

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to social work

The Board of Social Work hereby amends Chapter 280, “Licensure of Social Workers,” Chapter 281, “Continuing Education for Social Workers,” Chapter 282, “Practice of Social Workers,” and Chapter 283, “Discipline for Social Workers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 154C.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 154C.4.

Purpose and Summary

This rule making is part of a rolling review of social work chapters to update any outdated language. The rule making adds continuing education for practicum supervisors as well as new language regarding electronic services in social work.

Item 1 removes the definition of “private practice” as that term is not used in Chapter 280. Item 2 updates information on how to apply for a license. Item 3 updates contact information for agencies that provide equivalency evaluations of educational credentials. Item 4 reorganizes the supervision requirements. As part of the reorganization, the requirement for face-to-face meetings before starting supervision via electronic means was reduced from two meetings to one meeting. No other substantive changes were made to the supervision requirements as part of the reorganization. Item 5 rescinds paragraph 280.9(2)“f,” which requires licensees to reactivate an inactive license before they can apply for a higher level license, and Item 6 reletters paragraph 280.9(2)“g” as “f.” Items 7 and 8 remove outdated language. Item 9 replaces a reference to a specific diagnosis manual with the current edition. Item 10 allows supervisors of social work practicum students to receive continuing education credit. Item 11 updates language on informed consent. Item 12 adds new language requiring that policies be adopted regarding electronic communication. Item 13 clarifies that the Board considers an emotional or employment relationship with a client to be a dual relationship. Item 14 adds new language requiring social workers to take reasonable steps to identify a client and assess the client’s suitability when social work services are being provided via electronic means. Item 15 reorganizes existing language regarding grounds for discipline.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 8, 2017, as **ARC 3433C**. A public hearing was held on November 28, 2017, at 8:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa.

Two members of the public attended the public hearing. One commenter questioned the addition of “an emotional relationship” in paragraph 282.2(8)“a” in Item 13, the concern being that “an emotional relationship” could be construed too broadly. The other commenter expressed a general overall support for the proposed rule changes.

Seven written comments were received in support of allowing continuing education credits for student practicum supervisors.

No changes from the Notice have been made. The Board discussed the concerns regarding the addition of “an emotional relationship” to the definition of “dual relationship” in paragraph 282.2(8)“a.” The Board felt the definition clearly defined that the Board was only looking at emotional relationships in the context of therapists who are assuming a secondary role separate from a client-to-therapist relationship. The consensus of the Board was to keep “an emotional relationship” in the definition of “dual relationship.”

Adoption of Rule Making

This rule making was adopted by the Board of Social Work on February 12, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board of Social Work for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on May 16, 2018.

The following rule-making actions are adopted:

ITEM 1. Rescind the definition of “Private practice” in rule **645—280.1(154C)**.

ITEM 2. Amend subrule 280.3(1) as follows:

280.3(1) The applicant shall complete a board-approved application ~~packet~~. Application forms may be obtained from the board’s Web site (~~<http://www.idph.state.ia.us/licensure>~~) (www.idph.iowa.gov/licensure) or directly from the board office, ~~or the applicant may complete the application online at ibplicense.iowa.gov~~. All ~~paper~~ applications shall be sent to Board of Social Work, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

ITEM 3. Amend paragraph **280.5(4)“a”** as follows:

a. Provide an equivalency evaluation of their educational credentials by International Educational Research Foundations, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, California 90231-3665, telephone (310)258-9451, Web site www.ierf.org or E-mail at info@ierf.org; or obtain a certificate of equivalency from the Council on Social Work Education, ~~4725~~ 1701 Duke Street, Suite ~~500~~ 200, Alexandria, Virginia 22314-3457, telephone (703)683-8080, Web site <http://www.cswe.org>. The professional curriculum must be equivalent to that stated in these rules. The candidate shall bear the expense of the curriculum evaluation.

ITEM 4. Rescind rule 645—280.6(154C) and adopt the following new rule in lieu thereof:

645—280.6(154C) Period of supervised professional practice for LISW. To qualify for licensure at the independent level, an LMSW shall complete a period of supervised professional practice in accordance with the requirements of this rule.

280.6(1) Minimum requirements. The period of supervised professional practice shall:

- a. Not begin prior to licensure at the master's level.
- b. Have a duration of at least two calendar years.
- c. Consist of a minimum of 4,000 hours of social work practice at the master's level.
- d. Include at least 110 hours of direct supervision equitably distributed throughout the period and in compliance with the requirements of subrule 280.6(3).
- e. Be done pursuant to one or more written supervision plans that comply with the requirements of subrule 280.6(7).

280.6(2) Content of supervised professional practice. The supervisor shall ensure that the period of supervised professional practice includes the following:

- a. Psychosocial assessments, including evaluation of symptoms and behaviors and the effects of the environment on behavior;
- b. Diagnostic practice using the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association;
- c. Treatment, including the establishment of treatment goals, psychosocial therapy, and differential treatment planning;
- d. Practice management skills;
- e. Skills required for continued competence;
- f. Training on ethical standards and legal and regulatory requirements; and
- g. Development of professional identity.

