

CHAPTER 44G

STATE BOARD OF SOCIAL WORK EXAMINERS

Authority

N.J.S.A. 45:15BB-1 et seq.

Source and Effective Date

R.2003 d.265, effective June 10, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 44G, State Board of Social Work Examiners, expires on December 7, 2008. See: 40 N.J.R. 2211(a).

Chapter Historical Note

Chapter 44G, State Board of Social Work Examiners, consisting of Subchapter 14, Fees, was adopted as R.1993 d.23, effective January 4, 1993. See: 24 N.J.R. 2523(a), 25 N.J.R. 191(a). Subchapters 1 through 5, 7 and 8 were adopted as R.1994 d.189, effective April 4, 1994. See: 25 N.J.R. 3081(a), 26 N.J.R. 1524(a). Subchapters 9 through 12 were adopted as R.1996 d.19, effective January 2, 1996. See: 27 N.J.R. 1755(a), 28 N.J.R. 189(a). Subchapter 6, Continuing Education, was adopted as R.1997 d.167, effective April 7, 1997. See: 28 N.J.R. 4733(a), 29 N.J.R. 1342(a).

Pursuant to Executive Order No. 66(1978), Chapter 44G, State Board of Social Work Examiners, was readopted as R.1998 d.66, effective December 23, 1997. Subchapter 5, Licensure Without Examination; Certification Without Proof of Educational Criteria; Endorsement, was repealed, as R.1998, d.66, effective January 20, 1998. See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Chapter 44G, State Board of Social Work Examiners, was readopted as R.2003 d.265, effective June 10, 2003. See: Source and Effective Date. See, also, section annotations.

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13:44G-14.1 Fees

SUBCHAPTER 1. PURPOSE AND SCOPE;
DEFINITIONS**13:44G-1.1 Purpose and scope**

(a) The rules contained in this chapter implement the provisions of the Social Workers' Licensing Act of 1991, P.L. 1991, c.134, and regulate the profession of social work within the State of New Jersey.

(b) This chapter shall apply to any individual licensed or certified by the State Board of Social Work Examiners, regardless of the setting where the individual is working.

(c) This chapter shall not apply to those individuals exempt from the provisions of the Act pursuant to N.J.S.A. 45:15BB-5.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Rewrote (b) and (c).

13:44G-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"ASWB" means Association of Social Work Boards.

"Clinical social work" means the professional application of social work methods and values in the assessment and psychotherapeutic counseling of individuals, families, or groups.

"Clinical social work services" means social work services which may be performed only by a LCSW or a LSW under supervision pursuant to N.J.A.C. 13:44G-8. Clinical social work services include, but are not limited to, the following:

1. Clinical assessment, defined as the process of evaluation in which a LCSW or a LSW conducts a differential, individualized and accurate identification of the psychosocial/behavioral problems existing in the life of the individual client, the family or group for the purpose of establishing a plan to implement a course of psychotherapeutic counseling. A clinical social work assessment includes, but is not limited to, a mental status examination and a psychosocial history. The clinical social worker may utilize currently accepted diagnostic classifications including, but not limited to, the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, as amended and supplemented.

2. Clinical consultation, defined as ongoing case discussion and evaluation focusing on, but not limited to, clinical social work data, clinical goals and treatment plans for the implementation of psychotherapeutic counseling with individuals, groups and families. Clinical consultation may also include intervention with appropriate individuals and entities;

3. Psychotherapeutic counseling, defined as ongoing interaction between a social worker and an individual, family or group for the purpose of helping to resolve symptoms of mental disorder, psychosocial stress, relationship problems or difficulties in coping with the social environment;

4. Client centered advocacy, defined as the service in which, as part of the psychotherapeutic process, the social worker functions on behalf of individuals, families or groups to bring about or influence change to improve the quality of life, enhance empowerment and assure the basic rights of the client; and

5. Clinical supervision of individuals pursuant to the standards set forth in N.J.A.C. 13:44G-8.1.

"CSW" means certified social worker.

"LCSW" means licensed clinical social worker.

"LSW" means licensed social worker.

"Social work" means the activity directed at enhancing, protecting or restoring a person's capacity for social functioning, whether impaired by physical, environmental, or emotional factors.

