
 1. Written request for reactivation to the Board office;
 2. Payment of the licensure renewal and state regulatory fees; however, if the licensee requests reactivation within less than one (1) year from the date of retirement, then the licensee shall pay the renewal, late renewal, and state regulatory fees;
 3. Proof of having completed continuing education requirements pursuant to Rule 1365-1-.09 for each calendar year in which the license is retired; these hours will not be counted toward the next renewal period.
 4. Any social worker who has not practiced social work for two consecutive calendar years shall be required to undergo a criminal background check before a retired license will be reactivated.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-102(3), 4-5-202, 4-5-204, 63-23-102, 63-23-103, 63-23-104, 63-23-106, 63-23-108, and 63-23-109.

Administrative History: Original rule filed July 25, 1990; effective September 8, 1990. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed March 9, 2001; effective May 23, 2001.

~~**1365-1-.08 EXAMINATIONS.** In addition to having filed an application, social workers seeking licensure shall be required to pass a written examination.~~

~~(1) Only individuals who have the qualifications prescribed by the board in these rules are eligible to take the examination.~~

(Rule 1365-1-.08, continued)

- ~~(2) After review and only upon approval by the Board of Social Worker Certification and Licensure of the completed application and supporting credentials, the applicant shall be eligible to sit for the written examination.~~
- ~~(3) The written examination, as adopted by the Board of Social Worker Certification and Licensure, is the examination accepted by the Association of Social Work Boards (ASWB).~~
- ~~(4) Admission to, application for, and the required fee to sit for the written exam are governed by and must be submitted to the examination service. However, the examination service will not permit Tennessee applicants to be admitted to the examination until the board has deemed them eligible.~~
- ~~(5) Specific information concerning the written examination and dates may be obtained by reviewing the Candidate Handbook provided with the original application packet or by contacting ASWB, P. O. Box 1508, Culpeper, VA 22701 (1-888-5SW-EXAM).~~
- ~~(6) Upon receipt of notification from the board of eligibility to sit for the written examination, the applicant is to follow instructions as outlined in the Candidate Handbook for applying to sit for the C-level (clinical) examination.~~
- ~~(7) The testing service will administer the written exam. The examination will be scored at the test site and results made available immediately to the candidate. Test results will be sent by mail to the Board for Social Workers by ASWB.~~
- ~~(8) The board requires an examination scaled score of seventy-five (75) as the passing score, except for reciprocity applicants whose passing score shall be the passing score as determined by the ASWB.~~
- ~~(9) Individuals will be notified in writing by the board's administrative office as to the results of the written examination.~~
- ~~(10) An applicant who receives a passing score on the written exam will be issued a license if all other requirements have been met including the payment of the license fee.~~
- ~~(11) At its discretion the board may delay a decision on eligibility to take the written examination for any applicant for whom the board wishes additional information.~~
- ~~(12) If an applicant neglects, fails or refuses to take the written examination or fails to pass the written examination for licensure under these rules within 12 months after being deemed eligible by the board, the application will be denied. However, such applicant may thereafter make a new application accompanied by the required fee. The applicant shall meet the requirements in effect at the time of the new application.~~
- ~~(13) Re-examination—Applicants who fail to successful complete the examination may apply for retesting by contacting ASWB directly and following their procedures for retaking the examination. However, individuals who have not successfully completed the application processing, including passing the examination, within the allotted time frame will be required to reapply pursuant to Rule 1365-1-.05 and 1365-1-.07.~~

1365-1-.08 SUPERVISION.

- (1) Supervision as the term is used in T.C.A. § 63-23-103 is considered to include the following:
 - (a) Frequent and regularly scheduled one to one discussion or a group discussion between supervisor and supervisee(s) which shall focus on:

(Rule 1365-1-.08, continued)

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.
- (2) Prior to December 31, 2010
- (a) The L.C.S.W. applicant by examination, after having become a licensed master's social worker or a temporarily licensed master's social worker, shall have completed a total of two thousand (2,000) clinical contact hours over not less than a two (2) year period. The L.C.S.W. applicant by reciprocity shall have completed a total of two thousand (2,000) clinical contact hours after receipt of their master's or doctoral degree in social work. The clinical contact hours must be over not less than a two (2) year period. The applicant may or may not have held the credential of LMSW.
1. The clinical experience shall include at least one (1) supervisor-supervisee hour for every twenty (20) clinical contact hours (client-therapist) for a total of one hundred (100) supervisor contact hours (supervisor-supervisee) over not less than a two (2) year period.
 2. At least sixty (60) of the one hundred (100) supervisor contact hours must be one-to-one supervisor-supervisee supervision; and no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting.
 3. Individual and group supervision must be provided by a licensed clinical social worker.
 4. The above supervision time shall be in addition to:
 - (i) Any overall administrative supervision, and
 - (ii) Any group seminar or group consultation which is deemed appropriate.
- (3) After December 31, 2010
- (a) The L.C.S.W. applicant by examination, after having become a licensed master's social worker or a temporarily licensed master's social worker, as of January 1, 2009, shall have completed a total of three thousand (3,000) clinical contact hours over not less than a two (2) year period. The L.C.S.W. applicant by reciprocity shall have completed a total of three thousand (3,000) clinical contact hours after receipt of their master's or doctoral degree in social work. The clinical contact hours must be over not less than a two (2) year period. The applicant may or may not have held the credential of LMSW.
1. The clinical experience shall include at least one (1) supervisor-supervisee hour for every thirty (30) clinical contact hours (client-therapist) for a total of one hundred (100) supervisor contact hours (supervisor-supervisee) over not less than a two (2) year period.
 2. At least sixty (60) of the one hundred (100) supervisor contact hours must be one-to-one supervisor-supervisee supervision; and no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting.

(Rule 1365-1-.08, continued)

3. Individual and group supervision must be provided by a licensed clinical social worker.
4. The above supervision time shall be in addition to:
 - (i) Any overall administrative supervision, and
 - (ii) Any group seminar or group consultation which is deemed appropriate.
- (b) The L.A.P.S.W. applicant by examination, after having become a licensed master's social worker or a temporarily licensed master's social worker, shall have completed a total of three thousand (3,000) non-clinical social work practice hours over not less than a two (2) year period. The L.A.P.S.W. applicant by reciprocity shall have completed a total of three thousand (3,000) non-clinical social work practice hours after receipt of their master's or doctoral degree in social work. The social work practice hours must be over not less than a two (2) year period. The applicant may or may not have held the credential of LMSW.
 1. The non-clinical experience shall include at least one (1) supervisor-supervisee hour for every thirty (30) non-clinical contact hours for a total of one hundred (100) supervisor contact hours (supervisor-supervisee) over not less than a two (2) year period.
 2. At least sixty (60) of the one hundred (100) supervisor contact hours must be one-to-one supervisor-supervisee supervision; and no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting.
 3. Individual and group supervision must be provided by a licensed clinical social worker or a licensed advanced practice social worker.
- (4) Both the supervisor and supervisee must maintain records of the experience and the supervision process. Verification of supervision will be submitted by both the supervisor and supervisee at the time the application for licensure is filed in the Board's administrative office.
- (5) A supervisor providing clinical supervision prior to December 31, 2010, must be a Licensed Clinical Social Worker during supervision period.
- (6) A supervisor providing supervision after December 31, 2010, must be a current L.C.S.W. or L.A.P.S.W. and must provide documentation to Board administrative staff that they have been continuously licensed (L.C.S.W. or L.A.P.S.W.) for a period of no less than three (3) years or for non-clinical supervision were licensed as an L.A.P.S.W. from the date such licensure designation became available and must provide documentation to the Board of satisfactory completion of nine (9) clock hours of continuing education pertaining specifically to clinical and/or non-clinical social work supervision.
- (7) Applicants from another state seeking licensure by examination in Tennessee must provide evidence of supervision by an L.C.S.W. or the equivalent in the state where the supervision was performed. The supervisor must have passed the Level C, ASWB examination. If the supervisor is not licensed or the state has no provision for licensure, then the applicant must obtain the prerequisite supervision from a licensed clinical social worker in Tennessee.
- (8) No members of any other mental health or medical discipline will qualify as an approved supervisor for L.C.S.W. or L.A.P.S.W. licensure.
- (9) Conflict of Interest Supervision - Supervision provided by the applicant's parents, spouse, former spouse, siblings, children, cousins, in-laws (present or former), step-children, grandparents,

(Rule 1365-1-.08, continued)

grandchildren, aunts, uncles, employees, or anyone sharing the same household shall not be acceptable toward fulfillment of licensure requirements. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payment for actual supervisory hours.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 4-5-204, 63-23-103, 63-23-108, and 63-23-109. **Administrative History:** Original rule filed October 31, 1990; effective December 15, 1990. Repeal and new rule filed April 6, 1994; effective June 20, 1994. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed March 9, 2001; effective May 23, 2001. Amendment filed September 4, 2003; effective November 18, 2003.

~~1365-1-.09 RENEWAL OF CERTIFICATE OR LICENSE.~~

~~(1) Renewal Application~~

~~(a) The due date for certification or licensure renewal is the expiration date indicated on the individual holder's renewal certificate or license.~~

~~(b) Methods of Renewal~~

~~1. Internet Renewals—Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:~~

~~www.tennesseeanytime.org~~

~~2. Paper Renewals—For individuals who have not renewed their license or certificate online via the Internet, a renewal application form will be mailed to each individual licensed or certified by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee or certificate holder from the responsibility of meeting all requirements for renewal.~~

~~(c) To be eligible for renewal, an individual must have completed continuing education requirements provided in Rule 1365-1-.12 and submit to the Division of Health Related Boards on or before the expiration date all the following:~~

~~1. A completed and signed board renewal application form, and~~

~~2. The renewal and state regulatory fees as provided in Rule 1365-1-.06.~~

~~(d) Licensees or certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses or certificates processed pursuant to rule 1200-10-1-.10.~~

~~(2) Reinstatement of an Expired License or Certificate.~~

~~(a) Reinstatement of a license or a certificate that has expired may be accomplished upon meeting the following conditions:~~

~~1. Payment of all past due renewal fees and state regulatory fees, pursuant to Rule 1365-1-.06; and~~

~~2. Payment of the Late Renewal fee, pursuant to Rule 1365-1-.06; and~~

(Rule 1365-1-.09, continued)

~~3. Provide documentation of successfully completing continuing education requirements for every year the license or certificate was expired, pursuant to Rule 1365-1-.12.~~

~~(3) Anyone submitting a signed renewal form or letter which is found to be untrue may be subject to disciplinary action as provided in Rule 1365-1-.15.~~

1365-1-.09 CONTINUING EDUCATION.

