

SOCIAL WORKERS
CHAPTER 280
BOARD OF SOCIAL WORK EXAMINERS
[Prior to 5/18/88, see Health Department[470], Ch 161]

645—280.1(154C) Definitions.

“ASWB” means the Association of Social Work Boards.

“Board” means the board of social work examiners.

“Department” means the department of public health.

“License” means a license to practice social work.

“Licensee” means a person licensed to practice social work.

“LISW” means licensed independent social worker.

“Private practice” means social work practice conducted only by an LISW who is either self-employed or a member of a partnership or of a group practice providing diagnosis and treatment of mental and emotional disorders or conditions. In this context, “group practice” means an association of professionals in which an LISW is independently engaged in the practice of social work and has ongoing control of the clinical, financial, administrative, and professional arrangements between the LISW and the clients/patients of the LISW.

645—280.2(154C) Organization and proceedings.

280.2(1) As of July 1, 1998, the board shall consist of a total of seven members, five who are licensed to practice social work, with at least one from each of three levels of licensure described in Iowa Code section 154C.3, subsection 1, two employed by a licensee under Iowa Code chapter 237, and two who are not licensed social workers and who shall represent the general public. A quorum shall consist of four members of the board.

280.2(2) A chairperson, vice chairperson, and secretary to the board, and delegate and alternate delegate to the Association of Social Work Boards (ASWB) shall be elected at the first meeting after April 30 of each year.

280.2(3) The board shall hold an annual meeting and at least three interim meetings and may hold additional meetings called by the chairperson or by a majority of its members. The chairperson shall designate the date, place, and time prior to each meeting of the board. The board shall follow the latest edition of Robert’s Revised Rules of Order at its meeting whenever any objection is made as to the manner in which it proceeds at a meeting.

645—280.3(154C) Requirements for licensure. An applicant for a license as a bachelor social worker, master social worker, or independent social worker shall meet the following requirements.

280.3(1) Bachelor social worker. An applicant for a license as a bachelor social worker shall present evidence satisfactory to the board that the applicant:

a. Possesses a bachelor’s degree in social work from a college or university accredited by the accrediting body of the Council on Social Work Education at the time of graduation. A certificate of equivalency issued by the Council on Social Work Education is required for graduates of foreign colleges and universities.

b. Has passed the basic level examination of the ASWB.

c. Has and will conduct all professional activities as a bachelor social worker in accordance with standards for rules of conduct as described in rule 645—280.213(154C).

280.3(2) *Master social worker.* An applicant for a license as a master social worker shall present evidence satisfactory to the board that the applicant:

a. Possesses a master's degree in social work from a college or university accredited by the accrediting body of the Council on Social Work Education at the time of graduation or a doctoral degree from a college or university approved by the board. A certificate of equivalency issued by the Council on Social Work Education is required for graduates of foreign colleges and universities.

b. Has passed the intermediate level examination of the ASWB.

c. Has and will conduct all professional activities as a master social worker in accordance with standards for rules of conduct as described in rule 645—280.213(154C).

280.3(3) *Independent social worker.* An applicant for a license as an independent social worker shall present evidence satisfactory to the board that the applicant:

a. Possesses a master's degree in social work from a college or university accredited by the accrediting body of the Council on Social Work Education at the time of graduation or a doctoral degree from a college or university approved by the board. A certificate of equivalency issued by the Council on Social Work Education is required for graduates of foreign colleges and universities.

b. Has passed the clinical level examination of the ASWB.

c. Has and will conduct all professional activities as a social worker in accordance with standards for rules of conduct as described in rule 645—280.213(154C).

d. Has engaged in the practice of social work at the master's level, under supervision, for at least two years as a full-time employee or completion at the master's level, under supervision, of 4000 hours of part-time employment after the granting of the master's or doctoral degree in social work.

e. Supervision shall be provided in any of the following manners:

(1) By a social worker licensed at the independent level of social work as qualified under rule 280.8(154C).

(2) By another qualified professional, if the board of social work examiners determines that supervision by a social worker as defined in rule 280.8(154C) is unobtainable or in other situations considered appropriate by the board.