"Social work services" means services which may be performed only by a Board licensee or certificate holder. Social work services include, but are not limited to, the following:

1. "Social work assessment," defined as identifying problems and gathering sufficient information to make referrals and to determine and implement a plan of social care and action;

2. "Social work counseling," defined as the professional application of social work methods and values in advising and providing guidance to individuals, families or groups for the purpose of enhancing, protecting or restoring the capacity for coping with the social environment, exclusive of the practice of psychotherapy and includes giving advice, delineating alternatives, helping to articulate goals and providing needed information.

3. "Social work consultation," defined as discussion and evaluation focusing on data, goals and objectives, including intervention with individuals, agencies, businesses, organizations, groups and communities for purposes of problem solving;

4. "Social work planning," defined as specifying future objectives, evaluating the means for achieving them, including identifying appropriate resources, and making deliberate choices about appropriate courses of action in order to enhance social well-being;

5. "Social work community organization," defined as the process of social interaction and the method of social work concerned with meeting broad needs and bringing about and maintaining adjustment between needs and resources in a community or other areas; helping people to deal more effectively with their problems and objectives by helping them develop, strengthen and maintain qualities of participation, self-direction and cooperation; and bringing about changes in community and group relationships and in the distribution of decision-making power. The community which is the primary client may be an organization, neighborhood, city, county, state or national entity;

6. "Social work policy," defined as the practice concerned primarily with translating laws, technical knowledge and administrative rulings into organizational goals and operational policies to guide organizational behavior; designing organizational structure and procedures or processes through which social work goals can be achieved; securing resources in the form of material, staff and clients; and obtaining the public support necessary for attaining social work goals;

7. "Social work administration," defined as applying specialized social work knowledge, skills and techniques to the coordinated totality of activities in a social welfare organization in order to transform policies into services; also, a method of practice by which the social worker plans, assigns, coordinates, evaluates and mediates the interdependent tasks, functions, personnel, and activities that are called upon to achieve the mission of the organization;

8. "Social work research," defined as the formal organization and the methodology of data collection and the analysis and evaluation of data; and

9. "Social work client-centered advocacy," defined as the service in which the social worker functions on behalf of individual clients, groups, or other entities including, but not limited to, social work and governmental agencies, and specific issues related to those organizations. The purpose of client centered advocacy is to bring about or influence change to improve the quality of life, enhance empowerment and assure the basic rights of the entity or individual being served by the social worker.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In "Social work services", inserted new 2, "Social work counseling", and recodified former 2 through 8 as 3 through 9.
Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Inserted "ASWB", "CSW", "LCSW" and "LSW".

13:44G-1.3 Persons requiring licensure; persons requiring certification

Unless exempted from licensure or certification pursuant to N.J.S.A. 45:15BB-5, a person whose activities are within the scope of practice of N.J.A.C. 13:44G-3.1 is required to be licensed as a clinical social worker; a person whose activities are within the scope of practice of N.J.A.C. 13:44G-3.2 is required to be licensed as a social worker; and a person whose activities are within the scope of practice of N.J.A.C. 13:44G-3.3 is required to be certified as a social worker.

SUBCHAPTER 2. AGENCY ORGANIZATION AND ADMINISTRATION

13:44G-2.1 Description of the Board

The State Board of Social Work Examiners, created in the Division of Consumer Affairs, Department of Law and Public Safety, is constituted under N.J.S.A. 45:15BB-1 et seq.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(a).

Rewrote the section.

13:44G-2.2 Office location and mailing address

The offices of the Board are located at 124 Halsey Street, Newark, New Jersey 07102. The mailing address of the Board is Post Office Box 45033, Newark, New Jersey 07101.

SUBCHAPTER 3. AUTHORIZED PRACTICE

13:44G-3.1 Practice as a LCSW; scope

(a) The scope of practice of a LCSW includes, but is not limited to:

1. Clinical social work services. Clinical social work services include, but are not limited to, clinical assessment, clinical consultation, psychotherapeutic counseling, client centered advocacy, and clinical supervision of individuals pursuant to the standards set forth in N.J.A.C. 13:44G-8.1. These terms are more specifically defined in N.J.A.C. 13:44G-1.2; and

2. Social work services. Social work services include, but are not limited to, social work assessment, social work consultation, social work counseling, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy. These terms are more specifically defined in N.J.A.C. 13:44G-1.2.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a)2, inserted a reference to social work counseling.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), substituted "LCSW" for "licensed clinical social worker" in the introductory paragraph.

