

CHAPTER 44G**STATE BOARD OF SOCIAL WORK EXAMINERS****Authority**

N.J.S.A. 45:15BB-11.

Source and Effective Date

R.2008 d.311, effective September 18, 2008.
See: 40 N.J.R. 2211(a), 40 N.J.R. 6209(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 44G, State Board of Social Work Examiners, expires on September 18, 2015. See: 43 N.J.R. 1203(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 Subchapter 5, Licensure Without Examination; Certification Without Proof of Educational Criteria; Endorsement, was repealed, as R.1998, d.66, effective January 20, 1998.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: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Chapter 44G, State Board of Social Work Examiners, was readopted as R.2008 d.311, effective September 18, 2008. See: Source and Effective Date. See, also, section annotations.

Subchapter 13, Custody/Parenting Time Evaluations, was adopted as new rules by R.2009 d.176, effective May 18, 2009. See: 40 N.J.R. 6388(a), 41 N.J.R. 2136(a).

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS**

- 13:44G-1.1 Purpose and scope
13:44G-1.2 Definitions
13:44G-1.3 Persons requiring licensure; persons requiring certification

SUBCHAPTER 2. AGENCY ORGANIZATION AND ADMINISTRATION

- 13:44G-2.1 Description of the Board
13:44G-2.2 Office location and mailing address

SUBCHAPTER 3. AUTHORIZED PRACTICE

- 13:44G-3.1 Practice as an LCSW; scope
13:44G-3.2 Practice as an LSW; scope
13:44G-3.3 Practice as a CSW; scope

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

- 13:44G-4.1 Eligibility requirements; LCSW
13:44G-4.2 Eligibility requirements; LSW

- 13:44G-4.3 Eligibility requirements; CSW
13:44G-4.4 Refusal to issue, suspension or revocation of license or certification
13:44G-4.5 Endorsement

SUBCHAPTER 5. (RESERVED)**SUBCHAPTER 6. CONTINUING EDUCATION**

- 13:44G-6.1 License and certification renewal and continuing education requirement
13:44G-6.2 Credit-hour requirements
13:44G-6.3 Content areas for continuing education credit
13:44G-6.4 Sources of continuing education credits and credit-hour calculations
13:44G-6.5 Documentation of continuing education credit
13:44G-6.6 Waiver of continuing education requirements
13:44G-6.7 Responsibilities of continuing education sponsors

SUBCHAPTER 7. LICENSE AND CERTIFICATION RENEWALS

- 13:44G-7.1 Biennial license and certification renewal; inactive status
13:44G-7.2 Return from inactive status
13:44G-7.3 Reinstatement of suspended license

SUBCHAPTER 8. CLINICAL SUPERVISION

- 13:44G-8.1 Clinical supervision

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
13:44G-9.2 Notification of change of name
13:44G-9.3 Unlicensed practice of social work

SUBCHAPTER 10. BUSINESS PRACTICES; PROFESSIONAL CONDUCT

- 13:44G-10.1 Display of notice of licensure or certification; notification of availability of fee information
13:44G-10.2 Financial arrangements with clients
13:44G-10.3 LCSW; financial arrangements with clients
13:44G-10.4 Conflicts of interest
13:44G-10.5 Professional interaction with clients
13:44G-10.6 Termination of services
13:44G-10.7 Sexual misconduct, harassment; discrimination
13:44G-10.8 Reporting of violations by other licensees
13:44G-10.9 Prohibition on solicitation; unethical referrals and kickbacks
13:44G-10.10 Prohibition on excessive fees
13:44G-10.11 Treatment of minors

SUBCHAPTER 11. ADVERTISING

- 13:44G-11.1 Definitions
13:44G-11.2 Advertising; general requirements
13:44G-11.3 Minimum content
13:44G-11.4 Use of professional credentials and certifications
13:44G-11.5 Advertisements regarding fees; required disclosures
13:44G-11.6 Prohibited types or method or methods of advertising
13:44G-11.7 Use of testimonials
13:44G-11.8 Retention of advertisements

SUBCHAPTER 12. CLIENT RECORDS; CONFIDENTIALITY

- 13:44G-12.1 Preparation and maintenance of client records
13:44G-12.2 Use of computer to prepare client records
13:44G-12.3 Confidentiality
13:44G-12.4 Release of client record

SUBCHAPTER 13. CUSTODY/PARENTING TIME EVALUATIONS

- 13:44G-13.1 Purpose and scope; definitions
- 13:44G-13.2 Competency
- 13:44G-13.3 Dual relationships
- 13:44G-13.4 Communications
- 13:44G-13.5 Informed consent
- 13:44G-13.6 Fees
- 13:44G-13.7 Reports and recommendations

SUBCHAPTER 14. FEES

- 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 in-

cludes, 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 concrete, non-clinical 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

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

6. Proof that the applicant was an 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; and

7. A signed consent form acknowledging that the Board will perform a criminal history background check as a pre-requisite of licensure.

