

## **TITLE 216 - DEPARTMENT OF HEALTH**

### **CHAPTER 40 – PROFESSIONAL LICENSING AND FACILITY REGULATION**

#### **SUBCHAPTER 05 – PROFESSIONAL LICENSING**

##### **PART 7 – Clinical Social Workers and Independent Clinical Social Workers**

### **7.1 Authority**

These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws § [5-39.1-5](#) and are established for the purpose of adopting prevailing standards pertaining to the licensure of clinical social workers and independent clinical social workers in this state.

### **7.2 Incorporated Materials**

These regulations hereby adopt and incorporate the “The NASW Code of Ethics (1999)” of the National Association of Social Workers by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

### **7.3 Definitions**

- A. Wherever used in these rules and regulations the following terms shall be construed as follows:
1. "Act" means R.I. Gen. Laws Chapter [5-39.1](#), entitled, "License Procedure for Social Workers."
  2. "ASWB" means the Association of Social Work Boards.
  3. "Board" means the Board of Social Work Examiners within the Department, established pursuant to the provisions of R.I. Gen. Laws § [5-39.1-6](#).
  4. "Clinical social work practice" means the professional application of social work theories, methods and values in the diagnosis, assessment and treatment of cognitive, affective and behavioral disorders arising from physical, environmental or emotional conditions. Clinical social work services shall include, but shall not be limited to, diagnosis, assessment, evaluation, psychotherapy and counseling for individuals, couples, families and groups, client-centered advocacy, consultation and supervision.

- a. The practice of case work, group work and community organization services under the supervision of a licensed clinical social worker or the practice of basic data gathering and the formulation and implementation of plans to achieve specific goals related to specific life issues for groups or for individuals, or the assessment, evaluation and counseling of individuals or groups other than for a specific mental illness or the conduct of a psychosocial evaluation, excluding the diagnosis and treatment of a mental illness, such as may be performed by bachelor's level social workers in a nursing care facility or similar setting, shall not be considered to be the practice of clinical social work for the purposes of this Part.
  - b. Clinical social work services shall not include psychological testing and nothing in this Part shall be construed as permitting social workers to practice psychology.
- 5. "Contact hours" means hours acquired through attendance or participation at programs that provide for direct interaction between faculty and participants and may include lectures, symposia, live teleconferences, or workshops.
- 6. "Continuing education hours" means actual hours earned in continuing education courses, seminars, and workshops.
- 7. "Department" means the Rhode Island Department of Health.
- 8. "Director" means the Director of the Rhode Island Department of Health.
- 9. "Experience" means three thousand (3,000) hours of post-master's practice of clinical social work during a twenty-four (24) month to seventy-two (72) month period of time immediately preceding the date of application for licensure. One thousand five hundred (1,500) hours must consist of providing clinical social work services directly to clients.
  - a. If performed in Rhode Island, said experience shall be completed while the person is licensed in Rhode Island as a clinical social worker or while performing clinical social work services in a statutorily exempt setting (e.g., a state employee).
- 10. "NASW" means the National Association of Social Workers.
- 11. "Non-contact hours" means Internet courses, correspondence courses, tapes, or other continuing education programs that do not provide for direct interaction between faculty and the participant.
- 12. "Patient", as used in this Part, shall have the same meaning as "client."

13. "Supervision" means face-to-face contact with a licensed independent clinical social worker for the purpose of apprising the supervisor of the diagnosis, assessment, and treatment of each client; receiving oversight and guidance from the supervisor in the delivery of clinical social work services to each client; and being evaluated by the supervisor. This contact must consist of:
  - a. A minimum of two (2) hours of supervision every two (2) weeks; and
  - b. A minimum of one (1) hour of supervision per twenty (20) hours of direct contact with clients whether or not the number of hours of supervision required for a two (2) week period have been met; and
  - c. One-to-one contact with the supervisor at least seventy-five percent (75%) of the time with group supervision of no more than ten (10) supervisees during the balance of the time; and
  - d. Supervision by an individual other than the applicant's parents; spouse; former spouse; siblings; children; employees; or anyone sharing the same household or any romantic, domestic, or familial relationship; and
  - e. Supervisors shall be responsible for ensuring that supervisees are appropriately licensed in clinical social work or are otherwise exempt from licensure.

## **7.4 Social Worker Licensing Requirements**

### **7.4.1 License Requirements**

- A. In addition to the Title and practice regulation set forth in R.I. Gen. Laws § [5-39.1-3](#), all persons licensed under the provisions of the Act and this Part shall adhere to the current standards of practice and to the National Association of Social Workers' NASW Code of Ethics incorporated by reference in § 7.2 of this Part, or other such code(s) of professional ethics as adopted by the Board.
- B. Exemptions from licensure are stated in R.I. Gen. Laws § [5-39.1-4\(b\)](#).
  1. If a state employee obtains a license, he/she shall maintain compliance with all of the requirements stated in this Part.

