

PROFESSIONAL LICENSURE DIVISION[645]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 645—Chapter 280
“Licensure of Social Workers”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 154C, 272C, 147, and 17A
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 154C, 272C, 147, and 17A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 2, 2024
10:30 to 11 a.m.

6200 Park Avenue
Des Moines, Iowa
Via video/conference call:
meet.google.com/vox-tsse-fzg
Or dial: 1.402.921.2210
PIN: 266 255 272#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Inspections, Appeals, and Licensing (DIAL) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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6200 Park Avenue
Des Moines, Iowa 50309
Phone: 515.281.4401
Email: tony.alden@dia.iowa.gov

Purpose and Summary

This proposed rulemaking sets minimum standards for entry into the profession of social work. Iowa residents, licensees and employers benefit from the rulemaking because it articulates the processes by which individuals apply for licensure as a social worker in the state of Iowa, as directed in statute. These include the process for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that any individual entering the profession has minimum competency. Requirements include the application process, minimum educational qualifications, and examination requirements.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:

There is no known direct cost to the general public, but there is a cost to the applicant since complying with the minimum requirements to enter into the profession are at the expense of the licensee. The fee for initial Iowa social work licensure is \$120, and the renewal fee varies by license type as follows: licensed bachelor social worker (LBSW) is \$72, licensed master social worker (LMSW) is \$120, and licensed independent social worker (LISW) is \$144. Iowa’s initial licensure application process is similar to those implemented by other state boards of social work. The application fees vary by state, however. The application fee for Nebraska is \$125; Minnesota is \$75 for a new graduate and \$115 for a licensee from another state; Illinois is \$50; South Dakota is \$130 for LBSW, \$170 for LMSW, and \$210 for LISW; Kansas is \$150 for LBSW and \$200 for LMSW and LISW; and Missouri is \$70.

The licensee would also have costs related to educational requirements and examination requirements. The Board of Social Work has not identified an exact cost of education for this field since it varies depending on the school the licensee chooses to attend to meet those requirements. Examination costs are consistent across states with a national examination. The fee for the bachelor and master’s level examination is \$230; the independent level is \$260.

Board staff review applications for initial and renewal licenses, answer inquiries on licensing and field phone calls. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. It takes roughly 0.45 full-time equivalent (FTE) position to review application materials. Licensing fees go to the Fund to cover the operations of the regulated professional licensing boards.

- Classes of persons that will benefit from the proposed rulemaking:

The public and professionals benefit from the proposed rulemaking. Establishing minimum licensing requirements ensures that practitioners are competent to practice. Without an established threshold for entry into the profession, individuals who are not appropriately trained could cause serious harm to the public.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

Educational institutions provide academic training for social workers to obtain their license in Iowa. Additional private industries and educational institutions provide examinations and materials for preparation for the examination. Because the cost of education is so variable depending on the institution the person attends, the Board is unable to put an exact cost on the cost of education or examination preparation.

The initial license fee in Iowa is \$120, and the renewal fee in Iowa varies by license type as follows: LBSW is \$72, LMSW is \$120, and LISW is \$144 for each renewal period.

- Qualitative description of impact:

Establishing minimum requirements for licensure ensures safety for the licensee and consumer. The cost of inaction would increase the potential for injury to the public by a licensee who is not qualified to perform the work in the field.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

Costs to the agency are the staff time needed to manage Board activities, which includes managing applications for initial licenses, renewals and reinstatements. Staff salaries to support the work of the Board are covered by the Fund. It takes roughly 0.45 FTE position to review application materials. Licensing fees go to the Fund to cover the operations of the regulated professional licensing boards.

- Anticipated effect on state revenues:

Costs associated with implementing this rulemaking are paid by individual licensees or establishments, not the State. There is no anticipated impact on state revenues as a result of this rulemaking.

Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. Licensing fees go to the Fund to cover the operations of the regulated professional licensing boards.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario. In addition, the rulemaking provides consistency related to the licensure of social workers in other states, which makes obtaining licensure in multiple states simpler for applicants. The costs to licensees in Iowa are similar to those of surrounding states. The surrounding states all require similar licensing procedures for social workers.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Board has not identified a more cost-effective alternative to the licensure of social workers. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario. In addition, the rulemaking provides consistency related to the licensure of social workers in other states, which makes obtaining licensure in multiple states simpler for applicants.