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.

Amended by R.2008 d.311, effective October 20, 2008.

See: 40 N.J.R. 2211(a), 40 N.J.R. 6209(b).

In the introductory paragraph of (b) and in (b)6, substituted "an" for the first occurrence of "a"; in (b)5, deleted "and" from the end; in (b)6, substituted "; and" for a period at the end; and added (b)7.

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 an 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. A signed consent form acknowledging that the Board will perform a criminal history background check as a pre-requisite of licensure;

4. 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

5. Proof of successful completion of the master's level examination administered by the ASWB.

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 master's level 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.

Amended by R.2008 d.311, effective October 20, 2008.

See: 40 N.J.R. 2211(a), 40 N.J.R. 6209(b).

In the introductory paragraph of (a), substituted "an" for "a"; added new (a)3; recodified former (a)3 and (a)4 as (a)4 and (a)5; in the introductory paragraph of (a)5, substituted "master's level" for "intermediate" and "ASWB" for "American Association of State Social Work Boards"; and in (a)5i, substituted "master's level" for "intermediate".

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;

3. A signed consent form acknowledging that the Board will perform a criminal history background check as a prerequisite of certification; and

4. 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 (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.

Amended by R.2008 d.311, effective October 20, 2008.

See: 40 N.J.R. 2211(a), 40 N.J.R. 6209(b).

In (a)2, deleted "and" from the end; added new (a)3; and recodified former (a)3 as (a)4.

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. A signed consent form acknowledging that the Board will perform a criminal history background check as a pre-requisite of licensure;
4. 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
5. 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".

Amended by R.2008 d.311, effective October 20, 2008.

See: 40 N.J.R. 2211(a), 40 N.J.R. 6209(b).

Added new (b)3; and recodified former (b)3 and (b)4 as (b)4 and (b)5.

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.

SUBCHAPTER 5. (RESERVED)

(c) A licensee shall complete at least three of the prescribed contact hours of continuing education as required by (a) above in the subject area of social and cultural competence. For the purposes of this subsection, social and cultural competence includes, but is not limited to, an understanding of the cultural context of relationships; issues and trends in a diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status; and unique characteristics of individuals, couples, families, ethnic groups and communities including any of the following:

1. Multicultural and pluralistic trends, including characteristics and concerns between and within diverse groups nationally and internationally;
2. Attitudes, beliefs, understandings, and acculturative experiences, including specific experiential learning activities;
3. Individual, couple, family, group, and community strategies for working with diverse populations and ethnic groups;
4. Counselors' roles in social justice, advocacy and conflict resolution, cultural self-awareness, the nature of biases, prejudices, process of intentional and unintentional oppression and discrimination, and other culturally supported behaviors that are detrimental to the growth of the human spirit, mind, or body;
5. Theories of multicultural counseling, theories of identity development and multicultural competencies; and
6. Ethical and legal considerations relating to issues of diversity.

(d) Beginning September 1, 2008, the three contact hours of continuing education, of the prescribed contact hours, in the subject area of social and cultural competence shall be completed every biennial period and shall be in addition to the required five contact hours of continuing education in ethics as set forth in (a) above.

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.

Amended by R.2008 d.96, effective April 21, 2008.

See: 39 N.J.R. 2209(a), 40 N.J.R. 2117(c).

Added (c) and (d).

13:44G-6.3 Content areas for continuing education credit

(a) The Board shall grant continuing education credit only for programs or courses which are directly related to social work practice and which are advertised and available on a nondiscriminatory basis.

(b) The following content areas are acceptable for continuing education credit:

1. Theories and concepts of human behavior and the social environment;
2. Social work practice, knowledge and skills;
3. Social work research, program evaluation or practice evaluation;
4. Management/administration/social policy; and
5. Social work ethics, including, but not limited to, topics in boundary relationships, conflicts of interest, confidentiality, and recordkeeping.

(c) The following content areas are unacceptable for continuing education credit:

1. Personal development; and
2. Supervisory sessions.

(d) The Board shall maintain a list of all approved programs, courses and seminars at its offices.

(e) A course or program in the subject area of social and cultural competence for the purpose of fulfilling the three contact hours of continuing education requirement shall be subject to the approval of the Board. A course or program in the subject area approved by the Board of Marriage and Family Therapy Examiners, the Professional Counselor Examiners Committee or the Alcohol and Drug Counselor Committee shall be deemed acceptable by this Board.

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.

Amended by R.2008 d.96, effective April 21, 2008.

