

PROFESSIONAL LICENSURE DIVISION [645]

Adopted and Filed Emergency

The Iowa Board of Social Work and the Iowa Board of Behavioral Science hereby propose to amend Chapter 280, Licensure of Social Workers, and Chapter 31, Licensure of Marital and Family Therapists and Mental Health Counselors, Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Acts 2021, HF 891.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Acts 2021, HF 891.

Purpose and Summary

This rule making removes in-person supervision requirements for master level social workers, temporary mental health counselors, and temporary marriage and family therapists completing their post graduate supervision requirements. For post graduate supervision requirements, this rule making adds independent level social workers to the list of supervisors for temporary mental health counselor and temporary marriage and family therapist licenses, and adds mental health counselors and marriage and family therapists to the list of supervisors for masters level social workers.

Reason for Adopted of Rule Making Without Prior Notice and Opportunity for Public Participation

Pursuant to Iowa Code section 17A.4(3)(1), Iowa Acts 2021, HF 891 explicitly provides for emergency rule making.

Reason for Wavier of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)(b)(1)(a), Iowa Acts 2021, HF 891 explicitly provides for the rules to become effective immediately upon filing.

Adoption of Rulemaking

This rule making was adopted by the Board of Social Work on June 30, 2021 and by the Board of Behavioral Science on June 10, 2021.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule making process and is published herein under Notice of Intended Action as **ARC XXXX** to allow for public comment.

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 for a waiver of the discretionary provisions, if any, pursuant to 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 became effective on June 30, 2021.

The following rule making action is adopted:

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

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

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

~~(12) 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.~~

(24) 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. Amend paragraph **31.5(2)“c”** as follows:

(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; or ~~and~~

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

~~(43)~~ Have completed at least a six-hour continuing education course in counseling supervision or one master's level course in counseling supervision; and

~~(54)~~ Meet a minimum of four hours per month with the supervisee; and

- (65) Provide training that is appropriate to the functions to be performed; and
- (76) Ensure that therapeutic work is completed under the professional supervision of a supervisor; and
- (87) Not supervise any marital and family therapy or permit the supervisee to engage in any therapy that the supervisor cannot perform competently.

ITEM 4. Amend paragraph **31.7(1)“d”** as follows:

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

- ~~(1) The first two meetings shall be face-to-face and in person.~~
- (12) 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.~~
- (24) 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 5. Rescind paragraph **31.7(2)“b.”**

ITEM 6. Amend paragraph **31.7(2)“c”** as follows:

- (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; or
- ~~and~~

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

ITEM 7. 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 8. 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 supervisor ~~social worker~~ 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 supervisor~~ is licensed at a level equivalent to the independent level. holds an equivalent license.

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Fiscal Impact

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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 for a waiver of the discretionary provisions, if any, pursuant to Chapter 18.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 17, 2021. Comments should be directed to:

Tony Alden
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 E 12th Street
Des Moines, IA 50319
Phone: 515-281-4401
Fax: 515-281-3121
Email: plpublic@idph.iowa.gov

Public Hearing

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

August 17, 2021
9 to 9:30 a.m.

Via Zoom:
Link: <https://zoom.us/join>
Meeting ID: 874 4463 4068
Passcode: 273241
Phone: 1-301-715-8592

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

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