13:44G-3.2 Practice as a LSW; scope

(a) The scope of practice of a LSW includes, but is not limited to:

1. Social work services. Social work services include, but are not limited to, social work assessment, social work counseling, social work consultation, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy. These terms are more specifically defined in N.J.A.C. 13:44G-1.2; and

2. Clinical social work services, under the supervision of a LCSW or other supervisor acceptable to the Board pursuant to the clinical supervision standards set forth in N.J.A.C. 13:44G-8.1. Clinical social work services include, but are not limited to, clinical assessment, clinical consultation, psychotherapeutic counseling and client centered advocacy. A LSW may not, however, provide clinical supervision. These terms are more specifically defined in N.J.A.C. 13:44G-1.2.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a)1, inserted a reference to social work counseling; and in (a)2, inserted a reference to other supervisors, and deleted former i and ii.
Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Substituted "LSW" for "licensed social worker" throughout, substituted "LCSW" for "licensed clinical social worker" throughout.

13:44G-3.3 Practice as a CSW; scope

(a) The scope of practice of a CSW includes, but is not limited to, social work services. Social work services include, but are not limited to, social work assessment, social work consultation, social work counseling, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy. These terms are more specifically defined in N.J.A.C. 13:44G-1.2.

(b) A CSW shall not engage in clinical social work services.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), inserted a reference to social work counseling.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Substituted "CSW" for "certified social worker" throughout.

**SUBCHAPTER 4. APPLICANT QUALIFICATIONS;
BOARD-APPROVED EXAMINATION;
ENDORSEMENT**

13:44G-4.1 Eligibility requirements; LCSW

(a) For purposes of this section, "two years of full-time clinical social work" means 1,920 hours of face-to-face client contact within any three consecutive year period subsequent to earning a master's degree in social work under direct supervision pursuant to the standards set forth in N.J.A.C. 13:44G-8.1.

(b) An applicant for licensure as a LCSW shall submit the following, on forms provided by the Board.

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44G-14.1;

3. An official transcript indicating that the applicant:

i. Received a master's degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or a doctorate degree in social work from an accredited institution of higher education;

ii. Completed 12 semester hours of graduate level course work in methods of clinical social work practice, exclusive of field placement, from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education. The applicant shall obtain 12 credits in any of the following areas of study:

- (1) Human behavior and the social environment;
- (2) Diagnosis and assessment in social work practice;
- (3) Models of psychotherapy or clinical practice (for example, psychodynamic, behavioral, cognitive therapies, task-centered, psychosocial, crisis intervention approaches, etc.);
- (4) Clinical supervision and consultation; and/or
- (5) Intervention with special populations;

4. A supervisor's certification indicating that the applicant has acquired two years of satisfactory full-time clinical social work experience under supervision within a period of not less than two, and not more than three consecutive years. In the event that the applicant is unable to provide a supervisor's certification, the applicant shall submit to the Board an affidavit explaining the reason(s) why the applicant is not able to obtain the supervisor's certification;

5. Proof that the applicant has successfully completed the clinical examination administered by the ASWB; and

6. Proof that the applicant was a LSW at the time that the experience in (a) above was acquired, or proof that the applicant engaged in social work practice in a setting in which licensure is not required pursuant to N.J.S.A. 45:15BB-5.

Amended by R.1996 d.19, effective January 2, 1996.

See: 27 N.J.R. 1755(a), 28 N.J.R. 189(a).

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), inserted "subsequent to earning a master's degree in social work"; and in (b), rewrote 4, deleted "unless the applicant is applying for licensure without examination pursuant to the provisions of N.J.A.C. 13:44G-5.1" in 5, and added 6.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Rewrote the section.

Cross References

Exemption, see N.J.A.C. 13:44G-4.5.

13:44G-4.2 Eligibility requirements; LSW

(a) An applicant for licensure as a LSW shall submit the following, on forms provided by the Board:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44G-14.1;

3. An official transcript indicating that the applicant has received a master's degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or a doctorate in social work from an accredited institution of higher education; and

4. Proof of successful completion of the intermediate examination administered by the American Association of State Social Work Boards.