Due to state government alignment, this Board is now part of DIAL. The DIAL Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize board processes across all professional licensing boards. These rule revisions support this effort. DIAL is actively pursuing a single licensing platform to assist in standardizing licensing.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

The Board has not identified a more cost-effective alternative to the licensure of social workers. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario. In addition, the rulemaking provides consistency related to the licensure of social workers in other states, which makes obtaining licensure in multiple states simpler for applicants.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

The Board has not identified a more cost-effective alternative to the licensure of social workers. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario. In addition, the rulemaking provides consistency related to the licensure of social workers in other states, which makes obtaining licensure in multiple states simpler for applicants.

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Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed chapter relates to high-stakes public safety concerns that are present whether the business is a small business or a large organization. The chapter is meant to ensure public safety in terms of licensing requirements for social workers. While some social workers likely are running a small business of their own, some also work for large corporations and hospitals. To exempt a small business from adhering to this chapter would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 645—Chapter 280 and adopt the following **new** chapter in lieu thereof:

SOCIAL WORKERS

- CHAPTER 280 LICENSURE OF SOCIAL WORKERS
- CHAPTER 281 CONTINUING EDUCATION FOR SOCIAL WORKERS
- CHAPTER 282 PRACTICE OF SOCIAL WORKERS
- CHAPTER 283 DISCIPLINE FOR SOCIAL WORKERS

CHAPTER 280
LICENSURE OF SOCIAL WORKERS

645—280.1(154C) Definitions. For purposes of these rules, the following definitions apply:

“*Active license*” means a license that is current and has not expired.

“*ASWB*” means the Association of Social Work Boards.

“*Board*” means the board of social work.

“*Grace period*” means the 30-day period following expiration of a license when the license is still considered to be active.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period.

“*LBSW*” means licensed bachelor social worker.

“*Licensee*” means any person licensed to practice as a social worker in the state of Iowa.

“*License expiration date*” means December 31 of even-numbered years.

“*LISW*” means licensed independent social worker.

“*LMSW*” means licensed master social worker.

“*Mandatory reporter training*” means the training requirements in Iowa Code section 232.69.

“*Reactivate*” or “*reactivation*” means the process as outlined in rule 645—280.8(17A,147,272C).

“*Reinstatement*” means the process as outlined in rule 645—11.31(272C).

645—280.2(154C) Social work services subject to regulation. Social work services provided to an individual in this state through telephonic, electronic or other means, regardless of the location of the social worker, shall constitute the practice of social work and be subject to regulation in Iowa.

645—280.3(154C) Requirements for licensure. The following criteria shall apply to licensure:

280.3(1) The applicant submits a completed application for licensure and pays the nonrefundable licensure fee specified in rule 645—5.19(147,154C).

280.3(2) No application will be considered by the board until official copies of academic transcripts have been received by the board except as provided in subrule 280.4(5).

280.3(3) The applicant provides verification of license from the jurisdiction in which the applicant has most recently been licensed, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

- a. Licensee’s name;
- b. Date of initial licensure;
- c. Current licensure status; and
- d. Any disciplinary action taken against the license.

280.3(4) The applicant will take the examination(s) provided in rule 645—280.4(154C).

280.3(5) Licensees who were issued their initial licenses within six months prior to the renewal shall not be required to renew their licenses until the renewal date two years later.

280.3(6) Incomplete applications that have been on file in the board office for more than two years will be:

- a. Considered invalid and be destroyed; or
- b. Maintained upon written request of the applicant. The applicant is responsible for requesting that the file be maintained.

280.3(7) In lieu of the requirements in subrules 280.3(2) and 280.3(3), the board will accept the ASWB Social Work Registry verification of academic transcripts and verification of licensure in other states.

645—280.4(154C) Written examination.

280.4(1) The applicant will take and pass the ASWB examination at the appropriate level as follows:

- a. Bachelor level social worker—the basic level examination.
- b. Master level social worker—the intermediate level examination.
- c. Independent level social worker—the clinical level examination.