280.3(4) *Transition provisions from certain license requirements.* Rescinded IAB 8/12/98, effective 9/16/98.

645—280.4(154C) Application.

280.4(1) Any person seeking a license shall complete and submit to the board a completed application form provided by the board.

280.4(2) The application form shall be completed in accordance with instructions contained in the application.

280.4(3) Each application shall be accompanied by a check or money order in the amount required in rule 280.7(154C) payable to the Iowa Board of Social Work Examiners.

280.4(4) No application will be considered by the board until official copies of academic transcripts have been received by the board.

280.4(5) An applicant shall submit the information as requested by the board on the application form.

280.4(6) Rescinded IAB 1/10/01, effective 2/14/01.

280.4(7) An applicant may sit for the examination if the applicant meets the requirements stated in rule 280.3(154C). Upon written request of the applicant, the board may authorize a student to sit for the examination if the student is in the last semester of an approved master of social work program. The student shall submit an application for licensure at the master's level and the fee, and, in lieu of a transcript, the student shall request that the school submit a letter directly to the board office. The letter shall state that the student is currently enrolled in a master of social work program and the student's expected date of graduation.

280.4(8) If there has been a name change since the degree was issued, the applicant shall submit an original or certified copy of the marriage license or name change.

280.4(9) Application for license. Applications for license which do not meet the minimum criteria for licensure shall be retained by the professional licensure division for a maximum of three years from the date the application was received. Persons whose application for license is more than three years old must submit a new application and fee(s). Applicants who by March 1 of each year submit a written request to the board to keep the application current will not need to reapply.

645—280.5(154C) Examinations.

280.5(1) In order to qualify for licensing, the applicant is required to take the ASWB level of examination required by rule 280.3(154C). The national pass score will be utilized as the Iowa passing score.

280.5(2) Examination dates will be announced by the board. The schedule for the electronic examination will establish the time, place, and the final date by which the board must receive the applicant's written intention to be examined, and other pertinent information or instructions.

280.5(3) Application for any required examination will be denied or deferred if the applicant lacks the required education or practice experience.

280.5(4) The applicant shall be notified in writing of the examination results or receive the results at the time of the examination, or both.

280.5(5) A regular examination fee shall be paid for reexamination.

645—280.6(154C) License renewal.

280.6(1) The biennial license renewal period shall extend from January 1 of each odd-numbered year to December 31, of the next even-numbered year.

280.6(2) At least two months before the renewal date, a renewal notice will be sent to each license holder at the last address in the board's file. Failure to receive the notice shall not relieve the license holder of the obligation to pay biennial renewal fees on or before the renewal date.

280.6(3) Renewal fees shall be received by the board on or before the end of the last month of the renewal period. Whenever renewal fees are not received as specified, the license lapses and the practice of holding oneself out as licensed to practice social work must cease until all renewal fees are received by the board. In addition thereto a penalty fee shall be paid as outlined in rule 280.7(154C).

280.6(4) If the renewal fees are not received by the board within 60 days after the end of the last month of the renewal period, an application for reinstatement must be filed with the board with a reinstatement fee in addition to the renewal fee and the penalty fee outlined in rule 280.7(154C).

280.6(5) Definition of inactive licensure. Licensees who do not hold themselves out to the public as being active licensed social workers may be granted a waiver of compliance with continuing education requirements. The licensee shall apply to the board on a form provided by the board. The application shall contain a statement that the licensees will not hold themselves out to the public as being licensed social workers during the time the waiver is in effect. Inactive licensees shall pay the reinstatement fees as provided in subrule 280.7(5).

280.6(6) Inactive licensure reentry. Inactive practitioners who have been granted a waiver of compliance with these rules shall, prior to holding themselves out to the public as being licensed social workers in the state of Iowa, satisfy the following requirements for reinstatement:

- a.* Submit written application for reinstatement on a form provided by the board.
- b.* Furnish, in addition to the application, evidence of one of the following:
 - (1) The full-time practice of social work in another state of the United States or District of Columbia and completion of continuing education for each year of inactive status substantially equivalent in the opinion of the board to that required under these rules; or
 - (2) Completion of a total number of hours of accredited continuing education computed by multiplying 12 by the number of years a waiver of compliance shall have been in effect for such applicant. Hours need not exceed 50 if obtained within the past two years, except when there is a demonstrated deficiency for specialized education as determined by the board through a personal interview; or
 - (3) Successful completion of the ASWB examination used for the applicant's level of licensure and conducted within one year immediately prior to the submission of such application for reinstatement.
- c.* Payment of the current biennial license renewal fee and reinstatement fee when applying for reinstatement of an inactive license.