- i. An applicant pursuing a master's degree in social work and enrolled in the last semester of an educational program accredited or in candidacy for accreditation by the Council on Social Work Education is eligible to take the intermediate examination.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a)4, deleted "unless the applicant is applying for licensure pursuant to the provisions of N.J.A.C. 13:44G-5.2", and added i.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), substituted "LSW" for "social worker" in the introductory paragraph.

Cross References

Exemption, see N.J.A.C. 13:44G-4.5.

13:44G-4.3 Eligibility requirements; CSW

(a) An applicant for certification as a CSW shall submit the following, on forms provided by the Board:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:44G-14.1; and

3. The following documents:

i. An official transcript indicating that the applicant has received a baccalaureate degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or

ii. An official transcript indicating that the applicant acquired a baccalaureate degree prior to April 6, 1995, from an accredited institution of higher education in one of the following fields: Guidance and Counseling, Human Services, Marriage and Family Counseling, Psychology, Sociology, Vocational/Disability Rehabilitation, and Social Work (from institutions not accredited, or in candidacy for accreditation, by the Council on Social Work Education) and an affidavit or other form as the Board may require attesting to the applicant having acquired one year of full-time social work experience.

rience (1,600 hours in any consecutive 18-month period) prior to April 6, 1995.

Amended by R.1996 d.423, effective September 3, 1996.
See: 28 N.J.R. 2319(a), 28 N.J.R. 4103(a).

In (a)3 deleted exception for applicants applying for certification under 13:44G-5.3 and added provision for applicants acquiring baccalaureate degrees prior to April 6, 1995.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), substituted "CSW" for "social worker" in the introductory paragraph.

13:44G-4.4 Refusal to issue, suspension or revocation of license or certification

The Board may refuse to issue or renew or may suspend or revoke any license or certification issued by the Board, after an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., for any of the reasons set forth in N.J.S.A. 45:1-21.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

13:44G-4.5 Endorsement

(a) An applicant who is licensed or registered under the laws of a state, territory or jurisdiction of the United States and who otherwise meets the requirements of N.J.A.C. 13:44G-4.1 and 4.2 may be exempted from the examination requirements of N.J.A.C. 13:44G-4.1 and 4.2 provided that:

1. The educational and experiential requirements of the state, territory or jurisdiction are substantially the same as the requirements of N.J.S.A. 45:15BB-1 et seq.; and
2. The applicant has passed an examination which is similar to the Board-required examination.

(b) An applicant for licensure pursuant to this section shall submit the following to the Board:

1. A completed application form, which requests information concerning the applicant's educational and experiential background;
2. The application fee set forth in N.J.A.C. 13:44G-14.1;
3. The documentation required pursuant to N.J.A.C. 13:44G-4.1 or 4.2 relative to educational and experiential requirements for the type of licensure sought; and
4. Examination results.

Recodified from 13:44G-5.4 by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a)2, substituted "passed" for "taken".
Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), amended the N.J.S.A. reference in 1 and substituted "required" for "approved" following "Board".

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. CONTINUING EDUCATION

13:44G-6.1 License and certification renewal and continuing education requirement

Any applicant who applies for a license or certification renewal shall confirm on the renewal application that the applicant has completed continuing professional education programs or courses of the types and number of credits specified in N.J.A.C. 13:44G-6.2, 6.3 and 6.4. The Board shall not issue a license or certification renewal to any applicant who fails to confirm that the applicant has completed the continuing professional education requirements unless the Board issues the applicant a valid waiver pursuant to N.J.A.C. 13:44G-6.6.

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Rewrote the first sentence.

13:44G-6.2 Credit-hour requirements

(a) Effective September 1, 2004 (that is, the biennial period beginning September 1, 2004 through August 31, 2006), an applicant for a biennial license or certification renewal shall complete the applicable continuing education credits as follows:

1. A LCSW shall complete a minimum of 40 credits of continuing education, of which at least 20 of the 40 credits shall be in courses or programs directly related to clinical practice and five credits must be related to ethics. If the LCSW earns more than 40 credits during a biennial period, the LCSW may carry a maximum of eight surplus credits into a succeeding biennial period, of which two may be in courses or programs directly related to clinical practice;
2. A LSW shall complete a minimum of 30 credits of continuing education, five of which must be related to ethics. If the LSW earns more than 30 credits during a biennial period, the LSW may carry a maximum of six surplus credits into a succeeding biennial period; and
3. A CSW shall complete a minimum of 20 credits of continuing education, five of which must be related to ethics. If the CSW earns more than 20 credits during a biennial period, the CSW may carry a maximum of four surplus credits into a succeeding biennial period.

