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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Board of Social Worker Licensure
Division:	
Contact Person:	Christopher J. Larkin Assistant General Counsel
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator, Division of Health Related Boards
Address:	Heritage Place – Metro Center 227 French Landing, Suite 300 Nashville, Tennessee 37243
Phone:	615-532-3202 or (Toll Free) 1-800-778-4123
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Poplar Conference Room, 1 st Floor, Heritage Place – Metro Center		
Address 2:	227 French Landing		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	04/15/10		
Hearing Time:	11:00 am	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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
1365-01-.18	Mandatory Release of Client Records
1365-01-.19	Board Meetings, Officers, Consultants, Records, and Screening Panels
1365-01-.20	Consumer Right-To-Know
1365-01-.21	Professional Peer Assistance
1365-01-.22	Free Health Clinic and Volunteer Practice Requirements
1365-01-.23	Advertising

(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; and
 - (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 rely 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].

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 2/19/10

Signature: *[Handwritten Signature]*

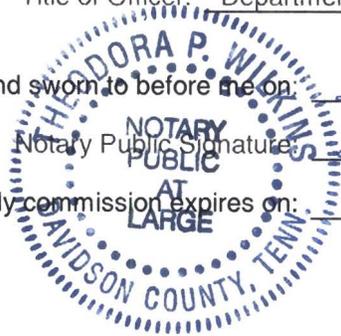
Name of Officer: Christopher J. Larkin
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 2/19/10

Notary Public Signature: *Theodora P. Wilkine*

My commission expires on: 11/7/2011



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Filed with the Department of State on: 2/19/10

Tre Hargett
Tre Hargett
Secretary of State

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