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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - LICENSE PROCEDURE FOR SOCIAL WORKERS

Introduced By: Senators Murray, Goldin, Valverde, Lawson, and Crowley

Date Introduced: March 12, 2020

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-39.1-2, 5-39.1-3 and 5-39.1-8 of the General Laws in Chapter 5-
2 39.1 entitled "License Procedure for Social Workers" are hereby amended to read as follows:

3 **5-39.1-2. Definitions.**

4 As used in this chapter:

5 (1) "Board" means the state board of social work examiners for licensure of social workers.

6 (2) "Clinical social work practice" means the professional application of social work
7 theories, methods, and values in the diagnosis, assessment, and treatment of cognitive, affective,
8 and behavioral disorders arising from physical, environmental, or emotional conditions. Clinical
9 social work services include, but are not limited to, diagnosis; assessment; evaluation;
10 psychotherapy and counseling for individuals, couples, families, and groups; client-centered
11 advocacy; consultation; and supervision. Clinical social work services do not include psychological
12 testing, and nothing in this chapter shall be construed to permit social workers to practice
13 psychology.

14 (3) "Continuing education hours" means actual hours earned in continuing education
15 courses, seminars, and workshops.

16 (4) "Department" means the Rhode Island department of health.

17 (5) "Director" means the director of the Rhode Island department of health.

18 (6) "Division" means the division of professional regulation in the Rhode Island

1 department of health.

2 (7)(i) "Experience" means three thousand (3,000) hours of post-master's practice of clinical
3 social work during a twenty-four (24) to seventy-two (72) month period of time immediately
4 preceding the date of application for licensure.

5 (ii) One thousand five hundred (1,500) hours must consist of providing clinical social work
6 services directly to clients.

7 (8) "Social worker" means an individual who has:

8 (i) Received a baccalaureate or master's degree in social work from an accredited social
9 work program approved by the Council on Social Work Education;

10 (ii) Received a doctorate or Ph.D. in social work; or

11 (iii) A state position that includes social worker in the job title.

12 ~~(8)~~(9) "Supervision" means face-to-face contact with a licensed independent clinical social
13 worker for the purpose of apprising the supervisor of the diagnosis, assessment, and treatment of
14 each client; receiving oversight and guidance from the supervisor in the delivery of clinical social
15 work services to each client; and being evaluated by the supervisor. This contact must consist of:

16 (i) A minimum of two (2) hours of supervision every two (2) weeks;

17 (ii) A minimum of one hour of supervision per twenty (20) hours of direct contact with
18 clients, whether or not the number of hours of supervision required for a two (2) week period have
19 been met;

20 (iii) One-to-one contact with the supervisor at least seventy-five percent (75%) of the time
21 with group supervision of no more than ten (10) supervisees during the balance of the time; and

22 (iv) Supervision by an individual other than the applicant's parents, spouse, former spouse,
23 siblings, children, employees, or anyone sharing the same household or any romantic, domestic, or
24 familial relationship.

25 **5-39.1-3. Title and practice regulation.**

26 (a) Any individual licensed under this chapter may use the title "licensed clinical social
27 worker" and the abbreviation "L.C.S.W." or the title "licensed independent clinical social worker"
28 and the abbreviation "L.I.C.S.W."; provided, that the title and abbreviation correspond to the
29 license held pursuant to this chapter.

30 (b) No individual shall represent herself or himself as a "licensed clinical social worker",
31 "L.C.S.W.", "licensed independent clinical social worker", or "L.I.C.S.W." unless she or he is
32 licensed as a "licensed clinical social worker" or "licensed independent clinical social worker"
33 pursuant to this chapter and unless the title and abbreviation correspond to the license held pursuant
34 to this chapter.

1 (c) Those currently holding the title "certified social worker" and "certified independent
2 social worker" shall assume the titles "licensed clinical social worker" and "licensed independent
3 social worker", respectively. These licensees are exempt from the examination but shall be required
4 to fulfill all other criteria for licensure as defined in this chapter.

5 (d) No individual shall use "licensed social worker", "clinical social worker", "psychiatric
6 social worker", or any other designation implying qualification to practice clinical social work
7 unless she or he is licensed as a "licensed clinical social worker" or "licensed independent clinical
8 social worker" pursuant to this chapter.

9 (e) Any individual licensed as a "licensed clinical social worker" and under supervision, as
10 defined in this chapter, shall be permitted to practice clinical social work, whether in a private
11 practice or in association with a public or private agency or institution.

12 (f) Any individual licensed as a "licensed independent social worker" shall be permitted to
13 practice clinical social work autonomously, whether in a private practice or in association with a
14 public or private agency or institution.

15 (g) No individual shall engage in the practice of clinical social work unless she or he holds
16 an active license as a "licensed clinical social worker" or "licensed independent clinical social
17 worker".

