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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - LICENSE PROCEDURE FOR SOCIAL WORKERS

Introduced By: Representatives Handy, Bennett, Cortvriend, Serpa, and Kazarian

Date Introduced: March 28, 2019

Referred To: House Health, Education & Welfare

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  
6 workers.

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

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

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

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

1 (6) "Division" means the division of professional regulation in the Rhode Island  
2 department of health.

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

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

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

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

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

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

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

22 (9) "Social worker" means an individual who has:

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

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

26 **5-39.1-3. Title and practice regulation.**

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

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

1 pursuant to this chapter.

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

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

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

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

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

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

29 (i) No individual shall represent himself or herself as a social worker unless he or she has  
30 met the criteria as set forth in § 5-39.1-2(9).

31 (j) No government entities, public or private agencies, businesses or organizations in the  
32 state shall use the title social worker or any form of the title for volunteer or employment  
33 positions or within contracts for services, documents, manuals, or reference material unless the  
34 volunteers or employees in those positions are qualified pursuant to § 5-39.1-2(9).

1           **5-39.1-8. Licenses.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34          (5) An absence of NASW sanction for violation of Code of Ethics, or other state board

1 sanction which is subject to waiver by the board upon presentation of satisfactory evidence that  
2 this sanction does not impair the ability of the person to conduct with safety to the public the  
3 practice authorized by this license. The applicant bears the burden of proving that his or her  
4 sanction does not impair his or her ability to conduct with safety to the public the practice  
5 authorized by this license;

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

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

14 (e) Prerequisites: "Social workers" shall be exempt from the provisions of this section,  
15 provided he or she possesses the qualifications set forth in § 5-39.1-2(9).

16 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

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1           This act would define the educational requirements necessary to qualify an individual as  
2 a 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 license procedures for licensed clinical social workers  
7 and licensed independent clinical social workers.

8           This act would take effect upon passage.

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