(b) If an applicant initially obtains a license or certificate within the second year of a biennial license period, the applicant shall complete not fewer than one-half of the minimum required credits of continuing education, three credits of which shall be in ethics related courses. A LCSW shall complete a least 10 of the 20 credits in programs which directly relate to clinical practice.

(d) A license or certificate that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license or certificate shall be deemed to be engaged in unlicensed practice.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (b), inserted a reference to certificate holders; and added (c).
Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Rewrote the section.

13:44G-7.2 Return from inactive status

(a) A licensee or certificate holder who elected inactive status and has been on inactive status for less than five years may be reinstated by the Board upon completion of the following:

1. Payment of the appropriate renewal fee listed in N.J.A.C. 13:44G-14.1 for the social workers level of licensure or certification;
2. The completion of the continuing education units required for each biennial registration period for which they were on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period they were on inactive status which includes the names, addresses, and telephone numbers of each employer.

(b) A licensee or certificate holder who was on inactive status for more than five years who wishes to return to the practice of social work shall reapply for licensure or certification. The applicant shall fulfill all of the initial licensure or certification requirements found at N.J.A.C. 13:44G-4.1, 4.2 or 4.3, as applicable.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), inserted a reference to certificates.
Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Rewrote the section.

13:44G-7.3 Reinstatement of suspended license

(a) An individual whose license or certificate has been automatically suspended for up to five years for nonpayment of a biennial renewal fee pursuant to N.J.A.C. 13:44G-7.1(d) may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:44G-14.1;
2. Completion of the continuing education units required for each biennial registration period for which they were suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended license or

certification which includes the names, addresses, and telephone numbers of each employer.

(b) A licensee or certificate holder who was suspended for more than five years who wishes to return to the practice of social work shall reapply for licensure or certification. The applicant shall fulfill all of the initial licensure or certification requirements found at N.J.A.C. 13:44G-4.1, 4.2 or 4.3, as applicable.

New Rule, R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

SUBCHAPTER 8. CLINICAL SUPERVISION

13:44G-8.1 Clinical supervision

(a) All LSWs shall not engage in independent private clinical social work practice and all LSWs engaged in clinical social work practice shall have clinical supervision in accordance with the following standards:

1. Clinical supervision shall consist of contact between a social worker and a supervisor during which at least the following occurs:

- i. The social worker apprises the supervisor of the diagnosis and treatment of each client;
- ii. The social worker's cases are discussed;
- iii. The supervisor provides the social worker with oversight and guidance in diagnosing and treating clients;
- iv. The supervisor regularly reviews and evaluates the professional work of the social worker; and
- v. The supervisor provides at least one hour of face-to-face individual or group clinical supervision per week.

2. Until July 7, 2004, clinical supervision may be rendered by:

- i. A clinical social worker licensed by this State;
- ii. A Board certified psychiatrist licensed by the New Jersey Board of Medical Examiners;
- iii. A psychologist licensed by the New Jersey Board of Psychological Examiners; or
- iv. Any other supervisor the Board may deem acceptable.

3. All applicants shall obtain the Board's prior written approval of any person rendering supervision other than a person identified in (a)2i through iii above.

4. Beginning on July 7, 2004, clinical supervision shall be rendered by a LCSW with a minimum of three years of licensure as a LCSW and who has completed at least 20

continuing education credits of post-graduate course-work related to supervision. Any LSW who has entered into a supervisory relationship with a supervisor pursuant to (a)2 above may continue the supervisory relationship until July 7, 2007.

5. The supervisor shall retain responsibility for the standards of clinical social work practice with respect to treatment being rendered to the client.

6. The supervisor shall refer the clients to the social worker unless the social worker is employed by an agency and obtains supervision pursuant to (d) below.

7. The supervisor or the supervisor's employer shall receive the fee paid by clients for services performed by the social worker engaged in a supervisory relationship.

(b) Prior to commencement of this supervisory relationship, each social worker shall provide the supervisor with proof of their licensure and each supervisor shall verify licensure of the supervisee.

