

Important Information for Licensed Social Workers - August 2009
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Greetings from the Board

The Texas State Board of Social Worker Examiners (board), the Executive Director of the board and the staff of the Professional Licensing and Certification Unit, Department of State Health Services send you greetings. You will find within this newsletter current information and reminders about social work practice and the regulations surrounding this practice. I encourage you to read through the entire document to make certain you are familiar with the information.

The present membership of the board is Tim Brown, LCSW, Chair; Dorinda Noble, LCSW, Ph.D., Vice-Chair; Nary Spears, LMSW-IPR; Jody Armstrong, LMSW-AP; Kim Hernandez, LBSW-IPR; Candace Guillen Kettelkamp, LBSW-IPR; Mark Talbot, Public Member; Denise Pratt, Public Member; and Stewart Geise, Public Member. Each member of the board volunteers her or his time, spending many hours to ensure its continued function. In addition to the board members, Carol Miller, LMSW-IPR, is our new Executive Director. Although Ms. Miller is new to this position, she brings great skills and years of professional service. Georgia Norman supports the board by means of organization and record keeping. Dan Meador provides legal counsel to the board. There are many other staff members of the Professional Licensing and Certification Unit, who provide outstanding support to the board. Without the support provided by each of these individuals, it would be difficult for the board to function.

Normally, the full board and all board committees meet once each quarter - the first Thursday, Friday and Saturday of March, June, September and December. The board committees consist of Ethics; Licensing Standards and Qualifications; Professional Development; and Rules. The Ethics Committee usually meets an additional time between each quarterly board meeting. As required by the Open Meetings Act, the board meetings are posted in the Texas Register and open to the public. We invite and encourage all social workers to attend. Although we strongly support the profession of social work and diligently labor not to harm the profession, our primary function is the protection of the public.

Upcoming quarterly board meeting dates include: September 10-12, 2009; December 3-5, 2009; March 4-6, 2010; and June 3-5, 2010. More information about these meetings can be found at: www.dshs.state.tx.us/socialwork . Once on the board homepage, select the link for “Board” and then the “Meeting Agendas and Minutes” option.

Board members welcome your comments and suggestions regarding your concerns as a consumer, stakeholder, provider of social work services and/or as a member of the public. You may contact us by letter, telephone, e-mail or fax. It is an honor to serve as the Presiding Officer and Chair of the Texas State Board of Social Worker Examiners.

Sincerely,
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Please Note: This information is not copyrighted or protected. You are welcome and encouraged to distribute this information. Also, this is a summary of some of the recent changes and issues related to professional social work practice and regulation. This is not inclusive of all requirements in statute and rule, and it is the legal responsibility of each licensed social worker to ensure compliance with all laws and rules governing social work practice.

Staying Current – The Board’s Website & Mail-outs

Licensees, stakeholders and consumers have access to useful information posted on the board’s website at: www.dshs.state.tx.us/socialwork. Topics you will find within this website include our law and rules governing the practice of social work, forms to apply for licensure, disciplinary actions taken by the board’s ethics committee and the full board, and a roster of social workers licensed to practice social work in the State of Texas.

Licensees are encouraged to visit this site *quarterly* to review rules governing practice standards, to become familiar with proposed rule changes and adoption of new rules, and to be updated about issues affecting the practice of social work in the State of Texas. As resources allow, the board will also provide informational mail-outs to all licensees (such as this one).

Licensees are responsible for complying with all laws and rules governing social work practice – including timely licensure renewal - *with or without* explicit written notification from the board.

General Information about the Board

The board is a *legislatively-mandated* regulatory body whose purpose is to (1) adopt and enforce rules necessary to perform the board’s duties; (2) establish standards of conduct and ethics for license holders; and (3) ensure strict compliance with and enforcement of the Texas Occupations Code, Chapter 505: *Social Work Practice Act*, as well as 22 Texas Administrative Code, Chapter 781: *Rules Relating to the Licensing and Regulation of Social Workers*. The board is one unit of state government among many and is situated within the larger context of the regulation of health professionals and of all professional regulation, generally. The board is *not synonymous* with any private professional organization, and its powers, functions, and duties are quite different and distinct from those of a professional organization.