See: 39 N.J.R. 2209(a), 40 N.J.R. 2117(c).

Added (e).

13:44G-6.4 Sources of continuing education credits and credit-hour calculations

(a) The Board shall grant credit only for continuing education programs or courses that are at least one instructional hour long, and are directly related to social work practice. For purposes of this subchapter, an "instructional hour" represents a 60-minute clock hour with no less than 50 minutes of content within the hour. Programs or courses may include one 10-minute break for each instructional hour.

(b) A licensee or certificate holder shall complete and be able to verify such completion of a continuing education program or course in order to receive continuing education credit. The Board shall grant a licensee or certificate holder continuing education credit for each two year period as follows:

1. Attendance at programs or courses approved by the ASWB: one credit for each hour of attendance;
2. Attendance at programs or courses approved by the National Association of Social Workers (NASW): one credit for each hour of attendance;

3. Attendance at programs or courses given at State and national social work association conferences, where the criteria for membership is either licensure or certification as a social worker: one credit for each hour of attendance;

4. Attendance at continuing education programs offered at a regionally accredited institution: one credit for each hour of attendance;

5. Completion of an undergraduate or graduate-level course at a regionally accredited institution: five credits for each course credit, up to a maximum of one-half of the required continuing education credits; and

6. Attendance at in-service training in a subject matter related to the setting in which the licensee works: one credit for each hour of training up to a maximum of six credits. Such in-service training shall not include staff meetings, quality assurance or case reviews or case management.

(c) Licensees or certificate holders shall receive continuing education credit for the following:

1. A refereed article published in a professional journal within the preceding biennial period: nine credits per article;

2. Teaching appointments for courses offered in accredited institutions: 15 credits for each new course which a licensee or certificate holder teaches. For the purposes of this subsection, "new" represents a course that the licensee or certificate holder has not taught previously in any educational setting; and

3. Presentations at workshops, training sessions and seminars: 1.5 credits for each hour of a new offering up to a maximum of nine credits.

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-6.5 Documentation of continuing education credit

(a) A licensee or certificate holder shall keep comprehensive records of the continuing education hours which the licensee or certificate holder completes in order to verify program attendance or activity completion. Each licensee and certificate holder shall submit such documentation to the Board upon its request.

(b) The licensee or certificate holder shall verify attendance at approved continuing education programs by a certificate of attendance or by a statement from the instructor of the offering. The verification shall include the name of the licensee or certificate holder, the name of the sponsor, the title, location and date of the offering, the signature of a program official and the number of continuing education hours.

(c) The licensee or certificate holder shall verify individual activities by retaining the following:

1. For publications, a copy of the published article;

2. For presentations, copies of the program, syllabus, outlines and bibliographies;

3. For teaching appointments, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was not previously offered.

(d) A licensee or certificate holder shall verify completion of academic coursework by an official transcript.

(e) A licensee or certificate holder shall maintain verification records for five years following the renewal period for which the Board has granted the licensee or certificate holder continuing education credit.

13:44G-6.6 Waiver of continuing education requirements

(a) The Board may, at its discretion, waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause.

(b) A licensee or certificate holder who seeks a waiver of the continuing education requirements shall provide to the Board, in writing, the specific reasons for requesting the waiver and such additional information as the Board may request in support of the waiver.

13:44G-6.7 Responsibilities of continuing education sponsors

(a) A continuing education sponsor not included in N.J.A.C. 13:44G-6.4(b) shall obtain Board approval for each course offered and advertised as satisfying continuing education requirements.

(b) The continuing education sponsor shall submit the following for each course for which the sponsor seeks approval:

1. A detailed description of course content and hours of instruction;

2. A curriculum vitae of the lecturer, including specific background which demonstrates that the lecturer is reputable and qualified in the area of instruction; and

3. The fee required pursuant to N.J.A.C. 13:44G-14.1.

(c) The sponsor shall not make substantive changes to an approved course or program, such as a change in course content or instructor, without prior notice to, and approval by, the Board.

(d) The sponsor shall monitor attendance at each approved course and furnish to each enrollee a verification of attendance, which shall include at least the following information:

1. Title, date and location of course offering;
2. Name and license or certificate number of the attendee;
3. Number of credits awarded; and
4. Name and signature of officer or responsible party.

(e) At the conclusion of the program, the sponsor shall solicit evaluations from both the participants and the instructor. The sponsor shall retain the evaluations for three years.

(f) Continuing education programs shall be offered on a non-discriminatory basis. Nothing in this section implies that membership organizations may not discount the cost of attending continuing education programs for dues-paying members, or that agencies may not seek accreditation for programs offered to staff only.

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 "not included in N.J.A.C. 13:44G-6.4(b)" following "education sponsor".