18 (h) Notwithstanding any provisions in §§ 5-39.1-1 -- 5-39.1-14 or any other general or
19 public law to the contrary, any nursing facility licensed under chapter 17 of title 23 that employs a
20 social worker or social worker designee who meets all of the following criteria shall be granted a
21 variance to the "qualified social worker" provisions of section 29 (or any comparable or successor
22 section) of the rules and regulations for licensing of nursing facilities promulgated by the
23 department of health. Such criteria shall be limited to: (1) meets the centers for Medicare and
24 Medicaid requirements for long-term care facilities under 42 CFR part 483, subpart B (or any
25 successor regulation); (2) is currently employed by a nursing facility licensed under chapter 17 of
26 title 23; and (3) has been continuously employed in a nursing facility licensed under chapter 17 of
27 title 23 commencing on or before July 1, 2003.

28 (i) No individual shall represent himself or herself as a social worker unless he or she has
29 met the criteria as set forth in § 5-39.1-2(8).

30 (j) No government entities, public or private agencies, businesses or organizations in the
31 state shall use the title social worker or any form of the title for volunteer or employment positions
32 or within contracts for services, documents, manuals, or reference materials unless the volunteers
33 or employees in those positions are qualified pursuant to § 5-39.1-2(8).

34 **5-39.1-8. Licenses.**

1 (a) The department shall issue the appropriate license to applicants who meet the
2 qualifications of the section.

3 (b) Prerequisites: "Licensed clinical social worker". A license as a "licensed clinical social
4 worker" shall be issued to an applicant who meets the following qualifications:

5 (1) Has a doctorate in clinical social work from a duly accredited college or university or
6 master's degree from a school of social work accredited by the council on social work education,
7 and

8 (2) Has satisfactorily completed an examination for this license, or

9 (3) Has a comparable license, certification, or registration from the state, or another state
10 or territory of the United States that imposes qualifications substantially similar to those of this
11 chapter, as determined by the board.

12 (c) Prerequisites: "Licensed independent clinical social worker". A license for a "licensed
13 independent clinical social worker" shall be issued to an applicant who meets the following
14 qualifications:

15 (1) Is licensed under this chapter as a "licensed clinical social worker", and

16 (2) Has twenty-four (24) months of experience acceptable to the board, under appropriate
17 supervision, and

18 (3) Has fulfilled the continuing education requirements for this license, and

19 (4) Has satisfactorily completed an examination for this license, or

20 (5) Has a comparable license, certification, or registration from the state, or another state
21 or territory of the United States that imposes qualifications substantially similar to those of this
22 chapter.

23 (d) In addition to these qualifications, an applicant for any of the these titles must prove to
24 the board's satisfaction:

25 (1) An age of at least twenty-one (21) years;

26 (2) That he or she merits the public trust;

27 (3) A United States citizenship or proof of other legal resident status;

28 (4) An absence of conviction of a felony, which is subject to waiver by the board upon
29 presentation of satisfactory evidence that this conviction does not impair the ability of the person
30 to conduct with safety to the public the practice authorized by this license. The applicant shall bear
31 the burden of proving that his or her conviction does not impair his or her ability to conduct with
32 safety to the public the practice authorized by this license;

33 (5) An absence of NASW sanction for violation of Code of Ethics, or other state board
34 sanction which is subject to waiver by the board upon presentation of satisfactory evidence that this

1 sanction does not impair the ability of the person to conduct with safety to the public the practice
2 authorized by this license. The applicant bears the burden of proving that his or her sanction does
3 not impair his or her ability to conduct with safety to the public the practice authorized by this
4 license;

5 (6) That the applicant has not been declared mentally incompetent by any court, and if any
6 decree has ever been rendered, that there has been a subsequent court determination that the
7 applicant is competent; and

8 (7) Freedom from use of any controlled substance or any alcoholic beverages to the extent
9 that the use impairs the ability of the person to conduct with safety to the public the practice
10 authorized by this license. The applicant bears the burden of proving that he or she is free from use
11 of any controlled substance or any alcoholic beverages that impair his or her ability to conduct with
12 safety to the public the practice authorized by this license.

13 (e) Prerequisites: "Social workers" shall be exempt from the provisions of this section,
14 provided he or she possesses the qualifications set forth in § 5-39.1-2(8).

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - LICENSE PROCEDURE FOR SOCIAL
WORKERS

1 This act would define the educational requirements necessary to qualify an individual as a
2 social worker, and further provides that no government entities, public or private agencies,
3 businesses or organizations in the state, shall use the title social worker or any form of the title for
4 volunteer or employment positions or within contracts for services, documents, manuals, or
5 reference materials, unless the volunteers or employees in those positions are qualified. The act
6 would also exempt social workers from the licensure procedures for licensed clinical social workers
7 and licensed independent clinical social workers. An individual who occupies a state position that
8 includes social worker in the title shall qualify as a social worker.

9 This act would take effect upon passage.

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