Texas Occupations Code §505.101 establishes the Governor’s responsibility to appoint the nine members of the board. In accordance with the code, six of the members must be licensed social workers: two licensed baccalaureate social workers, two licensed master social workers, and two licensed clinical social workers. In addition to the professional members, three members who represent the public are appointed. Key powers, functions and duties of the board are:

- determine the qualifications and fitness of an applicant for a license;
- adopt rules establishing the board’s procedures;
- adopt rules necessary to administer Occupations Code, Chapter 505;
- establish fees for the board’s services;
- adopt a code of professional ethics;
- prepare a registry of persons licensed as social workers;
- adopt rules concerning the investigation and disposition of a complaint filed; and
- establish the minimum number of hours of continuing education required.

Professional Competency

The social work licensing law and the board rules establish the legal parameters for professional social work practice and conduct, as well as minimum requirements for licensure. The scopes of practice and other sections of the law (Texas Occupations Code, Chapter 505) and rules (22 Texas Administrative Code, Chapter 781) identify *all* possible types of practices that one could provide within the legal authorization of a particular social work license or recognition. This does *not* mean that each individual social worker is competent to provide all practices identified.

The Code of Conduct requires that “A social worker shall only offer those services that are within his or her professional competency.” The licensee alone is legally responsible to ensure that she/he is appropriately competent to provide the services she/he provides.

It is incumbent upon the licensee to ensure that she/he is engaged in appropriate, ethical and legal social work practice. It is not a defense to say that someone else told you that you could engage in a particular practice or conduct without you demonstrating due diligence to verify the information, such as: reading the laws and rules, engaging in professional consultation with those with expertise in a particular area, or taking other actions as appropriate.

Legal requirements related to competency are not limited to use of a particular practice intervention. They also include such things as:

- competency in order to act as a social work board-approved supervisor, particularly if one was granted the recognition at a time when formal training was not required;
- knowledge of the current laws and rules governing practice;
- conduct within currently accepted standards of professional practice – including knowledge of best practices, evidence-based practice, and current research – for each type of professional social work services one provides;
- continuing education and professional development in all areas of practice; and
- other expectations as outlined in the law and rules.

Competency and appropriate use of professional consultation and supervision are central tenets of professional social work practice.

License Category vs. Specialty Recognition

Social work law and rules provide for three – *and only three* - categories of license:

- (1) Licensed Baccalaureate Social Worker (LBSW);
- (2) Licensed Master Social Worker (LMSW); and
- (3) Licensed Clinical Social Worker (LCSW).

All other designations, such as Board-Approved Supervisor, Independent Practice Recognition (IPR), and Licensed Master Social Worker – Advanced Practitioner (LMSW-AP) are “specialty recognitions” – and are *not* additional licensure categories as defined by statute. Many licensees - and members of the public alike - do not fully understand that there is a difference between a license category and a “specialty recognition” of the board.

The Code of Conduct requires that “A social worker shall truthfully report or present his or her services, professional credentials and qualifications to clients or potential clients.” It is incumbent upon the licensee to understand the differences between licensure categories and specialty recognitions and ensure that members of the public – *clients, in particular* - know what her/his license category is (by the full license title) and what any specialty recognitions are that she/he may hold (by the full title). One simple strategy is that a licensee is required to display one’s license certificate in a prominent place at each location of practice. Licensees *may* also provide letterhead, business cards, name badges or other documents that list the full title of license and any specialty recognitions.

Display and Use of Current License Title

Licensed social workers *must* include the license title or its initials *in all professional uses* of the licensee's name.

