

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to supervision

The Board of Social Work and Board of Behavioral Science hereby amend Chapter 31, “Licensure of Marital and Family Therapists, Mental Health Counselors, Behavior Analysts, and Assistant Behavior Analysts,” and Chapter 280, “Licensure of Social Workers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 154C.4 and 154D.3 and 2021 Iowa Acts, House File 891.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 154C.4 and 154D.3 and 2021 Iowa Acts, House File 891.

Purpose and Summary

This rule making amends supervision requirements for social workers, mental health counselors, and marriage and family therapists to remove in-person supervision requirements and allow supervision to occur electronically. This rule making also updates language to clarify that independent-level social workers may provide supervision to mental health counselors and marriage and family therapists who are completing their postgraduate supervision requirements and vice versa, and independent-level licensed mental health counselors and marriage and family therapists can supervise social workers completing their postgraduate supervision requirements.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 28, 2021, as **ARC 5794C**. This rule making was also adopted and filed emergency and published in the Iowa Administrative Bulletin as **ARC 5795C** on the same date.

A public hearing was held on August 17, 2021, at 9 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. One comment was received in support of the rule making. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board of Behavioral Science on September 8, 2021, and the Board of Social Work on November 22, 2021.

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 Boards of Social Work and Behavioral Science 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 February 16, 2022, at which time the Adopted and Filed Emergency rule making is hereby rescinded.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **31.5(1)“d”** as follows:

~~d. Include a minimum of 25 percent of all clinical supervision in person. Be completed in person or by electronic means.~~

~~(1) The first two meetings shall be face-to-face and in person.~~

~~(2) (1) Up to 50 percent of all supervision may be completed by telephone.~~

~~(3) Up to 75 percent of all supervision may be completed by electronic means.~~

(4) (2) Supervision by electronic means is acceptable if the system utilized is a confidential, interactive, secure, real-time system that provides for visual and audio interaction between the licensee and the supervisor.

ITEM 2. Rescind paragraph **31.5(2)“b.”**

ITEM 3. Reletter paragraphs **31.5(2)“c”** and **“d”** as **31.5(2)“b”** and **“c.”**

ITEM 4. Amend relettered paragraph **31.5(2)“b”** as follows:

b. Effective October 1, 2020, the supervisor shall:

(1) Be an Iowa-licensed marital and family therapist with a minimum of three years of clinical experience following licensure or shall be a supervisor or supervisor candidate approved by the American Association for Marriage and Family Therapy Commission on Supervision; or

(2) Be an Iowa-licensed mental health counselor in Iowa with at least three years of clinical experience following licensure or shall be approved by the National Board for Certified Counselors (NBCC) as a supervisor; ~~and or~~

(3) Be an Iowa-licensed social worker independent level with at least three years of clinical experience following licensure at the independent level; and

~~(3) (4) Have completed at least a six-hour continuing education course in counseling supervision or one master's level course in counseling supervision; and~~

~~(4) (5) Meet a minimum of four hours per month with the supervisee; and~~

~~(5) (6) Provide training that is appropriate to the functions to be performed; and~~

~~(6) (7) Ensure that therapeutic work is completed under the professional supervision of a supervisor; and~~

~~(7) (8) Not supervise any marital and family therapy or permit the supervisee to engage in any therapy that the supervisor cannot perform competently.~~

ITEM 5. Amend paragraph **31.7(1)“d”** as follows:

~~d. Include a minimum of 25 percent of all clinical supervision in person. Be completed in person or by electronic means.~~

~~(1) The first two meetings shall be face-to-face and in person.~~

~~(2) (1) Up to 50 percent of all supervision may be completed by telephone.~~

~~(3) Up to 75 percent of all supervision may be completed by electronic means.~~

(4) (2) Supervision by electronic means is acceptable if the system utilized is a confidential, interactive, secure, real-time system that provides for visual and audio interaction between the licensee and the supervisor.

ITEM 6. Rescind paragraph 31.7(2)“b.”

ITEM 7. Reletter paragraphs 31.7(2)“c” and “d” as 31.7(2)“b” and “c.”

ITEM 8. Amend relettered paragraph 31.7(2)“b” as follows:

b. Effective October 1, 2020, the supervisor shall:

(1) Be an Iowa-licensed mental health counselor in Iowa with at least three years of clinical experience following licensure or shall be approved by the National Board for Certified Counselors (NBCC) as a supervisor; or

(2) Be an Iowa-licensed marital and family therapist with a minimum of three years of clinical experience following licensure or shall be a supervisor or supervisor candidate approved by the American Association for Marriage and Family Therapy Commission on Supervision; ~~and or~~

(3) Be an Iowa-licensed social worker independent level with at least three years of clinical experience following licensure at the independent level; and

~~(3) (4)~~ Have completed at least a six-hour continuing education course in counseling supervision or one master’s level course in counseling supervision; and

(4) (5) Meet a minimum of four hours per month with the supervisee; and

(5) (6) Provide training that is appropriate to the functions to be performed; and

(6) (7) Ensure that therapeutic work is completed under the professional supervision of a supervisor; and

(7) (8) Not supervise any mental health counselor or permit the supervisee to engage in any therapy that the supervisor cannot perform competently.

ITEM 9. Amend paragraph 280.6(3)“a” as follows:

a. ~~The first supervision meeting must occur in person. After the first supervision meeting, the remaining supervision~~ 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.

ITEM 10. Amend paragraph 280.6(4)“a” as follows:

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

(1) Hold an active Iowa license to practice social work at the independent level, an active Iowa license to practice mental health counseling without supervision, or an active Iowa license to practice marital and family therapy without supervision in Iowa. If the supervised professional practice occurs in another state, a social worker supervisor 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 and may provide direct supervision hours if the social worker is licensed at a level equivalent to the independent level~~ supervisor holds an equivalent license.

(2) and (3) No change.

[Filed 12/13/21, effective 2/16/22]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/22.