280.6(7) Definition of lapsed license. A licensee who allows a license to lapse by failing to renew a license within 60 days after the end of the prior renewal period.

- a.* Requirements for the reinstatement of a lapsed license are as follows:
 - (1) Submit a completed application for reinstatement of a license to practice social work;
 - (2) Pay the renewal fee(s), reinstatement fee and lapsed license fee as listed in rule 280.7(154C);
 - (3) Have a personal interview with the board at the board's request;
 - (4) Provide evidence of completion of 12 hours of continuing education for each lapsed year. Hours need not exceed 72 if obtained within the past two years, except when there is a demonstrated deficiency for specialized education as determined by the board through a personal interview.
- b.* The board may grant an extension of time of up to one year to allow compliance with continuing education requirements for reinstatement.
- c.* The board may require a licensee applying for reinstatement to successfully complete the ASWB examination used for the applicant's level of licensure when, through a personal interview, the board finds reason to doubt the licensee's ability to practice with reasonable skill and safety.
- d.* Application for reinstatement of a lapsed license may not preclude disciplinary actions by the board as provided in this chapter.

645—280.7(154C) Fees. All fees are nonrefundable.

280.7(1) Application fee for a license to practice social work is \$100.

280.7(2) Reserved.

280.7(3) Biennial renewal fee for a license to practice social work at the bachelor level is \$60; for the master level, \$100; and independent level, \$120.

280.7(4) Penalty fee for failure to submit renewal fee as required by subrule 280.7(3) is \$25.

280.7(5) Reinstatement fee as required by subrule 280.6(4) is \$50.

280.7(6) Penalty fee for failure to complete continuing education as provided in subrule 280.100(1) is \$25.

280.7(7) Fee for a duplicate license if the original is lost or stolen is \$10.

280.7(8) Fee for a certified statement that a licensee is licensed in this state is \$10.

280.7(9) Lapsed license fee is \$20 for each year license is lapsed, not to exceed \$100.

645—280.8(154C) Supervision.

280.8(1) *Supervision for independent social work license.* All social workers who seek to attain licensure as an independent social worker shall have practiced social work in a supervised setting in accordance with the following requirements.

a. To be eligible for licensure as an independent social worker, a candidate must obtain two years of full-time practice or 4,000 hours of post-master's social work degree experience over a minimum two-year and maximum six-year period. Of these two years of full-time practice or 4,000 hours of post-master's social work degree experience, at least 110 hours of supervision is required. This 110 hours of supervision must be equitably distributed throughout a minimum of a two-year period. The board retains the authority to review extraordinary circumstances relevant to the time parameters of supervised practice. No more than 60 hours of the 110 hours can be provided in group supervision. Group supervision may be composed of no more than six supervisees per group. The board maintains the authority to grant exceptions to the time parameters of supervised practice upon written request of the applicant.

b. Supervision must be in face-to-face meetings between the supervisor and the supervisee unless the board has granted an exception allowing for an alternate form of supervision, upon written request of the applicant.

280.8(2) *Qualifications for supervisor.* An individual providing supervision to an LISW candidate shall be a licensed independent social worker. An individual licensed in another state and providing supervision for an Iowa LISW candidate must be licensed at a level equivalent to Iowa's LISW level.

a. A supervisor of an LISW candidate must have a minimum of 2,000 hours of practice earned over a period of two years of practice beyond receipt of a license to practice independent social work in Iowa or the equivalent license from another state.

b. Exceptions to this rule shall be made on an individual basis. Requests for alternative supervisors must be submitted in writing, and the board must approve the supervisor prior to commencement of the supervision.