The three license titles (and initials) are:

- (1) Licensed Baccalaureate Social Worker (LBSW);
- (2) Licensed Master Social Worker (LMSW); and
- (3) Licensed Clinical Social Worker (LCSW).

Specialty Recognitions are:

- (1) Licensed Master Social Worker – Advanced Practitioner (LMSW-AP);
- (2) Independent Practice Recognition (LBSW-IPR or LMSW-IPR); and
- (3) Board-Approved Supervisor (no initials).

Similarly, to promote access to regulatory information by the public, a licensee *shall* inform each client of the name, address, and telephone number of the Texas State Board of Social Worker Examiners (the board) in at least one of the following: (1) each registration form; (2) each application; (3) each written contract for services; (4) a sign prominently displayed in each place of business; *or* (5) a bill for services provided. One simple strategy for compliance is for a licensee to display the board's Code of Conduct, including the board's contact information, in a prominent place at each location of practice, as required.

Required Reports to the Board

22 Texas Administrative Code §781.361 requires:

- (a) A licensee *shall* make *written* reports to the board office *within 30 days* of the following:
 - (1) a change of mailing address, place of employment or business or home phone number (*The board is not responsible for any lost or misdirected mail if sent to the address last reported by the licensee*);
 - (2) an arrest or conviction of the licensee;
 - (3) the filing of a criminal case against the licensee;
 - (4) a criminal conviction, other than a Class C misdemeanor traffic offense, of the licensee;
 - (5) the settlement of or judgment rendered in a civil lawsuit filed against the licensee and relating to the licensee's professional social work practice; *or*
 - (6) complaints against, investigations involving or actions against the licensee done by a licensing or certification body related to health or mental health services when known by the licensee.
- (b) The information received under subsection (a) of this section may be used by the board to determine whether a licensee remains fit to hold a license.
- (c) Failure to make a report as required by subsection (a) of this section is grounds for disciplinary action by the board.

License Expiration, Late Renewal & Permanent Lapse of License

Licenses expire on the date indicated on the license certificate. When a license is expired, a person is no longer authorized to use his or her license title, represent himself or herself as a social worker, use the title of social worker or provide certain social work services. For up to one year past the expiration of a license, a licensee may renew his or her license by paying the late fee, the renewal fee, and completing continuing education requirements. *After one year following the expiration of a license, the license is permanently lapsed and is no longer renewable.*

A person who seeks a new license after the license has been expired for more than one year *must reapply* and meet the *current* requirements for licensure, including but not limited to: taking or retaking the appropriate licensing examination and jurisprudence examination; verification of education; and verification of supervised professional experience.

A licensee who is not currently practicing but who wants to maintain the license may continue to renew the license, including completing the required continuing education. Another option is to put a license on inactive status. *A license on inactive status also expires and must be renewed in order to avoid late fees and a permanent lapse of the license.* If a license is on inactive status, the social worker is not required to complete continuing education in order to renew the license. A social worker whose license is on inactive status *may not* use the title social worker or practice social work. A social worker who wishes

to reactivate her/his license to active status is required to notify the board in writing, pay a reactivation fee and may require verification of continuing education under some circumstances.

Child Support, Child Custody Orders & Texas Guaranteed Student Loans: Licensing Implications

Texas state law requires that the board suspend the license of an individual who fails to comply with child support or child custody orders (Texas Family Code, Chapter 232). Similarly, Texas state law requires that the board deny renewal of the license to any individual who defaults on Texas Guaranteed Student Loans (Texas Education Code §57.491).

Jurisprudence Exam and Continuing Education for Renewals

A licensed social worker may re-take the board's Jurisprudence Exam (and provide verification of completion if audited) to receive 3 hours of the 6 hours towards the continuing education requirement in professional ethics and social work values biennially. The exam may be taken for continuing education credit towards renewal only once per renewal period.