(c) A supervisor shall oversee a maximum of six social workers pursuing the two years of full-time clinical social work experience as set forth in N.J.A.C. 13:44G-4.1.

1. A supervisor who provides group supervision shall oversee a maximum of four social workers in any single group.

(d) Upon written consent of the employer, the social worker shall arrange for off-premises supervision, where no supervision is available onsite.

1. In the case of supervision received through fee for services, the social worker shall obtain the client's written consent to disclose documentation to the supervisor.

(e) The social worker shall disclose that he or she is practicing under supervision, and shall identify the supervisor for the client.

(f) The supervisor shall provide written progress reports concerning the social worker to the social worker and the employer on at least a quarterly basis.

1. The progress report shall contain an assessment of at least the following information concerning the social worker:

- i. Ability to establish a professional relationship;
- ii. Ability to assess client's needs and to plan appropriate interventions;
- iii. Ability to make interventions appropriate to client needs;
- iv. Ability to be flexible in choosing and changing interventions as appropriate;
- v. Ability to assess prudently the supervisee's own capacities and skills in a professional situation;

vi. Ability to work effectively in a one-to-one relationship;

vii. Ability to work effectively in a group situation;

viii. Ability to work effectively where systems level interventions are required; and

ix. A detailed description of any areas of concern which the supervisor perceives in the social worker's performance.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Rewrote the section.

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(b), 35 N.J.R. 2936(b).

Rewrote the section.

SUBCHAPTER 9. GENERAL OBLIGATIONS OF LICENSEES AND CERTIFICATE HOLDERS; UNLICENSED PRACTICE

13:44G-9.1 Notification of change of address; service of process; notice of disciplinary action in another jurisdiction

(a) Each licensee and certificate holder shall notify the Board, in writing, within 30 days of any change in the address on file with the Board and shall specify whether the address is a residence or employment address.

(b) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Division of Consumer Affairs at the address on file with the Board shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

(c) Each licensee and certificate holder shall, within 30 days of receiving a notice of disciplinary action taken against the licensee or certificate holder in another jurisdiction, report to the Board in writing his or her receipt of such notification.

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(a).

13:44G-9.2 Notification of change of name

(a) Any licensee or certificate holder whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name the following:

1. Legal evidence of such change; and

2. A copy of the licensee or certificate holder's original license or certificate with proof that he or she is the same person to whom the Board issued the license or certificate.

2. The additional services contemplated and the fee to be charged therefor. In the absence of such disclosures, the social worker shall be prohibited from charging an additional fee for the advertised service; and

3. The period during which the advertised fee will remain in effect. In the absence of such disclosure, the advertisement shall be deemed to be effective for 30 days from the date of its initial publication.

(c) The advertisement of any specific fee shall not preclude the social worker from decreasing the fee or waiving the fee in individual circumstances.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), substituted a reference to social work services for a reference to professional services.

13:44G-11.6 Prohibited types or method or methods of advertising

(a) A social worker shall not guarantee that satisfaction or a cure will result from the performance of professional services.

(b) A social worker shall not communicate information that may identify a client without the client's written consent.

(c) A social worker shall not offer a professional service which the social worker knows or should know is beyond his or her ability to perform, and shall adhere to the specifications set forth in N.J.A.C. 13:44G-10.5.

(d) A social worker shall not advertise any technique or communication which appears to intimidate, exert undue pressure or unduly influence a prospective client.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (c), required adherence to specifications set forth in N.J.A.C. 13:44G-10.5.

13:44G-11.7 Use of testimonials

(a) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver's personal knowledge or experience obtained from a provider relationship with the social worker or upon the testimonial giver's direct personal knowledge of the subject matter of the testimonial.

(b) Prior to using the testimonial, the social worker shall obtain a signed, notarized statement and release indicating the testimonial giver's willingness to have his or her testimonial used in the advertisement.

(c) A layperson's testimonial shall not attest to any technical matter beyond the layperson's competence to comment upon.

(d) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.

(e) A social worker shall be able to substantiate any statement of fact appearing in a testimonial.

(f) Where a social worker directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent:

COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (e), deleted a second sentence.

13:44G-11.8 Retention of advertisements

(a) The social worker shall retain for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The social worker shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.