280.8(3) *Supervision responsibilities.*

a. Setting of supervision. If supervision is not provided within the agency of employment, the supervisee must obtain a written release from the agency administrator pertaining to practice with agency clients. If this is not possible, then the supervisee and agency supervisor may request, in writing, an exception to this rule.

b. Plan for supervision. A plan for supervision must be established and maintained throughout the supervisory period. Such a plan must be kept by the supervisor for a period of seven years and must be submitted to the board upon its request for audit within 30 days from receipt of the request. A grandparenting period of one year from September 16, 1998, shall be granted to all those who have started supervision as provided in the prior administrative rules. The board reserves the right to audit such plans.

c. Content areas for supervision. The supervisor is responsible for supervision within the following content areas:

- (1) Practice skills.
- (2) Practice management skills.
- (3) Skills required for continuing competence.
- (4) Development of professional identity.
- (5) Ethical practice.

d. The areas of supervisory accountability shall include:

- (1) Area of social work practice.
- (2) Agency providing services.
- (3) Legal and regulatory requirements.
- (4) Ethical standards of the profession.
- (5) Acceptance of professional responsibility for the social work services provided by the supervisee.

280.8(4) *Documentation for supervision of independent practice.*

a. A plan for supervision must be created at the beginning of a period of supervision and be maintained by the supervisor. If there is a change of supervisors, it is the responsibility of the LISW candidate to have a termination evaluation completed by that supervisor and to provide a copy to the next supervisor. The LISW candidate must also provide the supervisor the supervision report sheet described in paragraph “*b*” below.

b. At the end of supervision, any and all supervisors shall complete a supervision report sheet. This sheet shall be answered in full and signed by both the supervisor and supervisee. This report shall be submitted to the board for review and approval prior to the completion of the LISW level examination.

645—280.9 to 280.99 Reserved.

645—280.100(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—13.1(272C), including civil penalties in an amount not to exceed \$1000, when the board determines that the licensee is guilty of any of the following acts or offenses:

280.100(1) Fraud in procuring a license.

280.100(2) Professional incompetency.

280.100(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

280.100(4) Habitual intoxication or addiction to the use of drugs.

280.100(5) Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee’s ability to practice within a profession. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

280.100(6) Fraud in representations as to skill or ability.

280.100(7) Use of untruthful or improbable statements in advertisements.

280.100(8) Willful or repeated violations of the provisions of Iowa Code chapter 147.

280.100(9) Violation of rules promulgated by the board including the rules of conduct set out in rule 280.213(154C).

280.100(10) Personal disqualifications:

a. Mental or physical inability reasonably related to and adversely affecting the licensee’s ability to practice in a safe and competent manner.

b. Involuntary commitment for treatment of mental illness, drug addiction or alcoholism.

280.100(11) Holding oneself out as a licensed social worker when the license has been suspended or revoked.

280.100(12) Revocation, suspension, or other disciplinary action taken by a licensing authority of another state, territory, or country; or failure by the licensee to report in writing to the Iowa board of social work examiners revocation, suspension, or other disciplinary action taken by a licensing authority of another state, territory, or country.

280.100(13) Negligence by the licensee in the practice of the profession, which is a failure to exercise due care including negligent delegation to or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

280.100(14) Prohibited acts consisting of the following:

a. Permitting another person to use the license for any purpose.

b. Practice outside the scope of a license.

c. Obtaining, possessing, or attempting to obtain or possess a controlled substance without lawful authority; or selling, prescribing, giving away, or administering controlled substances.

d. Verbally or physically abusing clients.

e. Any sexual intimidation or sexual relationship between a social worker and a client.

280.100(15) Unethical business practices, consisting of any of the following:

- a. False or misleading advertising.
- b. Betrayal of a professional confidence.
- c. Falsifying client's records.

280.100(16) Failure to report a change of name or address within 30 days after it occurs.

280.100(17) Falsification of continuing education records.

280.100(18) Failure to notify the board within 30 days after occurrence of any judgment or settlement of malpractice claim or action.

280.100(19) Failure to comply with a subpoena issued by the board.

280.100(20) Failure to report to the board any violation by another licensee of the reasons for disciplinary action as listed in this rule.