Independent Practice Recognition

Over the past several years social service providers (and employers in virtually all sectors of the workforce) have increasingly contracted with social workers and other professionals rather than hire them as employees. While some professional licenses authorize independent practice, others do not. The licenses of Licensed Master Social Worker (LMSW) and Licensed Baccalaureate Social Worker (LBSW) *do not and never have* authorized the independent practice of social work. All holders of these licenses are *only* authorized to work in employment settings in an agency or as volunteers. The practice of creating an agency and hiring oneself is analogous to practicing independently and is prohibited.

LBSW and LMSW licensees may become recognized for independent practice by applying for the recognition. Applicants are required to comply with all board rules related to Independent Practice Recognition, including but not limited to: completion and verification of a minimum of 24 months of full-time supervised experience under a pre-filed, pre-approved non-clinical supervision plan. A licensee who is engaged in professional practice beyond the scope authorized by his or her license is in violation of board rules which may result in disciplinary action, up to and including revocation of her/his license.

The board recommends that all licensees help educate other social workers, their employers, schools of social work and others about the requirements for the Independent Practice Recognition and limitations related to contract work.

Social Worker Roster on the Board's Website

For many years, the board has posted a roster of licensed social workers on our website. For more than one year, the mailing addresses and phone numbers of social workers have been posted on the web. By law (Texas Occupations Code §505.205) the board is required to prepare and publish a roster that contains the name and address of each person licensed under this chapter. Prior to September 1, 2007, the roster did not display addresses of licensees *not because it was not required by law* but because the licensing database technology could not produce the data in a publishable format. As of September 1, 2007, the board has had the capability and has published these rosters on the website.

The board has been and continues to be contacted by some social workers who are concerned that their home addresses and phone numbers appear on the web. Our response shortly after September 1, 2007 was to temporarily remove the addresses at the request of the licensee. However, since then, the board has transitioned to a new automated tool for publishing rosters which includes the name and address of all licensed social workers - as required by law.

Contact information for social workers *is not* confidential by law. Social workers have the option of changing their mailing address to a business address or a P.O. Box. If the licensee uses an alternate address as the mailing address for the board, she/he is still subject to the rule that states that "The board is not responsible for any lost or misdirected mail if sent to the address last reported by the licensee" as well as the same timeframe requirements related to deadlines to respond to board contacts. To change your mailing address, contact the board office.

Do supervised experience hours toward qualification for licensure or specialty recognition expire?

Yes. According to board rule, on or after August 24, 2005, a LMSW who is applying to sit for the clinical examination toward licensure as a LCSW may not apply supervision hours of professional experience that occurred more than 5 years prior to the date that the LMSW applies for an upgrade to the LCSW.

In response to licensee concerns, the board made an exception to this rule to facilitate the transition to the 5 year limitation. For applications for upgrade to the LCSW received by the board *between April 1, 2008 and March 31, 2010*, a LMSW licensed by the board who has 24 months of verified clinical supervision *on file with the board before February 21, 2008* is exempt from the 5 year limitation on supervision experience.

General Overview - Supervision

Supervision is recognized by the board as a critical tool for the professional development of social workers. Recent changes as well as existing rules related to board-approved supervision require licensees to be aware of the requirements and to practice accordingly. As with all types of social work practice, a board-approved supervisor shall only offer those services that are within her or his professional competency, and the services provided shall be within accepted professional standards of practice for supervision.

All applicants for recognition as a board-approved supervisor must complete a minimum of one 40-hour board-approved supervisor training course prior to recognition. All supervisor training courses must be board-approved and meet all necessary requirements, including those listed in 22 Texas Administrative Code §781.516. A roster of board-approved supervisor training providers is available on the board's website at: www.dshs.state.tx.us/socialwork. Once on the board homepage, select the link for "Find A Licensee" and then the "Rosters" option. The webpage allows you to identify supervisors by license type and specialty recognition or by an alphabetical list of all supervisors. All board-approved supervision *must* meet all legal and regulatory requirements, including but not limited to 22 TAC §781.302(e), (f) and (g); 22 TAC §781.304; 22 TAC §781.610; and 22 TAC §781.806.