- (1) Requirements for licensed baccalaureate social worker.
 - (a) Each licensee shall obtain nine (9) continuing education clock hours relative to social work during each calendar year.
 - (b) Four (4) of the nine (9) hours shall be in social work.
 - (c) Three (3) of the nine (9) hours shall be in professional ethics.
 - (d) Two (2) of the nine (9) hours shall be in either social work or professional ethics.
 - (e) Those licensees who hold more than one (1) category of licensure to practice social work must separately satisfy the continuing education requirements for each level of licensure.
- (2) Requirements for licensed master's social worker.
 - (a) Each licensee shall obtain twelve (12) continuing education clock hours relative to social work during each calendar year.
 - (b) Seven (7) of the twelve (12) hours shall be in social work.
 - (c) Three (3) of the twelve (12) hours shall be in professional ethics.
 - (d) Two (2) of the twelve (12) hours shall be in either social work or professional ethics.
 - (e) Those licensees who hold more than one (1) category of licensure to practice social work must separately satisfy the continuing education requirements for each level of licensure.
- (3) Requirements for licensed advanced practice social worker and licensed clinical social worker.
 - (a) Each licensee shall obtain fifteen (15) continuing education clock hours relative to social work during each calendar year.
 - (b) Ten (10) of the fifteen (15) hours shall be in social work.
 - (c) Three (3) of the fifteen (15) hours shall be in professional ethics.
 - (d) Two (2) of the fifteen (15) hours shall be in either social work or professional ethics.
 - (e) Those licensees who hold more than one (1) category of licensure to practice social work must separately satisfy the continuing education requirements for each level of licensure.
- (4) Social Work Continuing Education is considered to be those preplanned/formalized activities with written learning objectives that are directed at developing and enhancing an individual's awareness of professional ethics and an individual's social work knowledge base and service delivery skills in the applicable areas of social work planning, administration, education, research or direct service with individuals, couples, families, and groups.

(Rule 1365-1-.09, continued)

- (a) These activities may include short academic courses, courses audited at accredited colleges and universities, workshops, seminars, conferences, and lectures oriented toward enhancement of professional ethics awareness and of social work practice, values, skills and knowledge for the purpose of accomplishing specific written learning objectives.
 - (b) Multi-Media courses may be taken for continuing education credit. Multi-media learning activities must have specific learning objective, be presented by a qualified presenter, have a method to verify completion of the learning experience and include the issuance of verification of the completion of the continuing education.
 - 1. Multi-Media courses may include courses utilizing:
 - (i) The Internet
 - (ii) Closed circuit television
 - (iii) Satellite broadcasts
 - (iv) Correspondence courses
 - (v) Videotapes
 - (vi) CD-ROM
 - (vii) DVD
 - (viii) Teleconferencing
 - (ix) Videoconferencing
 - (x) Distance learning
 - 2. A maximum of two-thirds ($\frac{2}{3}$) of a licensee's credit hours may be granted for multi-media courses during each calendar year.
- (5) Clock Hour - A clock hour represents fifty-five (55) minutes of actual time in continuing education activity. (Providers who measure continuing education activities in "continuing education units" shall define CEU in clock hours.)
- (6) Basic Requirements - Each social worker registered with the board is required to complete continuing education pursuant to this rule during each calendar year.
- (a) For licensed baccalaureate social workers and licensed master's social worker applicants, successful completion of the education requirements, pursuant to rule 1365-1-.04, shall be considered sufficient preparatory education to be substituted for the required hours of continuing education for the remainder of the calendar year in which the education requirements were completed.
 - (b) Those persons who hold an active L.B.S.W., L.M.S.W., L.A.P.S.W. and/or L.C.S.W. authorization to practice must separately satisfy the continuing education requirements for each license they wish to renew with no duplication between the four.
- (7) Acceptable Social Work Continuing Education

(Rule 1365-1-.09, continued)

- (a) Acceptable continuing education shall consist of seminars, workshops, or mini-courses oriented to the awareness of professional ethics and to the enhancement of social work practice, values, skills, and knowledge for the purpose of accomplishing specific written learning objectives.
 - 1. Cross-disciplinary offerings from medicine, law, administration, education and the behavioral sciences are acceptable, if they are clearly related to the awareness of professional ethics and to the enhancement of social work practices, values, skills, and knowledge.
 - 2. In-service training can be provided by the employer using presenters from the staff or from outside agencies.
 - 3. Attendance at educational events sponsored by national, state, regional, or local professional associations in the field or events related to the practice of the profession for which a nationally or regionally accredited institution of higher education grants CEU's is acceptable. Providers who measure continuing education activities in "continuing education units" (CEU's) shall define CEU in clock hours.
 - (b) Master or doctoral level social work courses or social work related courses such as mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling and guidance taken for credit or audited from a nationally or regionally accredited institution of higher education. Baccalaureate level social work courses or social work related courses such as mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling and guidance taken for credit or audited from a nationally or regionally accredited institution of higher education are acceptable for licensed baccalaureate social workers.
 - (c) Presentation for the first time of an academic social work course, in-service training workshop or seminar, or other professional seminar.
 - (d) Preparation for the first time of a professional social work paper published in a recognized professional journal or given for the first time at a statewide or national professional meeting.
- (8) Documentation
- (a) Each licensee registered with the board must retain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification if requested in writing by the board during its verification process. The board will not maintain continuing education files.
 - (b) The board will conduct a random audit of selected individual records to assure that the continuing education requirements have been met. An individual's records may be audited during consecutive renewal periods.
 - (c) If audited, the individual must, within fifteen (15) working days of a request from the board, provide evidence that is satisfactory to the Board of compliance with this rule. Such evidence may include, but not be limited to, one (1) or more of the following:
 - 1. Certificates verifying the individual's attendance at continuing education program described in these Rules.
 - 2. A program as evidence of attendance at a continuing education event will also be required to submit two or more of the following for each program submitted: original registration

(Rule 1365-1-.09, continued)

- receipt, signed program canceled check (front and back), hotel bill, name badge, or an original letter on official stationery signed by a professional associate who attended.
3. An original letter on official institution stationery from the instructor of the graduate level course verifying that the course was completed and listing the number of credit hours of attendance completed by the individual.
 4. An official transcript verifying credit hours earned. One academic credit hour is equivalent to 15 clock hours for the purpose of licensure renewal. Credit for auditing will be for the actual clock hours in attendance, not to exceed the academic credit.
 5. Written documentation of training that is kept by the social worker's employer. When submitting evidence of continuing education, the documentation must include employer's name, address and phone number along with the individual's name as registered with the board, certificate/license number and social security number, course name and clock hours of attendance. The licensee must sign the form as well as his supervisor or employer certifying that the program was monitored and the social worker was in attendance at all of the sessions listed.
 6. A copy of the course syllabus and verification that the course, workshop or seminar was presented may be used as documentation. A maximum of five clock hours will be allowed for preparation and presentation during each renewal period.
- (d) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the board will request a written description of the training and how it applies to the individual's employment as a social worker. If the board determines that the training cannot be considered appropriate continuing education, the individual will be given 60 days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next renewal period.
- (e) Continuing education credit will not be allowed for the following:
1. The licensee's regular work activities, administrative staff meetings, case staffing/reporting, etc;
 2. Membership, holding office in, or participation on boards or Boards, business meetings of professional organizations, or banquet speeches;
 3. Independent unstructured or self-structured learning;
 4. Training specifically related to policies and procedures of an agency may not be counted;
or
 5. Non-social work content courses.
- (9) The board does not pre-approve continuing education programs. It is the licensee's responsibility, using his or her professional judgment and utilizing the guidelines provided within these rules, to determine whether or not the programs are applicable and appropriate to his professional development and meet the standards specified in these rules.
- (10) Continuing Education for Reactivation or Reinstatement of Retired, Revoked, or Expired License.
- (a) Reactivation of a retired license.

(Rule 1365-1-.09, continued)

1. An individual whose license has been retired for one year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reinstatement. Those hours will be considered replacement hours and cannot be counted during the next renewal period.
 2. Any individual requesting reactivation of a license which has been retired more than one year must submit along with the reactivation request, verification which indicates the attendance and completion of fifteen (15) hours of continuing education which must have been begun and successfully completed within twelve (12) months immediately preceding the date of requested reinstatement. The continuing education hours completed to reinstate a retired license shall not be credited toward the continuing education hours required to be completed by the end of the renewal cycle following reinstatement.
 3. The board, upon receipt of a written request and explanation, may waive the continuing education for reactivation of a retired license in emergency situations.
- (b) **Reactivation of a Revoked License** – An individual whose license has been revoked for failure to comply with continuing education may be reactivated without complying with these requirements. Continuing education requirements will accumulate at the same rate as for those licenses which are active. A license which has been revoked for non-compliance with the continuing education requirement shall also be subject to the late renewal fee pursuant to Rule 1365-1-.05.
- (c) **Reinstatement of an Expired License** – No person whose license has expired may be reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reinstatement must equal the hours required, had the license remained in an active status.
- (d) Continuing education hours obtained as a prerequisite for reactivating or reinstating a license may not be counted toward the calendar year requirement for the year in which reactivation or reinstatement is requested.

