

## CONCISE EXPLANATORY STATEMENT

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In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

**AGENCY:** Rhode Island Department of Health

**DIVISION:** *(If any)* Center for Professional Boards and Licensing

**RULE IDENTIFIER:** 216-RICR-40-05-7

**RULE TITLE:** “Clinical Social Workers and Independent Clinical Social Workers”

**REASON FOR RULEMAKING:** The Rhode Island Department of Health proposes to amend this regulation to be consistent with new 2022 statutes: Public Law 22-398 available [here](#): and Public Law 22-165 available [here](#).

Among the proposed amendments:

1. Section 7.4.1 (C) incorporates the provisions of Public Law 22-165 related to an exemption from licensure for individuals who have attained a Masters’ of Social Work degree from an accredited college or university for the first 18 months following their graduation date. and apply for licensure within eighteen (18) months. Certain conditions related to the practice of these individuals are set forth in the regulation.
2. Sections 7.4.2(A)(1)(b) and 7.4.2(A)(2)(d) incorporate the provisions of Public Law 22-398 that provide that no applicant for a license as a licensed clinical social worker shall be required to take or pass a standardized written examination prior to August 15, 2025. This exemption from examination expires on August 15, 2025.
3. Section 7.4.4 notes that the examination requirements of this section are suspended until August 15, 2025 for licensed clinical social worker applicants.

**ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE:** *(if any)* N/A

**TESTIMONY AND COMMENTS:**

- The Department received a comment suggesting that the wording of the regulation was unclear. Specifically, it was expressed that § 7.4.1(C) was misleading. The Department changed the wording of this section to specify that the exemption applies to individuals who have obtained a Master of Social Work degree during the first eighteen months following their graduation date.
- It was also expressed that the reference to a MSW graduate as an intern or trainee was not correct. The Department believes that it is important to distinguish those individuals who are recent graduates and are unlicensed from those who are licensed clinical social workers. As a result, no change was made.
- The Department received a comment expressing a belief that the eighteen-month

probationary period was too long for social workers to practice without a license. The Department notes that R.I. Gen. Laws § 5-39.1-4(b)(4) sets the eighteen-month period following the graduation date as the provision for the exemption, and therefore, the Department cannot alter the length of time stated.

**CHANGE TO TEXT OF THE RULE:**

Section 7.4.1 (C) was modified to read as follows (in part):

Individuals who have attained a Master of Social Work degree from an accredited college or university are exempt from licensure for a period of eighteen (18) months from the date of graduation, as provided herein provided that the individual meets all of the following conditions:

**REGULATORY ANALYSIS:** In development of this rule, consideration was given to:

- 1) Alternative approaches;
- 2) Overlap or duplication with other statutory and regulatory provisions; and
- 3) Significant economic impact on small business. No alternative approach, duplication or overlap was identified based on available information. RIDOH has determined that the benefits of the rule justify its costs.