645—280.101(154C) Rules of conduct.

280.101(1) *Misrepresentations, disclosure.* A licensee shall not:

a. Knowingly make a materially false statement, or fail to disclose a relevant material fact, in a letter of reference, application, referral, report or other document.

b. Knowingly allow another person to use one's license or credentials.

c. Knowingly aid or abet a person who is misrepresenting their professional credentials or competencies.

d. Impersonate another person or organizational affiliation in one's professional practice.

e. Further the application or make a recommendation for professional licensure of another person who is known by the licensee to be unqualified in respect to character, education, experience, or other relevant attributes.

f. Fail to notify the appropriate licensing authority of any human service professional who is practicing or teaching in violation of the laws or rules governing that person's professional discipline.

g. Engage in professional activities, including advertising, involving dishonesty, fraud, deceit, or misrepresentation.

h. Advertise services in a false or misleading manner or fail to indicate in the advertisement the name, the highest relevant degree and licensure status of the provider of services.

i. Fail to distinguish, or purposely mislead the reader/listener in public announcements, addresses, letters and reports, as to whether the statements are made as a private individual or whether they are made on behalf of an employer or organization.

j. Direct solicitation of potential clients/patients for pecuniary gain in a manner or in circumstances which constitute overreacting, undue influence, misrepresentation or invasion of privacy.

k. Misrepresent professional competency by performing, or offering to perform, services clearly inconsistent with training, education, and experience.

l. Fail to advise and explain to each client/patient or potential client/patient the joint rights, responsibilities and duties involved in the professional relationship.

m. Fail to provide each client/patient with a description of what the client/patient may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule.

n. Fail to provide each client/patient with a description of possible effects of proposed treatment when there are clear and established risks to the client/patient.

o. Fail to inform each client/patient of any financial interests that might accrue to the licensee for referral to any other person or organization, or for the use of tests, books, or apparatus.

p. Fail to inform each client/patient that the client/patient may be entitled to the same services from a public agency, if the licensee is employed by that public agency and also offers services privately.

q. Fail to inform each client/patient of the limits of confidentiality, the purposes for which the information is obtained, and how it may be used.

- r. Make claims of professional superiority which cannot be substantiated by the licensee.
- s. Guarantee that satisfaction or a cure will result from the performance of professional services.
- t. Claim or use any secret or special method of treatment or techniques which the licensee refuses to divulge to professional colleagues.
- u. Take credit for work not personally performed whether by giving inaccurate information or failing to give accurate information.

280.101(2) Confidentiality. A licensee shall not:

- a. Reveal a confidence or a secret of any client/patient, except:
 - (1) As required by law;
 - (2) After obtaining consent of the client/patient following full disclosure of the information to be revealed and the persons to whom the information will be revealed; or
 - (3) If necessary, to defend the licensee or the licensee's employees or associates against an accusation of wrongful conduct made by that client/patient.
- b. Use a confidence or secret of any client/patient to the client/patient's disadvantage.
- c. Use a confidence or secret of any client/patient for the advantage of the licensee or a third person without obtaining the client/patient's consent, after full disclosure of the purpose.
- d. Fail to obtain written, informed consent from each client/patient or the client/patient's legal representative or representatives, before electronically recording sessions with that client/patient, before permitting a third-party observation of their activities, or before releasing information to a third party concerning a client/patient.
- e. When providing any client/patient with access to that client/patient's records, fail to protect the confidences of other persons that may be recorded in that record.
- f. Fail to exercise due diligence in protecting the confidences and secrets of the client/patient from disclosure by fellow employees and associates, or by other persons whose services are utilized by the licensee.
- g. Fail to maintain the confidences shared by colleagues in the course of professional relationships and transactions with those colleagues.