(11) Waiver of Continuing Education

- (a) The board may grant a waiver to any licensee of the need to certify attendance and completion of the required hours of continuing education, if it can be shown to the board that the failure to comply was not attributable to or was beyond the physical capabilities of the individual, i.e., disability, residence abroad, military service, or other reasonable cause. Such requests for waiver must be accompanied by written documentation acceptable to the board.
- (b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the board administrative office.
 1. A written request for a waiver which specifies what requirement is sought to be waived and including a written, signed explanation of the reasons for the request,
 2. Any documentation which supports the reason for the waiver requested or which may be subsequently requested by the board.
- (c) A waiver approved by the board is effective for only the period for which the waiver of the continuing education requirement is sought, unless otherwise specified in writing by the board.

(12) Violations

(Rule 1365-1-.09, continued)

- (a) Any licensee who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or cannot adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action.
- (b) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrants the intended action.
- (c) The licensee has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license or certificate.
- (d) Any licensee who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (12) (b) above may be subject to disciplinary action.
- (e) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any calendar year.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-23-104, 63-23-105, 63-23-106, and 63-23-108. **Administrative History:** Original rule filed April 6, 1994; effective June 20, 1994. Amendment filed January 31, 2000; effective April 15, 2000. Amendment filed March 9, 2001; effective May 23, 2001. Amendment filed August 16, 2002; effective October 30, 2002.

~~1365-1-.10 SUPERVISION.~~

- ~~(1) Supervision as the term is used in T.C.A. § 63-23-103 is considered to include the following.~~
 - ~~(a) Frequent and regularly scheduled one to one discussion or a group discussion between supervisor and supervisee(s) which shall focus on:~~
 - ~~1. Data from the supervisee's clinical work made available to the supervisor by oral and written 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 skill development by the supervisor.~~
- ~~(2) The L.C.S.W. applicant by examination, after having become a certified master social worker or a temporarily certified master social worker, shall have completed a total of two thousand (2,000) clinical contact hours over not less than a two (2) year period. The L.C.S.W. applicant by reciprocity shall have completed a total of two thousand (2,000) clinical contact hours over not less than a two (2) year period.~~
 - ~~(a) The clinical experience shall include at least one supervisor-supervisee hour for every 20 clinical contact hours (client therapist) for a total of 100 supervisor contact hours (supervisor-supervisee) over not less than a two-year period.~~
 - ~~(b) At least 60 of the 100 supervisor contact hours must be one-to-one supervisor-supervisee supervision; and no more than 40 hours may be in a situation where the supervisor is working with no more than four supervisees in a group setting.~~
 - ~~(c) Individual and group supervision must be provided by a licensed clinical social worker.~~

(Rule 1365-1-.10, continued)

- ~~(d) — The above supervision time shall be in addition to:
 - 1. — Any overall administrative supervision, and
 - 2. — Any group seminar or group consultation which is deemed appropriate.~~
- ~~(3) — Both the supervisor and supervisee must maintain records of the experience and the supervision process. Verification of supervision will be submitted by both the supervisor and supervisee at the time the application for licensure is filed in the Board's administrative office.~~
- ~~(4) — A supervisor providing supervision prior to December 31, 1993, must be
 - ~~(a) — A Licensed Clinical Social Worker during supervision period, or~~
 - ~~(b) — A Licensed Clinical Social Worker deemed "eligible" during supervision period. L.C.S.W. "eligible" is defined as having filed an application for the licensure Level C, ASI exam with the board and having the application accepted by the board.~~~~
- ~~(5) — A supervisor providing supervision after December 31, 1993, must be a current L.C.S.W.
 - ~~(a) — Applicants from another state seeking licensure by examination in Tennessee must provide evidence of supervision by an L.C.S.W. in the state where the supervision was performed. The supervisor must have passed the Level C, ASI examination. If the supervisor is not licensed or the state has no provision for licensure, then the applicant must obtain the prerequisite supervision from a licensed clinical social worker in Tennessee.~~
 - ~~(b) — No members of any other mental health or medical discipline will qualify as an approved supervisor for L.C.S.W. licensure.~~~~
- ~~(6) — Conflict of Interest Supervision — Supervision provided by the applicant's parents, spouse, former spouse, siblings, children, cousins, in-laws, (present or former), step-children, grandparents, grandchildren, aunts, uncles, employees, or anyone sharing the same household shall not be acceptable toward fulfillment of licensure requirements. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payment for actual supervisory hours.~~

1365-01-10 STANDARDS OF CONDUCT.

- (1) Code of Ethics – All licensees shall comply with the code of ethics adopted by the National Association of Social Workers, 750 First Street, NE, Suite 700, Washington, DC 20002-4241, except to the extent it conflicts with the laws of the State of Tennessee or the rules of the Board. If the code of ethics conflicts with state law or rules, the state law or rules govern the matter. Violation of the code of ethics or state law or rules may subject a licensee or certificate holder to disciplinary action.
- (2) Each applicant or licensee is responsible for being familiar with and following the code of ethics.
- (3) Unethical conduct shall include, but not be limited to, the following:
 - (a) Shall not knowingly circulate untrue, fraudulent, misleading, or deceptive advertising;
 - (b) Shall not engage in sexual activities with current or former clients;

(Rule 1365-1-.10, continued)

- (c) Shall not become addicted to the habitual use of intoxicating liquors, narcotics, or other stimulants to incapacitate a licensee from the performance of his or her professional obligations and duties;
 - (d) Shall not disclose confidential information;
 - (e) Shall inform clients about the limits of client-social worker confidentiality;
 - (f) Shall not deny a client's reasonable request for access to any social worker records concerning the client;
 - (g) Shall obtain the informed consent of clients before taping, recording, or permitting third parties to observe their activities;
 - (h) Shall inform a client when a conflict of interest exists between the licensee and the client as well as between the licensee's employer and the client;
 - (i) Shall inform clients as to the purpose and nature of an evaluation, research, treatment, educational, or training procedure and informing the clients that they must participate freely and voluntarily;
 - (j) Shall terminate a client relationship when services are not longer required or requested or when it is reasonably clear that the relationship is not benefiting the client;
 - (k) Shall make every effort to avoid dual relationships with clients and/or relationships that might impair the licensee's independent professional judgment and impair the quality of services provided to each client;
 - (l) Shall not enter into a relationship with a client that increases the risk of exploitation for the client to the licensee's advantage;
 - (m) Shall assist clients in finding needed services;
 - (n) Shall not provide unnecessary or unwanted services;
 - (o) Shall notify clients when the licensee anticipates terminating services. The licensee shall notify the client promptly and accommodate the transfer, referral, or continuation of services relative to the client's needs and preferences;
 - (p) Shall not set fees that are unreasonable and not commensurate with the service performed; and
 - (q) Shall not engage in the division of fees or to agree to split or divide the fee received for professional services with any person for bringing or referring a client.
- (4) Release of Records – Upon receiving a written request from the client or the client's authorized representative, a licensee shall provide the client or the client's authorized representative a complete copy of the client's record or summary of such records maintained by the licensee; it shall be the licensee's option as to whether copies of the client records or a summary of the records will be given to the client or authorized representative.
- (5) Advertising.
- (a) Affirmative Duties.

(Rule 1365-1-.10, continued)

1. Licensees shall engage in the following conduct while advertising in the course of the practice of social work:
 - (i) Make reasonable efforts to advance the welfare and best interests of the client;
 - (ii) Not discriminate against a client based on age, gender, sexual orientation, race, color, national origin, religion, diagnosis, disability, political affiliation or social or economic status;
 - (iii) Inform the client of the costs of the services before providing services;
 - (iv) Include the corporation, partnership or individual name, address, and telephone number of the licensees named in the advertisement;
 - (v) Upon request, a licensee shall disclose that he or she gave compensation or anything of value to a representative of the press, radio, television, or any communication medium in anticipation of or in return for any advertisement that was not initiated by the licensee; and
 - (vi) The licensee partner or officer of a firm or entity shall remove all references in firm or individual advertisements of another licensee who has left the firm or entity within thirty (30) days of the licensee's departure.

(b) Prohibited Activities.

1. Licensees shall not engage in the following forms of advertisement in the practice of social work:
 - (i) Making claims that the services performed, personnel employed, or office equipment used are professionally superior to that which is ordinarily performed, employed, or used or that conveys the message that one (1) licensee or certificate holder is better than another when superiority of services, personnel, or equipment cannot be substantiated;
 - (ii) Making false or misleading claims about their degree;
 - (iii) Promoting professional services that the licensee knows or should know are beyond the licensee's scope of practice;
 - (iv) Using communication techniques that intimidate, exert undue pressure or undue influence over a client or prospective client;
 - (v) Appealing to a client or prospective client's anxiety in an excessive or unfair manner;
 - (vi) Using unverifiable personal testimonials attesting to the quality or competency of the services provided by the licensee;
 - (vii) Utilizing statistical data or other information based on past performances to indicate the results of future services creating an unjustified expectation about the results that the licensee can achieve;
 - (viii) Communicating personal identifiable facts, data, or information about a client without first obtaining the client's consent;

(Rule 1365-1-.10, continued)

- (ix) Misrepresenting a material fact. For the purposes of this rule, a “material fact” is any fact which an ordinary, reasonable, and prudent person would need to know to reply upon in order to make an informed decision;
 - (x) Stating or implying that certain licensees provide certain services when such services are performed by another licensee;
 - (xi) Directly or indirectly offering, giving, receiving, or agreeing to receive any fee or other consideration to or from a third part for the referral of a client in connection with the performance of professional services;
 - (xii) Making false, deceptive, misleading, or fraudulent statements relative to fees.
- (c) Responsibility for Advertising and Records.
1. The licensee who is named in the advertisement is responsible for the form and content of the advertisement.
 2. The licensee who is a principal partner or officer of the firm or entity identified in the advertisement is jointly and severally responsible for the form and content of the advertisement.
 3. Each licensee shall retain every advertisement communicated by the licensee to the print, television, or radio media for two (2) years from the last date of the broadcast or publication and shall be made available for review upon the request of the Board office or its designee.
 4. Each licensee shall also retain any and all information that would substantiate the truthfulness of any assertion, omission or representation of material fact contained in the advertisement.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 4-5-204, 63-23-102, 63-23-103, and 63-23-108. **Administrative History:** Original rule filed April 6, 1994; effective June 20, 1994. Amendment filed November 4, 2002; effective January 18, 2003. Amendment filed July 22, 2003; effective October 5, 2003. Amendment filed March 14, 2006; effective May 28, 2006. Amendment filed July 3, 2007; effective September 16, 2007.