280.4(2) The board will accept only official results from the ASWB examination service that are sent directly from the examination service to the board.

280.4(3) The ASWB passing score will be utilized as the Iowa passing score.

280.4(4) An applicant may sit for the examination if the applicant meets the requirements stated in rule 645—280.3(154C). Upon written request of the applicant, the board may authorize a student to sit for the examination prior to the receipt of the official transcript 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. Upon completion of degree requirements, the applicant shall have the transcript showing the date of the degree sent directly from the school to the board office.

280.4(5) In lieu of the requirements in subrule 280.4(2), the board will accept the ASWB Social Work Registry verification of the ASWB examination results.

280.4(6) In lieu of the requirements in subrule 280.4(1), the board will accept verification of passing the state of California equivalent level licensing examination.

645—280.5(154C) Educational qualifications.

280.5(1) Bachelor level social worker. An applicant for a license will possess a bachelor's degree in social work from a college or university accredited by the Council on Social Work Education at the time of graduation.

280.5(2) Master and independent level social worker. An applicant for a license will 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 Council on Social Work Education at the time of graduation; or

b. Possesses a doctoral degree in social work from a college or university approved by the board at the time of graduation.

280.5(3) Foreign-trained social workers shall provide an equivalency evaluation of their educational credentials by International Education Research Foundation, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, California 90231-3665, telephone 310.258.9451, website www.ierf.org or email at info@ierf.org; or obtain a certificate of equivalency from the Council on Social Work Education, 1701 Duke Street, Suite 200, Alexandria, Virginia 22314-3457, telephone 703.683.8080, website www.cswe.org. The professional curriculum must be equivalent to that stated in these rules. The applicant shall bear the expense of the curriculum evaluation.

645—280.6(154C) Supervised clinical experience. An applicant for licensure as an independent level social worker must complete a supervised clinical experience as set forth in this rule.

280.6(1) Minimum requirements. The supervised clinical experience must satisfy all of the following requirements:

a. Timing. The supervised clinical experience cannot begin until after licensure as a master level social worker.

b. Duration. The supervised clinical experience must be a minimum of two years.

c. Minimum number of hours. The supervised clinical experience consists of at least 3,000 hours of practice.

d. Minimum number of direct client hours. The supervised clinical experience consists of at least 1,500 hours of direct client contact.

e. Minimum number of direct supervision hours. The supervised clinical experience must consist of at least 110 hours of direct supervision equitably distributed throughout the supervised clinical experience, including at least 24 hours of live or recorded direct observation of client interaction. A maximum of 50 hours of direct supervision may be obtained through group supervision. Direct supervision can occur in person or by using videoconferencing. After 110 hours of direct supervision are complete, ongoing direct supervision will continue to occur for the remainder of the supervised clinical experience.

f. Number of supervisors. A supervisee may utilize a maximum of four supervisors at any given time. A supervisee is responsible for notifying each supervisor if another supervisor is also being utilized to allow for coordination as appropriate.

g. Number of supervisees. A supervisor will determine the number of supervisees who can be supervised safely and competently and will not exceed that number.

h. Content. The supervised clinical experience must involve performing psychosocial assessments, diagnostic practice using the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5-TR), published March 2022, and providing treatment, including the establishment of treatment goals, psychosocial therapy using evidence-based therapeutic modalities, and differential treatment planning. The supervised clinical experience will prepare the supervisee

for independent practice and must include training on practice management, ethical standards, legal and regulatory requirements, documentation, coordination of care, and self-care.

280.6(2) Eligible supervisors. A supervisor must satisfy all of the following requirements:

- a. Hold an active license as an independent level social worker, mental health counselor, or marital and family therapist in Iowa.
- b. Have a minimum of three years of independent practice.
- c. Have completed at least a six-hour continuing education course in supervision or one graduate-level course in supervision.
- d. Be knowledgeable of the applicable ethical code and licensing rules governing the supervisee.
- e. Any request for a supervisor who does not meet these requirements must be approved by the board before supervision begins.

280.6(3) Supervision plan. Prior to beginning supervision, the supervisee will submit a written supervision plan to the board using the current form published by the board. The supervisee will also submit a written supervision plan to the board prior to beginning supervision with a new supervisor.