### **7.4.2 Qualifications for Licensure**

- A. Any applicant for licensure shall submit to the Board written evidence on forms furnished by the Department, verified by oath that said applicant meets all of the following requirements:

1. Prerequisites – "Licensed clinical social worker" – A license as a "licensed clinical social worker" is issued to an applicant who meets the following qualifications:
    - a. Has graduated with a doctorate in clinical social work from a duly accredited college or university or has graduated with a master's degree from a school of social work accredited by the Council on Social Work Education, and
    - b. Has satisfactorily completed a national examination at the appropriate level for this license as specified in § 7.4.3(A)(5)(a) of this Part.
  2. Prerequisites – "Licensed independent clinical social worker" – A license for a "licensed independent clinical social worker" is issued to an applicant who meets the following qualifications:
    - a. Is licensed under the Act as a "licensed clinical social worker"; and
    - b. Has twenty-four (24) months of experience acceptable to the Board, which experience shall only be acceptable if the applicant was licensed as a licensed clinical social worker (if required in the jurisdiction where the experience was attained) and under appropriate supervision; and
    - c. Has fulfilled the continuing education requirements for this license; and
    - d. Has satisfactorily completed a national examination at the appropriate level for this license as specified in § 7.4.3(A)(5)(b) of this Part.
- B. In addition to the qualifications stated in § 7.4.2(A) of this Part, an applicant for any of these titles must meet the provisions set forth in R.I. Gen. Laws § 5-39.1-8(d).

#### **7.4.3 Application for Licensure and Fee**

- A. Application for licensure to practice social work in this state, shall be made on forms provided by the Department. Such application shall be accompanied by the following documents:
1. For U. S. Citizens:
    - a. A certified copy of birth certificate, U.S. passport, or other official U.S. government identification.
  2. For Non-U.S. Citizens:

- a. Documented evidence of lawful entry into the country.
3. Supporting official transcripts of education credentials as required in § 7.4.2(A) of this Part sent directly from the school.
4. A statement from the board of social work in each state in which the applicant has held or holds licensure to be submitted to the Board of this state, attesting to the licensure status of the applicant during the time period the applicant held licensure in said state.
5. The official results of the appropriate level written examination:
  - a. For licensure as a clinical social worker this shall be the intermediate level of the examination administered by the ASWB or such other examination as the Board shall consider to be acceptable.
  - b. For licensure as an independent clinical social worker this shall be the clinical level of the examination administered by the ASWB or such other examination as the Board shall consider to be acceptable.
6. The non-refundable application fee as set forth in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title).
7. For applicants for licensure at the independent social work level:
  - a. Statement(s) documenting the required hours of post-master's supervised practice under a licensed independent clinical social worker.

#### **7.4.4 Examinations for Licensure of Social Workers**

##### **A. By Examination**

1. Applicants, except those exempt pursuant to § 7.4.4(B) of this Part, shall be required to pass an examination approved by the Board.
  - a. Applicants shall be responsible for the payment of the examination/re-examination fee in accordance with the fee schedule and instructions developed by the examination vendor.
  - b. Requests for testing accommodations under the Americans with Disabilities Act or inquiries concerning other issues involving the examination process shall be directed to the Board.

B. Re-Examination

1. In the case of the failure of any applicant to satisfactorily pass an examination, such applicant shall be entitled to a re-examination upon submission of an additional fee to the examination service without making further application to the Board. In making application for re-examination the applicant shall be subject to any standards imposed by the ASWB or other examination vendor regarding the minimum time interval between administrations of the examination.
2. In order to qualify for re-examination after three (3) failures, the applicant must request a formal meeting with the Board, at which time requirements (consisting of additional course work and/or training) for re-examination may be determined. If such requirements are determined by the Board, they must be fulfilled prior to admittance to a future examination.

C. By Endorsement

1. A license to practice social work may be issued by endorsement to an applicant who has a comparable license, certification, or registration from the state, or another state or territory of the United States that imposes qualifications substantially similar to those of the Act.
  - a. Until such time as a license has been issued, the candidate for licensure by endorsement may not practice as a clinical social worker in Rhode Island.

**7.4.5 Issuance and Renewal of License - Continuing Education**

- A. Upon the recommendation of the Board, the Director shall issue to applicants who have satisfactorily met the licensure requirements of this part, a license to practice clinical social work in this state. Said license, unless sooner suspended or revoked, shall expire on the first day of May of the next odd year following the date of issuance of the original license.
- B. Every licensed person who desires to renew his/her license shall file with the Department a renewal application together with a renewal fee as set forth in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title) on or before the first day of May of each odd year.
- C. The applicant shall attest to completion of continuing education requirements. Upon receipt of the renewal application and fee, the accuracy of the application shall be verified, and the Department shall grant a renewal license effective the second day of May, and expiring on the first day of May of the next odd numbered year.