~~1365-1-.11 RETIREMENT AND REACTIVATION OF CERTIFICATE AND LICENSE.~~

- ~~(1) Once a certified master social worker obtains the status of licensed clinical social worker his C.M.S.W. is automatically administratively retired by the board's administrative office, unless written notification is received within 30 days from notification of licensure, that the certificate is not to be retired.~~
- ~~(2) A person who is not practicing, holds a current certificate or license, and does not intend to practice in Tennessee, and who therefore, does not intend to use the title “certified master social worker” or “licensed clinical social worker” may apply to convert an active certificate or license to retired status and will not be required to pay the renewal fee. The person seeking retirement must:~~
 - ~~(a) Obtain from, complete, and submit to the board's administrative office an affidavit of retirement form.~~
 - ~~(b) Submit any documentation which may be required by the form to the board's administrative office.~~

(Rule 1365-1-.11, continued)

- ~~(3) Certificate or license holders whose certificate or license has been retired may reenter active status by doing the following:

 - ~~(a) Submit a written request for certification or licensure reactivation to the board's administrative office;~~
 - ~~(b) Pay the certification or licensure renewal fee and state regulatory fee as provided in Rule 1365-1-.06. If retirement reactivation is requested prior to the expiration of one year from the date of retirement, the board will require payment of the late renewal fee, past due certification and/or licensure renewal fee, and~~
 - ~~(c) Submit official written documentation of completing continuing education pursuant to Rule 1365-1-.12.~~~~
- ~~(4) Certification and/or licensure reactivation applications shall be treated as new certification and/or licensure applications and review and decisions shall be governed by Rule 1365-1-.07.~~
- ~~(5) Certified master social worker certificates which have been administratively retired upon obtaining status of licensed clinical social worker will be exempt from continuing education requirements upon reactivation.~~

1365-1.11 CLINICAL EXPERIENCE. The following shall constitute clinical experience:

- (1) The professional application of social work knowledge, values, and skills for the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional and mental disorders;
- (2) Interventions directed to interpersonal interactions, intrapsychic dynamics, life support, and management issues; and
- (3) Assessment, diagnosis, and treatment involving the psychotherapy process based on counseling, client-centered advocacy, consultation, and evaluation of the professional application of social work knowledge values, and skills

Authority: T.C.A. §§4-5-202, 63-23-104, 63-23-105, 63-23-106, and 63-23-108. *Administrative History:* Original rule filed April 6, 1994; effective June 20, 1994.

~~1365-1-.12 CONTINUING EDUCATION.~~

- ~~(1) Social Work Continuing Education is considered to be those preplanned/formalized activities with written learning objectives that are directed at developing and enhancing an individual's awareness of professional ethics and an individual's social work knowledge base and service delivery skills in the applicable areas of social work planning, administration, education, research or direct service with individuals, couples, families, and groups.

 - ~~(a) These activities may include short academic courses, courses audited at accredited colleges and universities, workshops, seminars, conferences, and lectures oriented toward enhancement of professional ethics awareness and of social work practice, values, skills and knowledge for the purpose of accomplishing specific written learning objectives.~~
 - ~~(b) Multi Media courses may be taken for continuing education credit.

 - ~~1. Multi Media courses may include courses utilizing:~~~~~~

(Rule 1365-1-.12, continued)

- ~~(i)The Internet~~
- ~~(ii)Closed circuit television~~
- ~~(iii)Satellite broadcasts~~
- ~~(iv)Correspondence courses~~
- ~~(v)Videotapes~~
- ~~(vi)CD-ROM~~
- ~~(vii)DVD~~
- ~~(viii)Teleconferencing~~
- ~~(ix)Videoconferencing~~
- ~~(x)Distance learning~~

~~2. A maximum of nine (9) credit hours may be granted for multi-media courses during each calendar year.~~

~~(2) Clock Hour A clock hour represents actual time in continuing education activity. (Providers who measure continuing education activities in "continuing education units" shall define CEU in clock hours.)~~

~~(3) Basic Requirements Each social worker registered with the board (C.M.S.W. and L.C.S.W.) is required to complete fifteen (15) clock hours of continuing education during each calendar year.~~

~~(a) Ten (10) hours of the fifteen (15) clock hour requirement shall regard social work.~~

~~(b) Three (3) hours of the fifteen (15) clock hour requirement shall regard professional ethics.~~

~~(c) Two (2) hours of the fifteen (15) clock hour requirement may regard social work or professional ethics.~~

~~(d) For Certified Master Social Worker applicants, successful completion of the education requirements, pursuant to rule 1365-1-.04, shall be considered sufficient preparatory education to be substituted for the required hours of continuing education for the remainder of the calendar year in which the education requirements were completed.~~

~~(e) Those persons who hold an active CMSW and LCSW authorization to practice must separately satisfy the continuing education requirements for each certificate or license they wish to renew with no duplication between the two.~~

~~(4) Acceptable Social Work Continuing Education~~

~~(a) Acceptable continuing education shall consist of seminars, workshops, or mini-courses oriented to the awareness of professional ethics and to the enhancement of social work practice, values, skills, and knowledge for the purpose of accomplishing specific written learning objectives.~~

~~1. Cross-disciplinary offerings from medicine, law, administration, education and the behavioral sciences are acceptable, if they are clearly related to the awareness of~~

(Rule 1365-1-.12, continued)

- ~~professional ethics and to the enhancement of social work practices, values, skills, and knowledge.~~
- ~~2. In service training can be provided by the employer using presenters from the staff or from outside agencies.~~
 - ~~3. Attendance at educational events sponsored by national, state, regional, or local professional associations in the field or events related to the practice of the profession for which a nationally or regionally accredited institution of higher education grants CEUs is acceptable. Providers who measure continuing education activities in "continuing education units" (CEU's) shall define CEU in clock hours.~~
- ~~(b) Master or doctoral level social work courses or social work related courses such as mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling and guidance taken for credit or audited from a nationally or regionally accredited institution of higher education.~~
 - ~~(c) Presentation for the first time of an academic social work course, in service training workshop or seminar, or other professional seminar.~~
 - ~~(d) Preparation for the first time of a professional social work paper published in a recognized professional journal or given for the first time at a statewide or national professional meeting.~~
- ~~(5) Documentation~~
- ~~(a) Each C.M.S.W. or L.C.S.W. registered with the board must retain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification if requested in writing by the board during its verification process. The board will not maintain continuing education files.~~
 - ~~(b) The board will conduct a random audit of selected individual records to assure that the continuing education requirements have been met. An individual's records may be audited during consecutive renewal periods.~~
 - ~~(c) If audited, the individual must, within fifteen (15) working days of a request from the board, provide evidence that is satisfactory to the Board of compliance with this rule. Such evidence may include, but not be limited to, one (1) or more of the following:~~
 - ~~1. Certificates verifying the individual's attendance at continuing education program described in these Rules.~~
 - ~~2. An individual submitting a program as evidence of attendance at a continuing education event will also be required to submit two or more of the following for each program submitted: original registration receipt, signed program canceled check (front and back), hotel bill, name badge, or an original letter on official stationery signed by a professional associate who attended.~~
 - ~~3. An original letter on official institution stationery from the instructor of the graduate level course verifying that the course was completed and listing the number of credit hours of attendance completed by the individual.~~

(Rule 1365-1-.12, continued)

4. ~~Official transcript verifying credit hours earned. One academic credit hour is equivalent to 15 clock hours for the purpose of certification/licensure renewal. Credit for auditing will be for the actual clock hours in attendance, not to exceed the academic credit.~~
 5. ~~Written documentation of training that is kept by the social worker's employer. When submitting evidence of continuing education, the documentation must include employer's name, address and phone number along with the individual's name as registered with the board, certificate/license number and social security number, course name and clock hours of attendance. The C.M.S.W./L.C.S.W. must sign the form as well as his supervisor or employer certifying that the program was monitored and the social worker was in attendance at all of the sessions listed.~~
 6. ~~A copy of the course syllabus and verification that the course, workshop or seminar was presented may be used as documentation. A maximum of five clock hours will be allowed for preparation and presentation during each renewal period.~~
- (d) ~~If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the board will request a written description of the training and how it applies to the individual's employment as a social worker. If the board determines that the training cannot be considered appropriate continuing education, the individual will be given 60 days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next renewal period.~~
- (e) ~~Continuing education credit will not be allowed for the following:~~
1. ~~The C.M.S.W./L.C.S.W.'s regular work activities, administrative staff meetings, case staffing/reporting, etc.~~
 2. ~~Membership, holding office in, or participation on boards or committees, business meetings of professional organizations, or banquet speeches.~~
 3. ~~Independent unstructured or self structured learning.~~
 4. ~~Training specifically related to policies and procedures of an agency may not be counted.~~
 5. ~~Non social work or non-clinical content courses examples: computer, finance or business management.~~
- (6) ~~The board does not preapprove continuing education programs. It is the C.M.S.W./L.C.S.W.'s responsibility, using his professional judgment and utilizing the guidelines provided within these rules, to determine whether or not the programs are applicable and appropriate to his professional development and meet the standards specified in these rules.~~
- (7) ~~Continuing Education for Reactivation or Reinstatement of Retired, Revoked, or Expired Certificate or License.~~
- (a) ~~Reactivation of a retired certificate or license.~~
1. ~~An individual whose certificate or license has been retired for one year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reinstatement. Those hours will be considered replacement hours and cannot be counted during the next renewal period.~~
 2. ~~Any individual requesting reactivation of a certificate or license which has been retired more than one year must submit along with the reactivation request, verification which~~