280.6(4) Supervision report. When supervision is complete, or when a supervisor ceases providing supervision to the supervisee, the supervisee will ensure a completed supervision report using the current form published by the board is submitted to the board. If the supervisor reports that the supervisee is not adequately prepared for independent licensure, or reports violations of the board's rules or applicable ethical code, the board may require the supervisee to complete additional supervision or training as deemed appropriate prior to licensure.

280.6(5) Supervised clinical experience in other states. An applicant who completed some or all of the supervised clinical experience in another state without obtaining licensure in that state should contact the board to determine whether some or all of the supervised clinical experience completed can be used to qualify for licensure in Iowa.

280.6(6) Grandfather clause. Any new or additional requirements imposed by this rule do not apply to supervision that started prior to July 20, 2022.

645—280.7(154C) License renewal.

280.7(1) The biennial license renewal period for a license to practice social work will begin on January 1 of odd-numbered years and end on December 31 of the next even-numbered year. Every licensee will renew on a biennial basis. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice does not relieve the licensee of the responsibility for renewing the license.

280.7(2) Renewal procedures.

- a. A licensee seeking renewal will:
 - (1) Meet the continuing education requirements of rule 645—281.2(154C) and the mandatory reporting requirements of subrule 280.7(3); and
 - (2) Submit the completed renewal application and renewal fee before the license expiration date.
- b. Those persons licensed for the first time will not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of 27 hours of continuing education per biennium for each subsequent license renewal.
- c. Persons licensed to practice social work shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.
- d. Failure to receive the notice of renewal will not relieve the licensee of the responsibility for submitting the required materials and the renewal fee to the board office 30 days before license expiration.
- e. A social worker whose Iowa license is delinquent, closed, retired, voluntarily surrendered, suspended, or revoked cannot advance to a higher level until the license is again active.

280.7(3) Mandatory reporting of child abuse and dependent adult abuse.

a. Effective July 1, 2019, a licensee who regularly examines, attends, counsels or treats children in Iowa will complete an initial two-hour child abuse mandatory reporter training course offered by the department of health and human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters will take a one-hour recertification training every three years, prior to the expiration of a current certificate.

b. Effective July 1, 2019, a licensee who regularly examines, attends, counsels or treats adults in Iowa will complete an initial two-hour dependent adult abuse mandatory reporter training course offered by the department of health and human

services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters will take a one-hour recertification training every three years, prior to the expiration of a current certificate.

c. The requirement for mandatory reporter training for identifying and reporting child and dependent adult abuse will be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including waiver of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 281.

d. The board may select licensees for audit of compliance with the requirements in paragraphs 280.7(3)“a” and “b.”

280.7(4) Late renewal. To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

280.7(5) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a social worker in Iowa until the license is reactivated. A licensee who practices as a social worker in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

280.7(6) Upon receiving the information required by this rule and the required fee, board staff will administratively issue a two-year license. In the event the board receives adverse information on the renewal application, the board will issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

645—280.8(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

280.8(1) Submit a reactivation application.

280.8(2) Pay the reactivation fee that is due as specified in 645—subrule 5.19(4).

280.8(3) Provide verification of current competence to practice social work by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant will provide the following:

(1) Verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

1. Licensee’s name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 27 hours of continuing education within two years of application for reactivation or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

(3) If the license has been on inactive status for more than five years, an applicant will provide the verifications in both subparagraphs (4) and (5) below plus the verification in subparagraph (6) or (7) below.

(4) Verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

1. Licensee’s name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license.

(5) Verification of completion of 27 hours of continuing education within two years of application for reactivation or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

(6) Verification of passing the ASWB examination within the last five years at the appropriate or higher level as follows:

1. Bachelor level social worker – the bachelor’s level examination; or
2. Master level social worker – the master’s level examination; or

3. Independent level social worker – the clinical level examination; or
- (7) Verification of continued social work practice at the appropriate or higher level in another state for a minimum of two years immediately preceding the application for reactivation.
 - b. Reserved.

645—280.9(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with rule 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with rule 645—280.8(17A,147,272C) prior to practicing social work in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 154C and 272C.