The board recommends that all board-approved supervisors engage in on-going continuing education and professional development related to social work supervision. Those board-approved supervisors who were granted this recognition before the rules required verification of completion of a 40-hour training course on supervision practice are equally responsible as new board-approved supervisors to ensure competency and appropriate training in supervision to engage in this practice.

The board recognizes that *clinical* supervision towards the LCSW is distinctly different than *non-clinical* supervision towards the LMSW-AP or the Independent Practice Recognition. The board recommends that board-approved supervisors participate in specialized training in both *clinical* and *non-clinical* supervision for those who wish to provide both types of supervision. Two separate 40-hour courses are not required for recognition, however. It is the responsibility of the board-approved supervisor to ensure that supervisees receive appropriate supervision.

Different Purposes & Types of Supervision

Some supervision is a direct function of professional licensing and regulation processes and therefore must be "board-approved." Other forms of supervision exist that are separate from those required by the board. For example: Supervision may be required by an employer that may or may not be related to professional licensing, that may or may not be provided by a social worker, and that is generally outside the jurisdiction of the board. All supervision that is a direct function of professional licensing and regulation is commonly referred to as "board-approved" or board-required supervision.

Supervision related to the professional practice of social work may include:

(A) administrative or work related supervision of an employee, contractor or volunteer that is not related to qualification for licensure, practice recognition, a disciplinary order or a condition to new or continued licensure (board-approved supervision is *not* required for this type of supervision);

(B) clinical supervision by a Licensed Professional Counselor, Licensed Psychologist, Licensed Marriage and Family Therapist, Licensed Clinical Social Worker or Psychiatrist of a Licensed Master Social Worker providing clinical services in an employment setting that is not related to qualification for licensure, practice recognition, a disciplinary order or a condition to new or continued licensure (board-approved supervision is *not* required for this type of supervision);

(C) clinical supervision by a Licensed Clinical Social Worker who is recognized by the board as an approved supervisor of a Licensed Master Social Worker providing clinical services toward qualification for licensure as a Licensed Clinical Social Worker;

(D) non-clinical supervision by a licensed social worker who is recognized by the board as an approved supervisor of a Licensed Master Social Worker or Licensed Baccalaureate Social Worker providing non-clinical social work services toward qualification for practice recognition in independent practice or toward recognition as a Licensed Master Social Worker – Advanced Practitioner;

(E) non-clinical supervision by a licensed social worker who is recognized by the board as an approved supervisor of a probationary Licensed Master Social Worker or Licensed Baccalaureate Social Worker toward licensure under the Alternate Method of Examining Competency (AMEC) program; or

(F) supervision by an approved supervisor pursuant to a disciplinary order or another order of the board.

Rosters of board-approved supervisors grouped by license category and specialty recognition are available on the board's website at: www.dshs.state.tx.us/socialwork . Once on the board homepage, select the link for "Find A Licensee" and then the "Rosters" option.

Types of Board-Approved Supervision

Board-approved supervision toward qualification for licensure and specialty practice recognition (LBSW-IPR, LMSW-IPR, LMSW-AP and LCSW) is considered by the board to be qualitatively and substantially different than probationary supervision related to the AMEC program, as well as rehabilitative supervision that is required by the board as a result of a disciplinary order or another order of the board. Holding the recognition of "board-approved supervisor" does not guarantee that an individual is authorized by the board to provide all types of supervision to all types of supervisees (see chart below) or is competent to provide all types of supervision using accepted professional standards for supervision.

It is the responsibility of both the supervisor and the supervisee, related to requirements for an individual supervision plan, to ensure, among other things, that: 1) the supervisor is authorized by the board to provide the specific type of supervision required; 2) the supervisor complete and submit documents and reports to the board as required; and 3) the supervisor is fully aware of the specific purpose of supervision, as well as all conditions required by the board related to the supervision.