(Rule 1365-1-.12, continued)

~~indicates the attendance and completion of 15 hours of continuing education which must have been begun and successfully completed within 12 months immediately preceding the date of requested reinstatement. The continuing education hours completed to reinstate a retired certificate or license shall not be credited toward the continuing education hours required to be completed by the end of the renewal cycle following reinstatement.~~

~~3. The board, upon receipt of a written request and explanation, may waive the continuing education for reactivation of a retired certificate or license in emergency situations.~~

~~(b) Reactivation of a Revoked Certificate or License—No person whose certificate or license has been revoked for failure to comply with continuing education may be reactivated without complying with these requirements. Continuing education requirements will accumulate at the same rate as for those certificates or licenses which are active. A certificate or license which has been revoked for non-compliance with the continuing education requirement shall also be subject to the late renewal fee pursuant to Rule 1365-1-.06.~~

~~(c) Reinstatement of an Expired Certificate or License—No person whose certificate or license has expired may be reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reinstatement must equal the hours required, had the certificate or license remained in an active status.~~

~~(d) Continuing education hours obtained as a prerequisite for reactivating or reinstating a certificate or license may not be counted toward the calendar year requirement for the year in which reactivation or reinstatement is requested.~~

~~(8) Waiver of Continuing Education~~

~~(a) The board may grant a waiver to any C.M.S.W. or L.C.S.W. of the need to certify attendance and completion of the required hours of continuing education, if it can be shown to the board that the failure to comply was not attributable to or was beyond the physical capabilities of the individual, i.e., disability, residence abroad, military service, or other reasonable cause. Such requests for waiver must be accompanied by written documentation acceptable to the board.~~

~~(b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the board administrative office.~~

~~1. A written request for a waiver which specifies what requirement is sought to be waived and including a written, signed explanation of the reasons for the request,~~

~~2. Any documentation which supports the reason for the waiver requested or which may be subsequently requested by the board.~~

~~(c) A waiver approved by the board is effective for only the period for which the waiver of the continuing education requirement is sought, unless otherwise specified in writing by the board.~~

~~(9) Violations~~

~~(a) Any licensee or certificate holder who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or can not adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action.~~

~~(b) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrant the intended action.~~

(Rule 1365-1-.12, continued)

- ~~(c) The licensee or certificate holder has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license or certificate.~~
- ~~(d) Any licensee or certificate holder who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (9) (b) above may be subject to disciplinary action.~~
- ~~(e) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any calendar year.~~

1365-1-.12 DISCIPLINARY ACTIONS, AND CIVIL PENALTIES.

- (1) Actions - Upon a finding by the Board that any provision of the Tennessee Social Worker Practice Act or the rules promulgated pursuant thereto has been violated, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense.
 - (a) Denial of an application for licensure
 - (b) "Letter of warning" This is a written action. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (c) "Formal reprimand" This is a written action. It is a formal disciplinary action.
 - (d) "Probation" This is a formal disciplinary action for a fixed period of time.
 - (e) "Licensure suspension" This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the re-entry of the individual into the practice under the licensure previously issued.
 - (f) "Licensure revocation" This is a formal disciplinary action which removes an individual from the practice of the profession and terminates the license previously issued. No new application for licensure from a person whose license was revoked shall be considered prior to the expiration of at least one (1) year unless otherwise stated in the Board's revocation order.
 - (g) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
 - 1. During any period of probation, suspension;
 - 2. As a prerequisite to the lifting of probation or suspension; or
 - 3. As a stand-alone requirement or requirements in any disciplinary action.
 - (h) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph four (4) of this rule.
 - (i) Once ordered, probation, suspension, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee appears before the Board after the period of initial probation, suspension, or other conditioning has run and all conditions placed on the probation, suspension, have been met, and after any civil penalties assessed have been paid.

(Rule 1365-1-.12, continued)

- (2) Order Modifications – A licensee can petition the Board to modify a previously issued disciplinary order if the licensee cannot fulfill the conditions of the imposed discipline. This procedure is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. This procedure cannot be used to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order.
- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
1. The petitioner shall submit a written and signed Petition for Order Modification to the Board's Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
 2. The Board authorizes administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with the Office of General Counsel, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
 3. If the petition is granted, a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
 4. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven, the petitioner may request, in writing, to appear before the Board not less than thirty (30) days before the next regularly scheduled meeting of the Board.
- (4) Civil Penalties - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T.C.A. § 63-1-134.
- (a) Schedule and Amount of Civil Penalties

(Rule 1365-1-.12, continued)

1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed by the Board is guilty of a willful and knowing violation of T.C.A. § 63-31-101, et seq. or regulations promulgated pursuant thereto, to such an extent that there is, or is likely to be a substantial threat to the health, safety and welfare of an individual client or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who is or was practicing social work without a license from the Board. Type A civil penalties shall be assessed in the amount of not less than \$500 and not more than \$1,000.
2. A Type B civil penalty may be imposed whenever the Board finds the person required to be licensed by the Board is guilty of a violation of T.C.A. § 63-31-101, et seq. or regulations promulgated pursuant thereto in such manner as to impact directly on the care of clients or the public. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. A Type C civil penalty may be imposed whenever the Board finds the person required to be licensed, permitted, or authorized by the Board is guilty of a violation of T.C.A. § 63-31-101, et seq. or regulations promulgated pursuant thereto, which are neither directly detrimental to the clients or public, nor directly impact their care, but have only an indirect relationship to client care or the public. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(b) Procedures for Assessing Civil Penalties

1. During a contested case proceeding the Board may assess civil penalties in a type and amount which was not recommended by the Office of General Counsel.
2. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and
 - (v) The interest of the public.
3. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 4-5-204, 63-23-102, 63-23-104, 63-23-105, 63-23-106, and 63-23-108. **Administrative History:** Original rule filed April 6, 1994; effective June 20, 1994. Amendment filed December 19, 1997; effective March 4, 1998. Amendment filed April 19, 2000; effective July 3, 2000. Amendment filed March 9, 2001; effective May 23, 2001. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed July 3, 2007; effective September 16, 2007.

1365-1-.13 — UNETHICAL CONDUCT.

(Rule 1365-1-.13, continued)

- ~~(1) The licensed clinical social worker and certified master social worker and anyone under his supervision shall conduct their professional practice in conformity with the legal, ethical and professional standards promulgated by the board under its current statutes and rules and regulations.~~

 - ~~(a) All licensees and certificate holders shall comply with the code of ethics adopted by the National Association of Social Workers, 750 First Street, NE, Suite 700, Washington, DC 20002-4241, except to the extent it conflicts with the laws of the state of Tennessee or the rules of the Board. If the code of ethics conflicts with state law or rules, the state law or rules govern the matter. Violation of the code of ethics or state law or rules may subject a licensee or certificate holder to disciplinary action.~~
- ~~(2) Each applicant certificate holder, or licensee is responsible for being familiar with and following the code of ethics.~~
- ~~(3) Unethical conduct shall include, but not be limited to, the following:~~

 - ~~(a) Knowingly circulating untrue, fraudulent, misleading or deceptive advertising.~~
 - ~~(b) Engaging in sexual activities with clients.~~
 - ~~(c) Addiction to the habitual use of intoxicating liquors, narcotics, or other stimulants to such an extent as to incapacitate him from the performance of his professional obligations and duties.~~
 - ~~(d) Failure of a social worker to inform clients fully about the limits of confidentiality in a given situation, the purposes for which information is obtained, and how it may be used.~~
 - ~~(e) Denial of a client's reasonable request for access to any social work records concerning the client. When providing clients with access to records, the social worker shall take due care to protect the confidences of others contained in those records.~~
 - ~~(f) Failure to obtain informed consent of clients before taping, recording, or permitting third party observation, of their activities.~~
 - ~~(g) Failure to clarify the nature and directions of a social worker's loyalties and responsibilities and keep all parties informed of their commitments when a conflict of interest exists between a client and the social worker's employing institution.~~
 - ~~(h) Failure to fully inform consumers as to the purpose and nature of an evaluation, research, treatment, educational or training procedure, and freely acknowledging that clients', students, or participants in research have freedom of choice with regard to participation.~~
 - ~~(i) Failure to attempt to terminate a clinical or consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer. Social workers who find that their services are being used by employers in a way that is not beneficial to the participants or to employees who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modification or termination of the engagement.~~
 - ~~(j) Failure to make every effort to avoid dual relationships with clients and/or relationships which might impair independent professional judgment or increase the risk of client exploitation.~~
 - ~~(k) Failure to assist clients in finding needed services by making appropriate referrals in those instances where payment of the usual fee would be a hardship.~~
 - ~~(l) Failure to terminate service to clients and professional relationships with them, when such service and relationships are no longer required. The social worker who anticipates the~~

(Rule 1365-1-.13, continued)

~~termination or interruption of service to clients shall notify clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.~~

- ~~(m) — Setting fees that are unreasonable and not commensurate with the service performed.~~
- ~~(n) — Engaging in the division of fees or agreeing to split or divide the fee received for professional services with any person for bringing or referring a patient.~~
- ~~(4) — In the event an applicant, certificate holder, licensee, or other individual has a question regarding legal, ethical, and professional standards, neither the Board nor its administrative personnel shall consider such questions unless presented with a proper petition for a declaratory order, subject to the requirements set forth in T.C.A. §4-5-223.~~

1365-1-.13 REPLACEMENT LICENSE. A licensee may request a replacement license if the licensee's artistically designed license has been lost or destroyed by submitting a written request to the Board office in the form of an affidavit requesting the replacement license and stating the reasons for the request along with payment of the replacement license fee contained in rule 1365-1-.05.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 4-5-204, 4-5-223, 63-23-101, 63-23-102, 63-23-103, 63-23-106, and 63-23-108. *Administrative History:* Original rule filed April 6, 1994; effective June 20, 1994. Amendment to rule filed February 9, 2000; effective April 24, 2000. Amendment filed August 16, 2002; effective October 30, 2002.