SUBCHAPTER 7. LICENSE AND CERTIFICATION RENEWALS

13:44G-7.1 Biennial license and certification renewal; inactive status

(a) All licenses and certificates issued by the Board shall be issued for a two-year biennial licensure period. A licensee or certificate holder who seeks renewal of the license or certificate shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:44G-14.1 prior to the expiration date of the license or certificate.

(b) Renewal applications shall provide the applicant with the option of either active or inactive status. A licensee or certificate holder electing inactive status shall pay the inactive license or certificate fee set forth in N.J.A.C. 13:44G-14.1, and shall not engage in the practice of social work.

(c) If a licensee or certificate holder does not renew the license or certificate prior to its expiration date, the licensee or certificate holder may renew the license or certificate within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:44G-14.1.

(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 appraises 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.

8. The relationship between the supervisor and the social worker shall not violate the conflicts of interest provisions of N.J.A.C. 13:44G-10.4(b).

(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.

Amended by R.2008 d.311, effective October 20, 2008.
See: 40 N.J.R. 2211(a), 40 N.J.R. 6209(b).

Added (a)8.

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.

(b) If an LCSW is selected by both parties without a court appointment, the LCSW shall communicate any substantive information only to both parties or their attorneys simultaneously, either in writing or through a conference call.

(c) If an LCSW is selected by only one party without a court appointment, the LCSW shall communicate any information only to that party or the party's attorney.

13:44G-13.5 Informed consent

(a) Before commencing the custody/parenting time evaluation, an LCSW shall provide information, in writing, to the parties to assist them in understanding the nature of the custody/parenting time evaluation and the implications of their agreement to participate. This information shall include, but not be limited to, the following:

1. Purpose, procedures and methods;
2. Fees;
3. Responsibility of parties for payment of the fees and whether payment will be required prior to the delivery of the report;
4. Limits of confidentiality;
5. Special policies pertaining to issues, such as cancelled and/or missed appointments; and
6. Limitation on communications as set forth in N.J.A.C. 13:44G-13.4.

(b) An LCSW shall inform the parties about the purpose of any assessment instruments, interview techniques and the use of any information collected. The LCSW shall provide this information, as appropriate, to children, to the extent that they are able to understand.

13:44G-13.6 Fees

(a) Before commencing the custody/parenting time evaluation, an LCSW shall inform the party or parties responsible for paying the fees, in writing, the estimated fees for all anticipated services and any additional fees should the LCSW be required, requested or mandated to perform additional services.

(b) An LCSW shall provide to the party or parties responsible for paying the fees complete documentation of all fees, itemizing time, charges and services as appropriate.

(c) An LCSW may accept payment of fees by retainer or by a prearranged fee schedule:

1. If a retainer is accepted, an LCSW shall inform the court, attorneys, and/or party or parties of the schedule for payment of the remainder and of the contingent relationship between complete payment and final delivery of services. An LCSW shall inform the court, attorneys and/or party or parties that payment in excess of the reasonable

estimate is expected if delivery of services unforeseeably exceeds that anticipated. An LCSW shall inform the court, attorneys and/or party or parties that unused fees will be refunded as soon as possible upon completion of the professional services; or

2. If payment by a fee schedule is accepted an LCSW shall provide a complete explanation of the expected per-visit payment or other scheduled costs.

(d) An LCSW may require payment for the report prior to its delivery.

13:44G-13.7 Reports and recommendations

(a) An LCSW's written report shall identify the party or parties on whose behalf the evaluation was prepared and list all individual(s) personally evaluated.

(b) An LCSW shall not provide any opinion regarding any individual whom the LCSW has not personally evaluated. An LCSW may report what an evaluated individual has stated or address theoretical issues or hypothetical questions, so long as the limited basis of the information is explained.

(c) An LCSW shall complete written reports in a timely manner. Delays of more than one month from the final session with any party to the custody/parenting time evaluation are considered excessive. In the event of extenuating circumstances, such as inability to collect final documents from collateral contacts, the LCSW shall provide, in writing, the reasons for the delay as follows:

1. An LCSW who is court-appointed shall submit the report only to the court and to both parties or their attorneys, unless otherwise specified in a court order;
2. An LCSW who is selected by both parties without a court appointment shall submit the report only to both parties or their attorneys; or
3. An LCSW who is selected by only one party without a court appointment shall submit the report only to that party or the party's attorney.

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. Verification of licensure/certification..... \$25.00
- 14. Duplicate license 25.00
- 15. Verification of continuing education credits 40.00
- 16. 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.

Amended by R.2008 d.311, effective October 20, 2008.

See: 40 N.J.R. 2211(a), 40 N.J.R. 6209(b).

Deleted former (a)13; and recodified (a)14 through (a)17 as (a)13 through (a)16.