(b) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of the last use. Documentation shall include, but not be limited to:

1. The name, address and telephone number of the testimonial giver;
2. The type and amount or value of compensation; and
3. The notarized statement and release required pursuant to N.J.A.C. 13:44G-11.7(b).

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), substituted "or electronic media" for "media as well as a video or audio tape of every advertisement communicated by electronic media" at the end of the first sentence, and inserted a reference to dissemination in the second sentence.

SUBCHAPTER 12. CLIENT RECORDS; CONFIDENTIALITY

13:44G-12.1 Preparation and maintenance of client records

(a) A social worker shall prepare and maintain for each client a contemporaneous, permanent client record that accurately reflects the client contact with the social worker whether in an office, hospital or other treatment, evaluation or consultation setting.

(b) A social worker shall include at least the following information in the client record:

1. The client name (on each page of the record), address and telephone number;
2. The location and dates of all treatment, evaluation or consultation settings;
3. The identity of each provider of treatment, evaluation or consultation and the supervisor, if any;
4. The presenting situation;
5. Significant social history;
6. Past and current medications, when appropriate;
7. A social work assessment, unless a separate record is kept;
8. A treatment or service plan;
9. Progress notes for each session;
 - i. A social worker may dictate progress and session notes for later transcription provided the transcription is dated and identified as preliminary pending the social worker's final review and approval;
10. Information regarding referrals to other professionals and reports and records provided by other professionals; and
11. Fees charged and paid unless a separate financial record is kept.

(c) A social worker providing clinical services shall include in the client record the following information, in addition to the information required pursuant to (a) above:

1. Significant medical and psychosocial history;
2. A diagnostic assessment; and
3. Prognosis.

(d) The social worker shall periodically review and update the treatment or service plan.

(e) The social worker shall retain the permanent client record for at least seven years from the date of the last entry, unless otherwise provided by law, or in the case of a minor, until age 25.

- i. This requirement shall not apply to a social worker in an agency setting where it is not the policy of the agency to allow the social worker to maintain control over the retention of client records.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (b)7, added ", unless a separate record is kept"; and in (e), added i.

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Deleted (f).

13:44G-12.2 Use of computer to prepare client records

(a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:

1. Contains an internal permanently activated date and time recordation for all entries;
2. Automatically prepares a back-up copy of the file; and
3. Is designed in such manner that, after the social worker "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

(b) The social worker shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.

(c) The social worker shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the social worker responsible for the practice shall assure that each such person obtains a CPC and uses the program in the same manner.

(d) Social workers shall document any addenda or corrections to a client's record in a separately dated, signed and timed note.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Rewrote (d).

13:44G-12.3 Confidentiality

(a) A social worker shall preserve the confidentiality of information obtained from a client in the course of performing social work services for the client, including after the death of a client, except in the following circumstances.

1. Disclosure is required by Federal or state law or regulation.
2. Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation.
3. Disclosure is required by a court of competent jurisdiction pursuant to an order.
4. The client would present a clear and present danger to the health or safety of an individual if the social worker fails to disclose the information.
5. The social worker is a party defendant to a civil, criminal or disciplinary action arising from the social work services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action.

6. The patient or client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses on that person's behalf.

7. The patient or client agrees to waive the privilege accorded by this section. In circumstances when more than one person in a family is receiving social work services, each family member who is at least 14 years of age or older must agree to the waiver. Absent a waiver of each family member, a social worker shall not disclose any information received from any family member.

(b) A social worker shall establish and maintain a procedure to protect the client record from access by unauthorized persons.

(c) The social worker shall establish procedures for maintaining the confidentiality of client records in the event of the social worker's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in accordance with the time frame set forth in N.J.A.C. 13:44G-12.1(e) in the event of the social worker's separation from a group practice.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a)7, inserted "who is at least 14 years of age or older" in the second sentence; and in (c), inserted a reference to the time frame set forth in N.J.A.C. 13:44G-12.1(e).

Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), inserted "including after the death of a client" following "for the client" in the introductory paragraph, deleted the N.J.S.A. and C.F.R. reference in 1, and rewrote 4.