~~**1365-1-.14 CLINICAL EXPERIENCE.**~~

- ~~(1) — Clinical experience as the term is used in T.C.A. §§63-23-101 et seq. is the practice of clinical social work by a practitioner with a master's degree in social work which includes the following:

 - ~~(a) — The professional application of social work theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional and mental disorders;~~
 - ~~(b) — Interventions directed to interpersonal interactions, intrapsychic dynamics, life support, and management issues; and~~
 - ~~(c) — Assessment, diagnosis, treatment, involving the psychotherapy process based on counseling, client-centered advocacy, consultation, and evaluation of the professional application of social work therapy and methods.~~~~
- ~~(2) — Clinical social work shall be based on knowledge of one or more theories of human development within the psychosocial context.~~
- ~~(3) — The perspective of person in situation is central to clinical social work practice.~~
- ~~(4) — Applicants seeking to be licensed shall cause to be submitted written verification (Verification of Supervision form) specifying that the clinical experience, pursuant to Rule 1365-1-.10, and supervision, pursuant to Rule 1365-1-.14 have been completed.~~

1365-1-.14 CHANGE OF ADDRESS AND/OR NAME.

- (1) Each licensee shall notify the Board office of any change in mailing address and physical address in writing within thirty (30) days after such change occurs; the notification must reference the licensee's name, category of licensure, and license number.

- (2) Each licensee shall notify the Board office of any change in the licensee's name in writing within thirty (30) days after such change occurs; the notification must reference the licensee's name, category of licensure, and license number.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 63-23-103, and 63-23-108. *Administrative History:* Original rule filed April 6, 1994; effective June 20, 1994.

~~1365-1-15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, AND DECLARATORY ORDERS.~~

- ~~(1) Upon a finding by the board that a certified master social worker or licensed clinical social worker has violated any provision of the Tennessee Code Annotated 63-23-101 et seq., or the rules promulgated pursuant thereto, the board may impose any of the following actions separately or in any combination deemed appropriate to the offense.~~
- ~~(a) **Advisory Censure**—This is a written action issued to the C.M.S.W. or L.C.S.W. for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.~~
- ~~(b) **Formal Reprimand**—This is a written action issued to a C.M.S.W. or L.C.S.W. for one time and less severe violations. It is a formal disciplinary action.~~
- ~~(c) **Probation**—This is a formal disciplinary action which places a C.M.S.W. or L.C.S.W. on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the C.M.S.W.'s or L.C.S.W.'s activities during the probationary period.~~
- ~~(d) **Certification or Licensure Suspension**—This is a formal disciplinary action which suspends a C.M.S.W.'s or L.C.S.W.'s right to practice for a fixed period of time. It contemplates the re-entry of the C.M.S.W. or L.C.S.W. into practice under the certification/licensure previously issued.~~
- ~~(e) **Certification or Licensure Revocation**—This is the most severe form of disciplinary action which removes a C.M.S.W. or L.C.S.W. from the practice of social work and terminates the certification or licensure previously issued. If revoked, it relegates the violator to the status he possessed prior to application for certification or licensure. However, the Board may in its discretion allow the reinstatement of a revoked certificate or license upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification or licensure from a person whose C.M.S.W. or L.C.S.W. was revoked shall be considered prior to the expiration of at least one year, unless otherwise stated in the board's revocation order.~~
- ~~(f) **Conditions**—These include any actions deemed appropriate by the board to be required of a disciplined C.M.S.W. or L.C.S.W. during any period of probation or suspension or as a prerequisite to the lifting of probation or suspension or the reinstatement of a revoked certificate or license.~~
- ~~(g) **Civil penalty**—A monetary disciplinary action assessed by the Board pursuant to paragraph (4) of this rule.~~
- ~~(h) **Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee or certificate holder petitions, pursuant to paragraph (2) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all**~~

(Rule 1365-1-.15, continued)

~~conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.~~

~~(2) Order of Compliance—This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed or uncertified practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.~~

~~(a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:~~

- ~~1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or~~
- ~~2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or~~
- ~~3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a license or certificate previously revoked.~~

~~(b) Procedures~~

~~1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:~~

~~(i) A copy of the previously issued order; and~~

~~(ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and~~

~~(iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.~~

~~2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:~~

~~(i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or~~

~~(ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.~~

(Rule 1365-1-.15, continued)

- ~~3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.~~
- ~~4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.~~
- ~~5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.~~

~~(e) Form Petition~~

~~Petition for Order of Compliance
Board of Social Worker Certification and Licensure~~

~~Petitioner's Name: _____
 Petitioner's Mailing Address: _____

 Petitioner's E-Mail Address: _____
 Telephone Number: _____~~

~~Attorney for Petitioner: _____
 Attorney's Mailing Address: _____

 Attorney's E-Mail Address: _____
 Telephone Number: _____~~

~~The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)~~

- ~~1. An order issued reflecting that compliance; or~~
- ~~2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or~~
- ~~3. An order issued reflecting that compliance and reinstating a license or certificate previously revoked.~~

~~Note—You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.~~

~~Respectfully submitted this the _____ day of _____, 20_____.~~

~~_____~~

(Rule 1365-1-.15, continued)

Petitioner's Signature

- ~~(3) — Order Modifications — This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed or uncertified practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.~~
- ~~(a) — The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term “impossible” does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.~~
- ~~(b) — Procedures~~
- ~~1. — The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:~~
 - ~~(i) — A copy of the previously issued order; and~~
 - ~~(ii) — A statement of why the petitioner believes it is impossible to comply with the order as issued; and~~
 - ~~(iii) — A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.~~
 - ~~2. — The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:~~
 - ~~(i) — Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or~~
 - ~~(ii) — Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.~~
 - ~~3. — If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.~~

(Rule 1365-1-.15, continued)

- 4. ~~If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.~~
- 5. ~~If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.~~

(c) ~~Form Petition~~

~~Petition for Order Modification
Board of Social Worker Certification and Licensure~~

~~Petitioner's Name: _____~~

~~Petitioner's Mailing Address: _____~~

~~_____~~

~~_____~~

~~Petitioner's E-Mail Address: _____~~

~~Telephone Number: _____~~

~~Attorney for Petitioner: _____~~

~~Attorney's Mailing Address: _____~~

~~_____~~

~~_____~~

~~Attorney's E-Mail Address: _____~~

~~Telephone Number: _____~~

~~The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.~~

~~Respectfully submitted this the _____ day of _____, 20_____.~~

Petitioner's Signature

(4) ~~Civil Penalties~~

(a) ~~Purpose~~

(Rule 1365-1-.15, continued)

~~The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T.C.A. §63-1-134.~~

~~(b) — Schedule of Civil Penalties~~

- ~~1. — A Type A civil Penalty may be imposed whenever the board finds a person who is required to be licensed, certified, permitted, or authorized by the Board, guilty of a willful and knowing violation of the practice Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be, an imminent, substantial threat to the health, safety and welfare of an individual patient or the public. For purposes of this section, willfully and knowingly practicing social work without a permit, license, certificate or other authorization from the board is one of the violations of the Social Worker Practice Act for which a type A Civil Penalty is assessable.~~
- ~~2. — A Type B Civil Penalty may be imposed whenever the Board finds the person required to be licensed, certified, permitted, or authorized by the board is guilty of a violation of the Social Worker Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of patients or the public.~~
- ~~3. — A Type C Civil Penalty may be imposed whenever the Board finds the person required to be licensed, certified, permitted, or authorized by the board is guilty of a violation of the Social Worker Practice Act or regulations promulgated thereto, which are neither directly detrimental to the patients or public, nor directly impact their care, but have only an indirect relationship to patient care or the public.~~

~~(c) — Amount of Civil Penalties~~

- ~~1. — Type A Civil Penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.~~
- ~~2. — Type B Civil Penalties may be assessed in the amount of not less than \$100 and not more than \$500.~~
- ~~3. — Type C Civil Penalties may be assessed in the amount of not less than \$50 and not more than \$100.~~

~~(d) — Procedures for Assessing Civil Penalties~~

- ~~1. — The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty, and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.~~
- ~~2. — Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the board may, upon good cause shown, assess a type and amount of Civil penalty which was not recommended by the Division.~~
- ~~3. — In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - ~~(i) — Whether the amount imposed will be a substantial economic deterrent to the violator:~~~~

(Rule 1365-1-.15, continued)

- ~~(ii) — The circumstances leading to the violation,~~
- ~~(iii) — The severity of the violation and the risk of harm to the public;~~
- ~~(iv) — The economic benefits gained by the violator as a result of non-compliance, and,~~
- ~~(v) — The interest of the public.~~

~~4. — All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of Title 4, Chapter 5, Tennessee Code Annotated.~~

~~(3) — Declaratory Orders — The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.~~

1365-1-.15 CONSUMER RIGHT-TO-KNOW REQUIREMENTS.