280.6(3) Direct supervision. The required 110 hours of direct supervision may be obtained through individual meetings between the supervisor and supervisee or through group supervision meetings consisting of the supervisor and more than one supervisee.

a. The first supervision meeting must occur in person. After the first supervision meeting, the remaining supervision may occur through in-person meetings or through electronic meetings using an interactive real-time system that provides for visual and audio interaction between the supervisor and supervisee.

b. A maximum of 60 hours of direct supervision may be obtained through group supervision meetings. A maximum of six supervisees may participate in any group supervision meeting.

280.6(4) Supervisor eligibility requirements.

a. To be eligible to serve as a supervisor for the period of supervised professional practice, a social worker shall:

(1) Hold an active license to practice social work at the independent level in Iowa. If the supervised professional practice occurs in another state, a social worker licensed in that state may serve as a supervisor if the social worker is licensed at a level equivalent to the independent level. A social worker licensed in another state may provide direct supervision hours if the social worker is licensed at a level equivalent to the independent level.

(2) Have at least three years of social work practice at the independent level, which must include a minimum of 4,000 hours of practice.

(3) Complete a six-hour continuing education course pertaining to social work practice supervision or one master's level course in supervision.

b. Any request for a supervisor who does not meet these requirements must be submitted to the board for approval before supervision begins. The board will only approve an otherwise ineligible supervisor if the supervisee demonstrates that eligible supervisors are unavailable or unwilling to provide

supervision. Any practice or supervision hours obtained under an ineligible supervisor prior to board approval cannot be counted toward completion of the period of supervised professional practice.

280.6(5) *Supervisor responsibilities.* A supervisor shall provide adequate supervision to all supervisees. Failure to provide adequate supervision may be grounds for disciplinary action. A supervisor shall be responsible for:

- a. Timely submission of the supervision plan;
- b. Providing supervision in accordance with this rule;
- c. Directing the supervisee to obtain written releases of information from patients when legally required for purposes of providing supervision;
- d. Providing periodic evaluations and feedback regarding the supervisee's performance to the supervisee;
- e. Answering questions and assisting supervisees as new or difficult issues arise;
- f. Ensuring the supervisee's caseload is manageable;
- g. Reporting to the board any violations of board rules by supervisees; and
- h. Completing a supervision report.

280.6(6) *Supervisee responsibilities.* A supervisee shall comply with all statutes and rules governing the practice of social work. A supervisee shall be responsible for:

- a. Timely submission of the supervision plan;
- b. Obtaining supervision in accordance with this rule;
- c. Obtaining written releases of information from patients when legally required for purposes of receiving supervision;
- d. Asking the supervisor to provide periodic evaluations and feedback regarding the supervisee's performance;
- e. Asking questions of the supervisor when assistance is needed or when new or difficult issues arise;
- f. Reporting any issues related to caseload, including volume and difficulty, to the supervisor;
- g. Reporting to the board any violations of board rules by the supervisor; and
- h. Maintaining a copy of every supervision plan and supervision report until such time as the supervisee is issued a license to practice social work at the independent level.

280.6(7) *Supervision plan.* A current written supervision plan must be maintained throughout the period of supervised professional practice. Each supervisor who provides practice supervision or direct supervision hours shall be named on a supervision plan.

a. A written supervision plan must be established and submitted to the board before the period of supervised professional practice begins. The board will perform an initial review of each supervision plan and notify the supervisee of approval or denial of the plan within 45 days of receipt. A supervisee may begin supervised professional practice after submission of the supervision plan but cannot count any practice or supervision hours obtained pursuant to a supervision plan that is ultimately denied by the board.

b. If a supervisee is changing supervisors or adding an additional supervisor, a revised supervision plan shall be submitted to the board for approval at the time of the change or addition. A supervisee may continue supervised professional practice after submission of a revised supervision plan but cannot count any practice or supervision hours obtained pursuant to a revised supervision plan that is ultimately denied by the board.

c. The board maintains a supervision plan form that may be utilized to write the supervision plan. A supervision plan shall include:

- (1) The name, license number, date of licensure, address, telephone number, and email address of the supervisor;
- (2) The name, license number, address, telephone number, and email address of the supervisee;
- (3) The name of the agency, institution, or organization providing the period of supervised professional practice;
- (4) The start date and estimated date of completion of the period of supervised professional practice;
- (5) The goals and objectives for the period of supervised professional practice;

(6) The nature, duration, and frequency of direct supervision, including the number of hours of direct supervision per week, the schedule for in-person and electronic supervision meetings, and the use of group supervision; and

(7) The signatures of the supervisor and supervisee, and the dates of the signatures.