13:44G-12.4 Release of client record

(a) At the written request of the client or authorized representative, a social worker shall provide the client record or a summary thereof, within 30 days of the request directly to:

1. The client or the client's guardian, except that:

i. A social worker may withhold information contained in the client record from a client or the client's guardian if, in the reasonable exercise of his or her professional judgment, the social worker believes release of the information would adversely affect the client's health or welfare; and

ii. Pursuant to N.J.S.A. 9:17A-1 et seq. the social worker shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.

2. The client's health insurance carrier. Only the following basic information shall be provided. The information provided shall be marked "Confidential" and forwarded to the attention of a specific individual if identified by the client or authorized representative.

i. The client's name, age, sex, address, educational status, identifying number within the insurance program, date of onset of difficulty, date of initial consultation, dates and character of sessions (individual or group) and fees;

ii. Diagnostic information, defined as therapeutic characterizations of the type found in the current version of the DSM or in another professionally recognized diagnostic manual;

iii. Status of the client (voluntary or involuntary; inpatient or outpatient);

iv. The reason for continuing social work services, limited to an assessment of the client's current level of functioning and level of distress. Each aspect shall be described as "none," or by the term mild, moderate, severe or extreme; and

v. Prognosis, limited to an estimate of the minimal time during which treatment might continue.

3. Another licensed health care professional, hospital, nursing home or similar licensed institution which is providing or has been asked to provide treatment to the client.

(b) A social worker may elect to provide a summary of the client record, as long as the summary adequately reflects the client's history and treatment, unless otherwise required by law.

(c) A social worker may charge a reasonable fee for the reproduction of the client record or the preparation of a summary. The fee shall be no greater than an amount reasonably calculated to recoup the costs of copying or transcription.

(d) A social worker shall not charge a fee for completion of health insurance claim forms.

(e) A social worker may charge a reasonable fee for completion of reports required for third party reimbursement of client treatment expenses when the third party makes a separate request for reports to be completed.

1. If additional information is requested by a third party, the social worker shall procure informed consent from the client for release of the specific information requested.

(f) When a report is needed to enable a client to receive ongoing care by another practitioner or for use in judicial proceedings, a social worker shall not require advance payment as a condition for releasing the report; except that a social worker may require advance payment for release of a report prepared by the social worker as an expert witness.

(g) This section shall not apply to a social worker in an agency setting who does not, by agency policy, have control over or authority to release client records.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (f), added "when the third party makes a separate request for reports to be completed" at the end of the first sentence, and added 1.
Amended by R.2003 d.265, effective July 7, 2003.
See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), inserted "written" preceding "request" in the introductory paragraph; deleted (b) and recodified former (c) through (h) as (b) through (g).

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. FEES

13:44G-14.1 Fees

(a) Charges for licensure, certification and other services:

- 1. Application fee \$ 75.00
- 2. Initial clinical license fee:
 - i. If paid during the first year of a biennial renewal cycle \$160.00
 - ii. If paid during the second year of a biennial renewal cycle \$80.00
- 3. Initial license fee:
 - i. If paid during the first year of a biennial renewal cycle \$120.00
 - ii. If paid during the second year of a biennial renewal cycle \$60.00
- 4. Initial certification fee:

- i. If paid during the first year of a biennial renewal cycle \$70.00
- ii. If paid during the second year of a biennial renewal cycle \$35.00
- 5. Clinical license renewal fee, biennial \$160.00
- 6. License renewal fee, biennial \$120.00
- 7. Certification renewal fee, biennial \$70.00
- 8. Late renewal fee 100.00
- 9. Inactive fee (To be set by the Director by regulation)
- 10. Reinstatement fee 150.00
- 11. Endorsement fee 75.00
- 12. Duplicate wall certificate 40.00
- 13. Change of address 25.00
- 14. Verification of licensure/certification \$25.00
- 15. Duplicate license 25.00
- 16. Verification of continuing education credits 40.00
- 17. Continuing education fees:
 - i. Continuing education sponsors (biennial) \$100.00

Amended by R.1996 d.279, effective June 17, 1996.

See: 28 N.J.R. 1597(a), 28 N.J.R. 3179(a).

Reduced fees.

Amended by R.1997 d.167, effective April 7, 1997.

See: 28 N.J.R. 4733(a), 29 N.J.R. 1342(a).

Added (a)15.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

In (a), inserted a new 9 and 15 and recodified former 9 through 13 as 10 through 14 and former 14 through 15 as 16 through 17; deleted ii.