- (1) Licensees shall only report medical malpractice judgments, awards, or settlements against them if the settlement amount is more than ten thousand dollars (\$10,000).
- (2) Licensees shall report to the Board office if they received a felony criminal conviction or if they have received a misdemeanor criminal conviction for offenses involving any one (1) or more of the following:
 - (a) Sex;
 - (b) Alcohol or drugs;
 - (c) Physical injury or threat of injury to any person;
 - (d) Abuse or neglect of any minor, spouse, or the elderly; and
 - (e) Fraud or theft;
- (3) If any conviction reported under this rule is subsequently expunged, the licensee shall provide a copy of the Order of Expungement to the Board office. Upon receipt of the Order of Expungement, the Board office shall remove the conviction from the licensee's profile.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-105, 4-5-202, 4-5-204, 4-5-217, 4-5-223, 4-5-224, 4-5-225, 63-1-122, 63-1-134, 63-23-101, 63-23-106, and 63-23-108. *Administrative History:* Original rule filed April 6, 1994; effective June 20, 1994. Amendment to rule filed February 9, 2000; effective April 24, 2000. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed August 9, 2004; effective October 23, 2004.

~~1365-1-.16 — REPLACEMENT LICENSE.~~

~~A licensee whose "artistically designed" license has been lost or destroyed may be issued a duplicate license upon receipt of a written request in the board's administrative office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original license and the required fee pursuant to 1365-1-.06.~~

(Rule 1365-1-.15, continued)

1365-1-.16 PROFESSIONAL PEER ASSISTANCE. As an alternative to disciplinary action or as a part of disciplinary action, the Board may refer or mandate a licensee to utilize the services of a professional assistance program approved by the Board to assess and monitor issues of substance abuse, chemical abuse, co-dependency issues, mental fitness, or lapses in professional or ethical judgments.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§ 4-5-202, 63-1-106, and 63-23-108. *Administrative History:* Original rule filed April 6, 1994; effective June 20, 1994.

~~**1365-1-.17 CHANGE OF ADDRESS AND/OR NAME.**~~

~~(1) **Change of Address**—Each person holding a certificate and/or license who has had a change of address shall file in writing with the board his current mailing address, giving both old and new address. Such requests should be received in the board’s administrative office no later than 30 days after such change has occurred and must reference the individual’s name, profession, and certificate or license number.~~

~~(2) **Change of Name**—Each person holding a certificate and/or license who has had a change of name shall file in writing with the board his current name, giving both old and new name. Such requests should be received in the board’s administrative office no later than 30 days after such change has occurred and must reference the individual’s profession and license number.~~

1365-1-.17 FREE HEALTH CLINIC AND VOLUNTEER PRACTICE REQUIREMENTS.

- (1) A licensee, who has not been disciplined by any licensure board may receive a “special volunteer license” pursuant to T.C.A. §63-1-201, which will allow the license to practice social work without remuneration and solely within a “free health clinic” as defined by T.C.A. §631-201(1).
- (2) In order to obtain a special volunteer license, a licensee shall submit the following to the Board office:
 - (a) Completed application along with any required documentation;
 - (b) Letter of good standing from each state licensing board where the licensee is licensed to practice social work;
 - (c) The name, location of the free health clinic in which the licensee intends to practice along with proof that the clinic is operated by a nonprofit private entity that does not receive payments for its services and does not charge the individuals that it serves.
- (3) A licensee with a special volunteer license may renew, retire, or reinstate his or her license and the license may be subject to disciplinary action.
- (4) A licensee with a special volunteer license may only practice social work in a free health clinic at a specified site or setting.
- (5) A licensee with a special volunteer license may not charge or receive any fee, compensation or remuneration of any kind from any person or third party payor, including but not limited to insurance companies, health plans, and state and federal benefit programs for the provision of any services.

Authority: Chapter 1016 of the Public Acts of 2008, §1, and T.C.A. § 63-23-101 [effective July 1, 2008] T.C.A. §§4-5-202, 63-1-108, and 63-23-108. *Administrative History:* Original rule filed April 6, 1994; effective June 20, 1994.

~~**1365-1-.18 MANDATORY RELEASE OF CLIENT RECORDS.**~~

(Rule 1365-1-.18, continued)

- ~~(1) — Upon request from a client or the client's authorized representative, certificate holders and licensees shall provide a complete copy of the client's record or summary of such records which were maintained by the C.M.S.W./L.C.S.W.~~
- ~~(2) — It shall be the C.M.S.W./L.C.S.W.'s option as to whether copies of the records or a summary will be given to the client.~~
- ~~(3) — Requests for records shall be honored by the C.M.S.W./L.C.S.W. in a timely manner.~~
- ~~(4) — The individual requesting the records shall be responsible for the payment of a reasonable fee to the C.M.S.W./L.C.S.W. for copying and mailing of the records.~~

~~**Authority:** T.C.A. §§ 4-5-202, 63-2-101, 63-2-102, and 63-23-108. **Administrative History:** Original rule filed April 6, 1994; effective June 20, 1994.~~

~~1365-1-.19 BOARD MEETINGS, OFFICERS, CONSULTANT, RECORDS, AND SCREENING PANELS.~~

- ~~(1) — Purpose of Board — The board is charged by law with the responsibility of governing the practice of clinical social work.~~
- ~~(2) — Board Meetings~~
 - ~~(a) — The time, place, and frequency of Board meetings shall be at the discretion of the board except that at least one meeting shall be held annually.~~
 - ~~(b) — Special meetings are called at the discretion of the chair or at the request of two members of the board.~~
 - ~~(c) — All meetings of the board shall be open to the public. Notices of meetings shall conform to all applicable sunshine laws.~~
- ~~(3) — Officers — The Board shall annually elect from its members the following officers:~~
 - ~~(a) — Chair — who shall preside at all board meetings.~~
 - ~~(b) — Secretary — who along with the board administrator shall be responsible for correspondence from the board.~~
- ~~(4) — Responsibilities of the board include, but are not limited to:~~
 - ~~(a) — Adopt and revise rules and regulations as may be necessary to carry out its powers and duties,~~
 - ~~(b) — Adopt examinations;~~
 - ~~(c) — Examine for, deny, withhold, or approve the licensure or certification of an applicant and renew licenses or certificates pursuant to Rule 1365-1-.09;~~
 - ~~(d) — Establish continuing education requirements~~
 - ~~(e) — Appoint designee to assist in the performance of its duties, e.g., oral examination committee; and~~
 - ~~(f) — Conduct hearings.~~

(Rule 1365-1-.19, continued)

- ~~(5) — Reconsiderations and Stays — The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.~~
- ~~(6) — Board Conflict of Interest — Any board member having an immediate personal, private or financial interest in any matter pending before the board shall disclose the fact in writing and shall not vote upon such matter.~~
- ~~(7) — The board has the authority to select a board consultant who shall serve as a consultant to the Division and who is vested with the authority to do the following acts:~~
- ~~(a) — Recommend whether and what type disciplinary actions should be instituted as the result of complaints received or investigations conducted by the Division.~~
- ~~(b) — Recommend whether and under what terms a complaint, case or disciplinary action might be settled. Any matter proposed for settlement must be subsequently ratified by the full Board before it will become effective.~~
- ~~(c) — Undertake any other matters authorized by a majority vote of the board.~~
- ~~(8) — Records and Complaints~~
- ~~(a) — All requests, applications, notices, other communications, and correspondence shall be directed to the board administrative office. Any requests or inquiries requiring a board decision or official Board action, except documents relating to disciplinary actions or hearing requests, must be received 14 days prior to a scheduled board meeting and will be retained in the administrative office and presented to the board at the board meeting. Such documentation not timely received shall be set over to the next board meeting.~~
- ~~(b) — All records of the board, except those made confidential by law, are open for inspection and examination during regular office hours, under the supervision of an employee of the Division at the board's administrative office.~~
- ~~(c) — Copies of public records shall be provided to any person upon payment of the cost of copying.~~
- ~~(d) — Complaints made against a licensed or certified practitioner become public information only upon the filing of a notice of charges by the Department of Health.~~
- ~~(e) — All complaints should be directed to the Investigations section of Health Related Boards.~~
- ~~(9) — Screening Panels — The Board adopts, as if fully set out herein, rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.~~

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-23-106, and 63-23-108. *Administrative History:* Original rule filed April 6, 1994; effective, June 20, 1994. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed September 4, 2003; effective November 18, 2003. Amendment filed August 18, 2006; effective November 1, 2006. Amendment filed January 30, 2007; effective April 15, 2007.

1365-1-.20 — CONSUMER RIGHT TO KNOW REQUIREMENTS.

- ~~(1) — Malpractice Reporting Requirements — The threshold amount below which medical malpractice judgments, awards or settlements in which payments are awarded to complaining parties need not be reported pursuant to the “Health Care Consumer Right To Know Act of 1998” shall be ten thousand dollars (\$10,000).~~

(Rule 1365-1-.20, continued)

- (2) ~~Criminal Conviction Reporting Requirements—For purposes of the “Health Care Consumer Right To Know Act of 1998, the following criminal convictions must be reported:~~
- (a) ~~Conviction of any felony; and~~
 - (b) ~~Conviction or adjudication of guilt of any misdemeanor, regardless of its classification, in which any element of the misdemeanor involves any one or more of the following:~~
 - 1. ~~Sex.~~
 - 2. ~~Alcohol or drugs.~~
 - 3. ~~Physical injury or threat of injury to any person.~~
 - 4. ~~Abuse or neglect of any minor, spouse or the elderly.~~
 - 5. ~~Fraud or theft.~~
 - (e) ~~If any misdemeanor conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.~~

Authority: T.C.A. §§4-5-202, 4-5-204, 63-23-101, 63-23-108, 63-51-101, et seq., and Public Chapter 373 of the Public Acts of 1999. *Administrative History:* Original rule filed February 9, 2000; effective April 24, 2000.

1365-1-.21 PROFESSIONAL PEER ASSISTANCE.