Approval of supervised professional experience towards licensure or specialty recognition requires, among other things, that the supervisor and supervisee submit:

- (1) *Prior to commencement of supervision*, a completed *clinical* or *non-clinical* supervision plan on the form provided by the board (Please note: the board can only approve supervised experience that occurred no more than 30 days prior to the date the supervision plan *was received by the board*); and
- (2) *Within 30 days following termination of supervision*, a completed verification of *clinical* or *non-clinical* supervision on the form provided by the board.

Approval of supervised professional experience as a result of a disciplinary order or another order of the board requires, among other things, that the supervisee submit in writing the names of three board-approved supervisors that are willing to provide this specialized type of supervision. The board will select the board-approved supervisor and inform the licensee in writing. A quarterly report related to this specialized supervision is required not later than 120 days following the date of the board order. In some cases, a report may be required sooner if outlined by the board.

For supervision as a result of a disciplinary order or a condition of initial or continued licensure, it is the responsibility of *the supervisee* to ensure, among other things, that: 1) the supervisor completes and submits documents and reports to the board as required, and 2) the supervisor is fully aware of the specific purpose of supervision, as well as all conditions required by the board related to the supervision.

Requirements for Board-Approved Supervision
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Some of the minimum requirements to be a board-approved supervisor are as follows. A supervisor must:

- (A) be a LBSW, LBSW-IPR, LMSW, LMSW-IPR, LMSW-AP or LCSW in good standing;
- (B) supervise only supervisees providing professional services *within the supervisor's own competency*;
- (C) take professional responsibility for the social work services provided within the supervisory plan;
- (D) have completed a supervisor's training program acceptable to the board;
- (E) currently be engaged in the practice of social work and self-identified as a social worker;
- (F) submit the required documentation and fee to the board for approval and receive formal recognition from the board as an approved supervisor; and
- (G) pay the annual Approved Supervisor fee as listed in 22 Texas Administrative Code §781.217.

Supervision of a licensee in any board-approved supervisory role is explicitly defined and authorized by the board. The board has an expectation that supervisors authorized by the board fully understand the rules that pertain to supervision and understand the board's expectations of the supervisor in his or her execution of the role.

The board requires that new supervisors complete a supervisor training course presented by a board-approved supervisor training provider. A list is available on the board's web site at: www.dshs.state.tx.us/socialwork . Once on the board homepage, select the link for "Continuing Education" and then the "CE Sponsors" option.

Board rules authorize licensees of all license categories to supervise other licensees in specific roles, once the licensee becomes a board-approved supervisor, and assuming that the supervision services provided are within the supervisor's competence and the accepted standards of practice for supervision. The following table details authorized supervisory roles by license type and specialty recognition.

Authorized Supervision (when approved as a supervisor and appropriately competent)	LCSW	LMSW-AP	LMSW-IPR	LMSW	LBSW-IPR	LBSW
Clinical Supervision for LCSW	Yes	No	No	No	No	No
Non-clinical Supervision toward Advanced Practitioner	Yes	Yes	No	No	No	No
Non-clinical Supervision toward Independent Practice Recognition	Yes	Yes	Yes	No	Yes, LBSW only	No
Supervision as a Required Condition of Initial or Continued Licensure	Yes	Yes Except LCSW	Yes Except LCSW and LMSW-AP	Yes, LMSW or LBSW only	Yes, LBSW or LBSW-IPR only	Yes, LBSW only
Board-Ordered Supervision related to a Formal Disciplinary Order	Yes	Yes Except LCSW	Yes Except LCSW and LMSW-AP	Yes, LMSW or LBSW only	Yes, LBSW or LBSW-IPR only	Yes, LBSW only
Supervision for Participants in the AMEC Program	Yes	Yes	Yes	Yes	Yes, LBSW only	Yes, LBSW only