



Oregon

Theodore R. Kulongoski, Governor

State Board of Clinical Social Workers

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PROPOSED RULES APPROVED FOR INTRODUCTION INTO THE RULEMAKING PROCESS ON NOVEMBER 10, 2009

**RULEMAKING HEARING: DECEMBER 15, 2009, 2:00 P.M., BOARD OFFICE
WRITTEN COMMENT: ACCEPTED THROUGH DECEMBER 21, 2009**

**BOARD CONSIDERATION OF COMMENTS: JANUARY 12, 2009
EXPECTED RULE EFFECTIVE DATE: upon filing (on or after January 12, 2009)**

877-010-0000

Board Meetings

The State Board of [Clinical] Licensed Social Workers shall meet a least six times a year to accomplish its work. The Board shall meet at a time and place specified by the Board and at such other times and places as specified on call of the Chair, or a majority of Board members, or by the Governor. Notice of time and place of regularly scheduled, special, and emergency meetings shall be given by notification to the Associated Press, United Press International and other parties who have expressed an interest in the Board's activities.

877-010-0045

Charges for Materials and Services

(1) All requests for copies of public records pertaining to the State Board of [Clinical] Licensed Social Workers available at the Board office shall be submitted in writing.

(2) Charges for copies, documents, and services shall be as follows:

(a) For machine copies requested by other state agencies and by the general public, the accepted government agency rate per copy.

(b) For documents developed by the Board, an amount fixed by the Board Administrator not exceeding the actual preparation and materials cost per copy.

(c) For both machine copies and documents, an additional amount set at the discretion of the Board Administrator for staff time required for search, handling, and copying.



(3) Charges for the general public may be payable in cash. Charges to state agencies may be payable in cash unless billing to such agencies is authorized by the Board Administrator.

877-020-0009

Requirements for Certificate of Clinical Social Work Associate

To be eligible for an initial certificate of social work associate, a person must:

- (1) Submit a complete and accurate application on a form provided by the board.
- (2) Hold a master's degree in social work from a college or university accredited by a credentialing body [approved] recognized by the board. The Council on Social Work Education and the Canadian Association for Social Work Education are recognized by the Board. The Board accepts determinations of equivalency of foreign degrees by the Council on Social Work Education's International Social Work Degree Recognition and Evaluation Service. Submission of proof of foreign degree equivalency and cost of the foreign degree equivalency determination are the responsibility of the applicant.
- (3) Submit to the board for approval and, following approval, satisfactorily work toward completing an approved plan of practice and supervision that:
 - (a) Shows that the person will meet the requirements in OAR 877-020-0010(3) while working in an agency that:
 - (A) Provides the associate with sufficient support to progress toward licensure;
 - (B) Screens patients who are served by the agency and by the associate; and
 - (C) Either:
 - (i) Is licensed by the Oregon Department of Human Services; or
 - (ii) If not required to be licensed by the Oregon Department of Human Services, is in compliance with the requirements to conduct business in Oregon.
 - (b) Requires a minimum of 3,500 practice hours of which at least 2,000 hours must involve direct contact with a client of the agency.
 - (c) Provides for supervision of the associate that meets the requirements of OAR 877-020-0012.
 - (d) Provides that the associate meet with the plan supervisor for a minimum of one hour not fewer than two times a month. This requirement of the supervision is not met through

a training or administrative activity. The associate may meet alone with the supervisor (individual supervision) or may meet with the supervisor and as many as four other mental health professionals (group supervision).

877-020-0030

Renewals of Certificates and Licenses

(1) The holder of a certificate or license may renew it by timely submitting the following to the board:

(a) A completed application for renewal.

(b) The fee required by OAR 877-020-0020.

(2) The board will act on an application only if, not later than 30 days after the person's birth month, the complete application and required fee are received by the board.

(3) The board will issue a certificate upon renewal only if the last report required by OAR 877-020-0012(2)(e)(A) has been received by the board and demonstrates that satisfactory progress is being made toward completion of the associate's current board-approved plan of practice and supervision.

(4) The application for renewal of a license must show that the licensee:

(a) [Has been actively engaged in clinical social work during the effective period of the current license] Is unaware of any reason for denial of the renewal; and

(b) Has met the requirement for continuing education in division 25 of this chapter of rules.

(5) If the application for renewal of a certificate or license fails to meet the requirements of this rule, the application is incomplete and will not be acted upon by the board.

877-020-0057

Re-licensing of Former License Holder

(1) A person whose license lapsed (applicant) may apply to the board to receive a new license.

(2) To be eligible for a license, an applicant:

- (a) Must meet the degree requirements in OAR 877-020-0009(2).
- (b) Must meet the fitness requirements in OAR 877-020-0008(2) and is subject to the provisions of OAR 877-022-0005 as an applicant for a license.
- (c) Must not be the subject of a pending investigation or disciplinary action by a regulatory board.
- (d) Must have passed the national examination described in OAR 877-020-0008(5) and (6).
- (e) May be subject to requirements of the board, determined on an individual basis, to work under a plan of practice and supervision designed to take into account the experience of the applicant, recency of practice, and other factors that pertain to the applicant.
- (f) May be subject to requirements of the board, determined on an individual basis, to complete continuing education in specified topics.
- (g) Must pass the examination on Oregon statutes and rules described in OAR 877-020-0008(6).