- (1) ~~The Board has the prerogative to refer for assessment(s), and if needed, treatment for presenting problem(s), any licensee, certificate holder or applicant voluntarily or involuntarily coming before the Board.~~
- (2) ~~As an alternative to disciplinary action, or as part of a disciplinary action, the Board may utilize the services of a professional assistance program, as approved by the Board, for situations regarding licensee or certificate holder substance abuse, chemical abuse, or lapses in professional and/or ethical judgments. Information regarding persons entering the program upon referral by this Board shall be confidential.~~

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-136, 63-23-106, and 63-23-108. *Administrative History:* Original rule filed August 16, 2002; effective October 30, 2002.

1365-1-.22 FREE HEALTH CLINIC AND VOLUNTEER PRACTICE REQUIREMENTS.

- (1) ~~Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201~~
 - (a) ~~Any social worker licensed or certified to practice in this state or any other state who has not been disciplined by any licensure board may have his/her license or certificate converted to or receive a Tennessee “Special Volunteer License,” as defined in T.C.A. § 63-1-201, which will entitle the licensee or certificate holder to practice without remuneration and solely within a “free health clinic,” as defined by T.C.A. § 63-1-201, at a specified site or setting by doing the following:~~
 - 1. ~~Obtaining from the Board’s administrative office a “Special Volunteer License” application, completing it and submitting it along with any required documentation to the Board’s administrative office; and~~

(Rule 1365-1-.22, continued)

2. ~~Have the licensing authority of every state in which the social worker holds or ever held a license or certificate to practice submit directly to the Board's administrative office the equivalent of a "certificate of fitness" as described in T.C.A. § 63-1-118 which shows that the license or certificate has never been subjected to any disciplinary action and is free and clear of all encumbrances; and~~
 3. ~~For social workers who have not been licensed or certified in Tennessee, comply with all provisions of subparagraphs (4) (e) and (4) (f) of rule 1365-1-.05 and the Health Care Consumer Right To Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and~~
 4. ~~Submitting the specific location of the site or setting of the free health clinic in which the licensee or certificate holder intends to practice along with proof of the clinic's private, and not for profit status.~~
- (b) ~~A social worker holding a Special Volunteer License is not required to pay any fee for its issuance or the required biennial renewal pursuant to the Division of Health Related Board's biennial birthdate renewal system.~~
- (c) ~~A social worker holding a Special Volunteer License may not do any of the following:~~
1. ~~Practice anywhere other than in the free health clinic site or setting specified in the application; and~~
 2. ~~Charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of medical or any other services; and~~
 3. ~~Practice for any free health clinic that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.~~
- (d) ~~Special Volunteer Licenses are subject to all of the following~~
1. ~~All rules governing renewal, retirement, reinstatement and reactivation as provided by rules 1365-1-.09 and .11, except those requiring the payment of any fees; and~~
 2. ~~The rules governing continuing education as provided by rule 1365-1-.12; and~~
 3. ~~Disciplinary action for the same causes and pursuant to the same procedures as all other licenses and certificates issued by the Board.~~
- (2) ~~Practice Pursuant to the "Volunteer Health Care Services Act" T.C.A. §§ 63-6-701, et seq.~~
- (a) ~~Any social worker licensed or certified in this or any other state, territory, district or possession of the United States whose license or certificate is not under a disciplinary order of suspension or revocation may practice in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.~~
- (b) ~~Any person who may lawfully practice in this or any other state, territory, district or possession of the United States under an exemption from licensure or certification and who is not under a disciplinary order of suspension or revocation and who is not and will not "regularly practice," as defined by T.C.A. § 63-6-703 (3) may practice in this state but only under the auspices of an~~

(Rule 1365-1-.22, continued)

~~organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.~~

~~(c) — A social worker or anyone who practices under an exemption from licensure or certification pursuant to this rule may not charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of medical or any other services; and may not practice for any organization that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.~~

~~(d) — Any organization that organizes or arranges for the voluntary provision of health care services on residents of Tennessee may utilize persons described in subparagraphs (a) and (b) to practice only when it has complied with the provisions of T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.~~

~~(3) — Application review and decisions for these types of licensure/certification or organization registration shall be governed by rule 1365-1-.07.~~

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-6-701 through 63-6-707, 63-23-102, 63-23-103, 63-23-108, 63-23-109, and 63-23-110. *Administrative History:* Original rule filed December 9, 2005; effective February 22, 2006. Amendment filed July 3, 2007; effective September 16, 2007.

1365-1-.23 — ADVERTISING

~~(1) — Policy Statement. The lack of sophistication on the part of many of the public concerning social work services, the importance of the interests affected by the choice of a social worker and the foreseeable consequences of unrestricted advertising by social workers which is recognized to pose special possibilities for deception, require that special care be taken by social workers to avoid misleading the public. Social workers must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by social workers is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.~~

~~(2) — Definitions~~

~~(a) — Advertisement — Informational communication to the public in any manner designed to attract public attention to the practice of a social worker who is licensed or certified to practice in Tennessee.~~

~~(b) — Certificate Holder — Any person holding a certificate to practice as a Certified Master Social Worker (C.M.S.W.). Where applicable this shall include partnerships and/or corporations.~~

~~(c) — Licensee — Any person holding a license to practice as a Licensed Clinical Social Worker (L.C.S.W.) in the State of Tennessee. Where applicable this shall include partnerships and/or corporations.~~

~~(d) — Material Fact — Any fact which an ordinary reasonable and prudent person would need to know or rely upon in order to make an informed decision concerning the choice of practitioners to serve his or her particular needs.~~

~~(3) — Advertising Content. The following acts or omissions in the context of advertisement by any licensee or certificate holder shall constitute unethical conduct, and subject the licensee or certificate holder to disciplinary action pursuant to T.C.A. § 63-23-106 (a) (5):~~

(Rule 1365-1-.23, continued)

- ~~(a) — Claims that the services performed, personnel employed, or office equipment used are professionally superior to that which is ordinarily performed, employed, or used, or that convey the message that one licensee or certificate holder is better than another when superiority of services, personnel, or equipment cannot be substantiated.~~
- ~~(b) — The misleading use of an unearned degree.~~
- ~~(c) — Promotion of professional services which the licensee or certificate holder knows or should know are beyond the licensee's or certificate holder's ability to perform.~~
- ~~(d) — Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective client.~~
- ~~(e) — Any appeals to an individual's anxiety in an excessive or unfair manner.~~
- ~~(f) — The use of any personal testimonial attesting to a quality of competency of a service or treatment offered by a licensee or certificate holder that is not reasonably verifiable.~~
- ~~(g) — Utilization of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results that the licensee or certificate holder can achieve.~~
- ~~(h) — The communication of personal identifiable facts, data, or information about a client without first obtaining client consent.~~
- ~~(i) — Any misrepresentation of a material fact.~~
- ~~(j) — The knowing suppression, omission or concealment of any material fact or law without which the advertisement would be deceptive or misleading.~~
- ~~(k) — Misrepresentation of credentials, training, experience, or ability.~~
- ~~(l) — Failure to include the corporation, partnership or individual name, address, and telephone number of licensees and certificate holders in any advertisement. Any corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all licensees and certificate holders practicing at a particular location shall:
 - ~~1. — Upon request provide a list of all licensees and certificate holders practicing at that location; and~~
 - ~~2. — Maintain and conspicuously display a directory listing all licensees and certificate holders practicing at that location.~~~~
- ~~(m) — Failure to disclose the fact of giving compensation or anything of value to representative of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement (for example, newspaper article) unless the nature, format or medium of such advertisement make the fact of compensation apparent.~~
- ~~(n) — After thirty (30) days of the licensee or certificate holder's departure, the use of the name of any licensee or certificate holder formerly practicing at or associated with any advertised location or on office signs or buildings. This rule shall not apply in the case of a retired or deceased former associate who practiced in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.~~

(Rule 1365-1-.23, continued)

- ~~(o) Stating or implying that a certain licensee or certificate holder provides all services when any such services are performed by another licensee.~~
 - ~~(p) Directly or indirectly offering, giving, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a client in connection with the performance of professional services.~~
 - ~~(q) Making false, deceptive, misleading or fraudulent statements regarding fees.~~
- ~~(4) Advertising Records and Responsibility~~
- ~~(a) Each licensee or certificate holder who is a principal partner, or officer of a firm or entity identified in any advertisement, is jointly and severally responsible for the form and content of any advertisement. This provision shall also include any licensed or certified professional employees acting as an agent of such firm or entity.~~
 - ~~(b) Any and all advertisements are presumed to have been approved by the licensee or certificate holder named therein.~~
 - ~~(c) A recording of every advertisement communicated by electronic media, and a copy of every advertisement communicated by print media, and a copy of any other form of advertisement shall be retained by the licensee or certificate holder for a period of two (2) years from the last date of broadcast or publication and be made available for review upon request by the Board or its designee.~~
 - ~~(d) At the time any type of advertisement is placed, the licensee or certificate holder must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.~~
- ~~(5) Advertising Conduct~~
- ~~(a) Licensees or certificate holders who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.~~
 - ~~(b) If licensees or certificate holders learn of deceptive statements about their work made by others, licensees or certificate holders must make reasonable efforts to correct such statements.~~
 - ~~(c) Licensees or certificate holders shall not compensate employees of press, radio, television or other communication media in return for publicity in a news item.~~
 - ~~(d) A paid advertisement relating to the licensee's or certificate holder's activities must be identified as such, unless it is already apparent from the context.~~
- ~~(5) Severability. It is hereby declared that the sections, clauses, sentences and parts of these rules are severable, are not matters of mutual essential inducement, and any of them shall be rescinded if these rules would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.~~

(Rule 1365-1-.23, continued)

Authority: ~~T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 63-23-103, 63-23-106, and 63-23-108.~~ *Administrative History:*
Original rule filed August 18, 2006; effective November 1, 2006.