280.6(8) Completion of supervised professional practice.

a. At the conclusion of the period of supervised professional practice, the supervisee shall have any and all supervisors complete a supervision report on the form provided by the board. Each supervision report must be signed and dated by the supervisor and supervisee.

b. The board will review each supervision report for approval of the hours pertaining to the particular report. The board may deny any practice or supervision hours that were not obtained in compliance with this rule. The board may deny any practice or supervision hours if the supervisor indicates that the supervisee did not adhere to the ethical standards and legal and regulatory requirements governing the practice of social work or if the supervisor does not recommend the supervisee for licensure at the independent level.

ITEM 5. Rescind paragraph **280.9(2)“f.”**

ITEM 6. Reletter paragraph **280.9(2)“g”** as **280.9(2)“f.”**

ITEM 7. Amend subrule 281.2(1) as follows:

281.2(1) The biennial continuing education compliance period shall extend for a two-year period beginning on January 1 of each odd-numbered year and ending on December 31 of the next even-numbered year. ~~(To implement this rule change, the continuing education period for the December 31, 2000, renewal will run from July 1, 1998, to December 31, 2000.)~~ Each biennium, each person who is licensed to practice as a licensee in this state shall be required to complete a minimum of 27 hours of continuing education approved by the board.

ITEM 8. Rescind subrule **281.2(8)**.

ITEM 9. Amend subparagraph **281.3(1)“f”(2)** as follows:

(2) Assessment and treatment.

1. No change.

2. Utilization of the ~~DSM-IV-TR~~ current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association;

3. to 6. No change.

ITEM 10. Adopt the following new paragraph **281.3(2)“k”**:

k. Supervision of a social work practicum student(s) from an accredited social work education program. A licensee may receive one credit for every 100 hours supervised, not to exceed six hours of continuing education credit per biennium.

ITEM 11. Amend paragraphs **282.2(1)“a”** and **“b”** as follows:

a. A licensee shall provide services to clients only in the context of a professional relationship based, when appropriate, on valid written informed consent. A licensee shall use clear and understandable language to inform clients ~~of the proposed~~ about the nature of available services, purpose of the services, risks related to the services, limits to services because of the requirements of a third-party payer, relevant costs, reasonable alternatives, a client’s right to refuse or withdraw consent, and the time frame covered by the consent potential benefits and risks, limits and risks of confidentiality, alternative ways of receiving assistance, applicable fees, and involvement of and sharing information with third parties.

b. ~~If a client is not literate or has difficulty understanding the primary language used in the practice setting~~ has difficulty communicating, a licensee shall attempt to ensure the client’s comprehension. This may include providing the client with a detailed verbal explanation or arranging for a qualified interpreter or translator whenever possible. A licensee shall provide information in a manner that is understandable and culturally appropriate for the client. Clients shall be given sufficient opportunity to ask questions and receive answers about social work services, including electronic delivery of services, if appropriate.

ITEM 12. Adopt the following new paragraph **282.2(1)“g”**:

g. A licensee shall develop policies regarding the sharing, retention, and storage of digital and other electronic communications and records and shall inform clients of applicable policies.

ITEM 13. Amend paragraph **282.2(8)“a,”** introductory paragraph, as follows:

a. “Dual relationship” means that a licensee develops or assumes a secondary role with a client, including but not limited to a social relationship, an emotional relationship, an employment relationship, or a business association. For purposes of these rules, “dual relationship” does not include a sexual relationship. Standards governing sexual relationships are found in subrule 282.2(9).

ITEM 14. Adopt the following new subrule 282.2(19):

282.2(19) *Electronic social work services*. A licensee shall:

a. Assess the client’s suitability and capacity for online and remote services at the point of the client’s first contact and use professional judgment to determine whether an initial in-person, videoconference, or telephone consultation is warranted before undertaking electronic social work services.

b. Take reasonable steps to verify the client’s identity, ability to consent to services, and location. When verification of a client’s identity is not feasible, social workers shall inform the client of the limitations of services that can be provided.

c. Continually assess a client’s suitability for electronic social work services during the course of the professional relationship.

ITEM 15. Amend rule 645—283.2(272C) as follows:

645—283.2(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—283.3(272C) when the board determines that the licensee is guilty of any of the following acts or offenses:

283.2(1) to 283.2(28) No change.

283.2(29) Unethical conduct. In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct may include, but is not limited to, the following:

a. Verbally or physically abusing a client or coworker.

b. Improper sexual contact with or making suggestive, lewd, lascivious or improper remarks or advances to a client or coworker.

c. Betrayal of a professional confidence.

d. Engaging in a professional conflict of interest.

e. **283.2(30)** Mental or physical inability reasonably related to and adversely affecting the licensee’s ability to practice in a safe and competent manner.

f. **283.2(31)** Being adjudged mentally incompetent by a court of competent jurisdiction.

~~**283.2(30)**~~ **283.2(32)** Repeated failure to comply with standard precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

~~**283.2(31)**~~ **283.2(33)** Violation of the terms of an initial agreement with the impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee.

[Filed 3/13/18, effective 5/16/18]

[Published 4/11/18]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/11/18.