877-025-0016

Limitations on Types of Continuing Education

The number of hours creditable in a two-year reporting period is subject to the following provisions:

(1) A licensee must report a total of six or more hours of continuing education in ethics:

(a) In the first biennial report required by OAR 877-025-0021 for a two-year period that ends after January 1, 2009; and

(b) In each alternate biennial report due thereafter.

(2) No more than 10 hours of continuing education described in OAR 877-025-0006(2)(b) may be credited in a report.

(3) No more than 20 hours of continuing education described in OAR 877-025-0006(5) may be credited in a report.

(4) A licensee who reports more than 40 hours for a two-year reporting period or 20 for a one-year reporting period may carry over and report the excess hours again in the next

required report. No more than 10 hours may be carried over to the next reporting period. [Only hours described in OAR 877-025-0006(1), (2), or (3) may be carried over.]

(5) If the first reporting period is one year rather than two, the limits in sections (2) and (3) of this rule are pro-rated.

877-025-0021

Reporting Requirements

(1) Licensees must report the completion of continuing education every two years [on forms] in a manner prescribed by the board. The report must be made at the time the licensee submits an application to renew [the] a license as follows:

(a) A licensee whose license number ends with an odd number must submit the report [of continuing education] with an application for renewal effective in an odd-numbered [years] year.

(b) A licensee whose license number ends with an even number must submit the report [of continuing education] with an application for renewal effective in an even-numbered [years] year.

(2) The report [of continuing education] is part of the renewal application and must contain information sufficient to demonstrate that the licensee has met the requirements in this division of rules. A licensee who fails to meet the requirements is subject to a denial of the application for renewal [unless the failure was due to circumstances beyond the reasonable control of the licensee and the licensee agrees to a plan to compensate for the deficiency] or sanction by the board .

(3) The board conducts routine, random audits of [reports of] compliance with continuing education requirements. [at the time of the biennial report. Because a licensee is informed of an audit at the end of the reporting period,] Licensees must retain completion certificates, program information, and other documents needed to demonstrate that the licensee met the requirements of this division of rules for a minimum of 12 months after reporting completion of continuing education requirements to the board and must provide them to the board upon request.

877-030-0040

Conduct and Reporting Requirements of [Clinical Social Workers and Clinical Social Work Associates] Regulated Social Workers

(1) Conduct: The following minimum standards of professional conduct apply to [clinical] regulated social workers:

- (a) Private conduct of [Clinical] regulated social workers is a personal matter to the same extent as with any other person, except when that conduct compromises the fulfillment of professional responsibilities.
- (b) [Clinical] Regulated social workers may not participate in, condone, or be associated with dishonesty, fraud, deceit, or misrepresentation.
- (c) [Clinical] Regulated social workers may not misrepresent their professional qualifications, education, experience, or affiliations.

(2) Reporting Requirements:

(a) [Licensed Clinical Social Workers and Clinical Social Work Associates] Regulated social workers must report the following to the Board as soon as [possible] practicable, but not later than [30] 10 days after:

[(A) Receiving notice of any civil lawsuit, criminal indictment, or court-ordered diversion;

(B) Arrest or conviction for driving under the influence of intoxicants;

(C) In-patient psychiatric hospitalization or psychiatric day treatment; or

(D) The initiation of a regulatory action related to the Licensed Clinical Social Worker's or Clinical Social Work Associate's professional conduct.]

(A) Being convicted of a misdemeanor or felony;

(B) Being arrested for a felony crime;

(C) Receiving notice of a civil lawsuit that names the regulated social worker as a defendant and makes allegations related to the regulated social worker's practice of clinical social work or the regulated social worker's license or certificate;

(D) Becoming an in-patient in a psychiatric hospital or psychiatric day treatment facility; or

(E) Receiving notice of a regulatory action related to the regulated social worker's license or certificate.

(b) [Clinical] Regulated social workers must report child and elderly abuse as required by ORS 419B.005 to 419B.050 and 124.050 to 124.095.

877-040-0003

Definitions

The following definitions apply in this division of rules:

- (1) "Complainant"—A person or group of persons who files a complaint.
- (2) "Complaint"—A mandatory report or an allegation that a person regulated by the board has committed an act that would subject the person to discipline under ORS 675.540. A complaint should specifically describe the conduct complained of to the best of the ability of the complainant
- (3) "Consumer Protection Committee"—A committee of one or more board members assigned by the board to fulfill specified functions related to complaints.
- (4) "Respondent"—A person regulated by the board against whom a complaint is filed.
- (5) "Social work" in ORS 675.540(1)(c) and (1)(d) means "clinical social work" as defined in ORS 675.510(2).

877-040-0016

Reporting Possible Prohibited Conduct to Law Enforcement Agency

- (1) If, during the investigation of a complaint, a member of the Consumer Protection Committee or any board member believes a respondent has engaged in prohibited conduct, the committee or member must refer the case as soon as practicable to the board for its review. The board will review the case not later than the next regularly scheduled board meeting and will determine whether it has reasonable cause to believe that the complainant has engaged in prohibited conduct.
- (2) If the board concludes there is reasonable cause to believe that the complainant has engaged in prohibited conduct, the board will present the facts to an appropriate law enforcement agency within 10 working days.
- (3) In this rule, the term "prohibited conduct" has the same meaning given to it in section 1 (1)(c), chapter 536, Oregon Laws 2009. "Prohibited conduct" means conduct by a licensee that: (a) Constitutes a criminal act against a patient or client; or (b) Constitutes a criminal act that creates a risk of harm to a patient or client." The term "licensee" in the definition includes all regulated social workers.