280.101(3) Integrity, propriety, objectivity. A licensee shall not:

- a. Make sexual advances toward, or engage in physical intimacies or sexual activities with, any client/patient, or student of the licensee.
- b. Continue in a professional relationship with a client/patient when the licensee has become emotionally involved with the client/patient to the extent that objectivity is no longer possible in providing the required professional services.
- c. Practice in a professional relationship while intoxicated or under the influence of alcohol or drugs not prescribed by a licensed physician.
- d. Practice in a professional relationship while experiencing a mental or physical impairment that adversely affects the ability of the licensee to perform professional duties in a competent and safe manner.
- e. Perform professional services which have not been duly authorized by the client/patient or by the client/patient's legal representatives.
- f. Exercise undue influence on any client/patient or student, including promotion of the sales of services, goods, appliances or drugs in a manner that will exploit the client/patient or student, for the financial gain or personal gratification of the licensee or of a third party.
- g. Continue to provide services or order tests, treatment, or use of treatment facilities not warranted by the condition of the client/patient.
- h. Fail to terminate the professional relationship when it is apparent that the service no longer serves the needs of the client/patient.

i. When termination or interruption of service to the client/patient is anticipated, fail to notify the client/patient promptly and fail to seek continuation of service in relation to the client/patient's needs and preferences.

j. Abandon or neglect a client/patient under and in need of immediate professional care, without making reasonable arrangements for continuation of that care.

k. Physically or verbally abuse client/patients or colleagues.

280.101(4) Research. If engaged in research, a licensee shall:

a. Consider carefully the possible consequences for human beings participating in the research.

b. Protect each participant from unwarranted physical and mental harm.

c. Ensure that the consent of the participant is voluntary and informed.

d. Treat information obtained as confidential.

e. Not knowingly report distorted, erroneous, or misleading information.

280.101(5) Organization relationships. A licensee shall not:

a. Directly or indirectly offer, give, solicit, receive, or agree to receive any fee or other consideration to or from a third party for the referral of the client/patient or in connection with the performance of professional services.

b. Permit any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant to the licensee.

c. Solicit the clients/patients of colleagues or assume professional responsibility for clients/patients of another agency or colleague without appropriate communication with that agency or colleague.

d. Abandon an agency, organization, institution, or a group practice without reasonable notice or under circumstances which seriously impair the delivery of professional care to clients/patients.

e. Fail to maintain a record for each client/patient which accurately reflects the client/patient contact with the service provider.

f. Deliberately falsify client/patient records for personal advantage.

g. Fail to submit required reports and documents in a timely fashion to the extent that the well-being of the client/patient is adversely affected.

h. Fail to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee.

i. Delegate professional responsibilities to a person when the licensee knows, or has reason to know, that the person is not qualified by training, education, experience, or classification to perform the requested duties.

280.101(6) General. A licensee shall not:

a. Practice without receiving supervision as needed, given the licensee's level of practice, experience, and need.

b. Perform services in an incompetent manner.

c. Practice a professional discipline without an appropriate license or after expiration of the required license.

d. Practice, condone, or facilitate any form of discrimination on the basis of sex, race, color, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.

e. Make sexually harassing actions, comments, threats or enticements to clients/patients, colleagues or employees.

645—280.102(154C) Procedures for approval of providers and continuing education activities.

Rescinded IAB 1/10/01, effective 2/14/01.

645—280.103(154C) Review of providers and program. Rescinded IAB 1/10/01, effective 2/14/01.**645—280.104(154C) Hearings.** Rescinded IAB 1/10/01, effective 2/14/01.**645—280.105(154C) Reporting of continuing education.** Rescinded IAB 1/10/01, effective 2/14/01.**645—280.106(154C) Request for waiver or extension.** Rescinded IAB 1/10/01, effective 2/14/01.**645—280.107 to 280.211** Reserved.**645—280.212(272C) Grounds for discipline.** Renumbered as 645—280.100(272C), IAB 1/10/01.**645—280.213(154C) Rules of conduct.** Renumbered as 645—280.101(154C), IAB 1/10/01.

These rules are intended to implement Iowa Code sections 17A.10, 147.76 and 154C.4 and chapter 272C.

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*Effective date of rules 161.212 to 161.217 delayed 70 days by the Administrative Rules Review Committee.

**Effective date of 280.100(154C) is July 1, 1993.

***Effective date of **ARC 9102A** delayed 70 days by the Administrative Rules Review Committee at its meeting held July 13, 1999; delay lifted at the meeting held August 3, 1999, effective August 4, 1999.