D. Any person who allows his or her license to lapse by failing to renew it on or before the first day of May of the next odd year, as provided above may be reinstated by the Department on payment of the current renewal fee plus an additional fee as set forth in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title). Any person who applies for reinstatement of his/her license shall sign a statement attesting to the Department that the continuing education requirements as stated in this Part for the most recent licensure cycle (i.e., the previous two years) have been met.

1. Any person using the title "clinical social worker" or "independent clinical social worker" or practicing clinical social work during the time that his or her license has lapsed shall be subject to the penalties provided for violations of this Part and the Act.

E. Continuing Education

1. Every person desiring to renew his or her license shall present such evidence as may be required by the Board attesting to the completion of thirty (30) contact hours of continuing social work education during the preceding twenty-four (24) months in accordance with the following requirements:
  - a. A minimum of three (3) contact hours shall be in the area of cross-cultural practice to include the alleviation of oppression.
  - b. A minimum of three (3) contact hours shall be in the area of social work professional ethics.
  - c. Credit may be claimed for serving as a supervisor for students duly enrolled in a program of studies at an accredited social work program at a college or university in accordance with the following:
    - (1) A maximum of six (6) hours credit may be claimed during a renewal period for either the supervision of a master's level social work student or for the supervision of a bachelor's level social work student for a full academic year.
  - d. Upon prior agreement with the Board, credit may be claimed for serving as a supervisor to an impaired practitioner or to a practitioner under disciplinary sanction by the Board at the rate of six (6) hours for a one (1) year period of supervision.

F. Continuing education hours will be accepted by the Board for course work, including online courses, that have been presented, accepted, or approved by:

1. The NASW or its local chapter or other state licensing boards of social work;

2. The ASWB;
  3. Other recognized social work professional organizations that include but are not limited to the Federation of Clinical Social Work Societies and the National Association of Black Social Workers;
  4. Any department or school of social work accredited by the Council on Social Work Education (CSWE) to offer the Master's in Social Work (MSW) degree.
- G. Twenty-two (22) hours of the required thirty (30) hours of continuing education in a two- year period shall be contact hours. The remaining eight (8) hours of continuing education may be non-contact hours.
- H. At the time of license renewal, each licensee will be required to attest to the fact of having complied with the requirements of §§ 7.4.5(A) through (G) of this Part. Course descriptions, proof of attendance or other documentation of completion will be retained by the licensee for a minimum of four (4) years and is subject to random audit by the Board. Failure to produce satisfactory documentation of completion upon request by the Board constitutes grounds for disciplinary action under the provisions of R.I. Gen. Laws § 5-39.1-10(4).
- I. An extension of time to complete continuing education requirements may be granted to a social worker solely at the discretion of the Board for reasons of hardship or other extenuating circumstances.
- J. Social workers initially licensed after the May 1st renewal date shall be exempt from the continuing education requirements stated in this Part until the date of the next renewal cycle (i.e., April 30th of the next odd numbered year).

#### **7.4.6 Social Worker Privilege**

Social Work Privilege is set forth in [R.I. Gen. Laws § 5-39.1-4](#).

### **7.5 Grounds for Denial, Suspension, Revocation or Violations and Procedures for Discipline**

#### **7.5.1 Grounds for Denial, Suspension or Revocation of License/Violations**

- A. The Director may deny, suspend, revoke, condition, limit or restrict a license in accordance with the provisions set forth in [R.I. Gen Laws § 5-39.1-10](#) and for the following:
1. Violation of any provisions of R.I. Gen. Laws Chapter [5-39.1](#) or the provisions of the NASW Code of Ethics incorporated in § 7.2 of this Part and as adopted by the Board.



2. Any departure from or failure to conform to the minimal standards of acceptable and prevailing social work practice.

#### **7.5.2 Disciplinary Process**

Disciplinary procedures are in accordance with the provisions set forth in the [R.I. Gen Laws § 5-39.1-12](#).

#### **7.5.3 Disciplinary Sanctions**

Disciplinary sanctions are set forth in [R.I. Gen Laws § 5-39.1-13](#).

#### **7.5.4 Rules Governing Practices and Procedures**

All hearings and reviews required under the provisions of R.I. Gen. Laws Chapter [5-39.1](#) shall be held in accordance with the provisions of and rules and regulations regarding Practices and Procedures Before the Department of Health (Part 10-05-4 of this Title) and Access to Public Records (Part 10-05-1).

**216-RICR-40-05-7**

**TITLE 216 - DEPARTMENT OF HEALTH**

**CHAPTER 40 - PROFESSIONAL LICENSING AND FACILITY REGULATION**

**SUBCHAPTER 05 - PROFESSIONAL LICENSING**

**PART 7 - CLINICAL SOCIAL WORKERS AND INDEPENDENT CLINICAL SOCIAL WORKERS (216-RICR-40-05-7)**

Type of Filing: Refile Capabilities

**Department of State**

---

Regulation Effective Date

Original Signing Date

---

Department of State Initials

Department of State Date