

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

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

Source and Effective Date

R.1993 d.23, effective January 4, 1993.
See: 24 N.J.R. 2523(a), 25 N.J.R. 191(a).

Executive Order No. 66(1978) Expiration Date

Chapter 44G, State Board of Social Work Examiners, expires on January 4, 1998.

Chapter Historical Note

Chapter 44G, State Board of Social Work Examiners, became effective with Subchapter 14, Fees. See: Source and Effective Date. 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).

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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) Except as set forth in (c) below, this chapter shall apply to all individuals who render clinical social work services and social work services, as hereinafter defined, and to anyone within the jurisdiction of the Board of Social Work Examiners.

(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, including an individual acting within the scope of a profession or occupation licensed by this State and doing work of a nature consistent with the person's training, as long as the person does not hold himself or herself out to the public as possessing a license or certificate issued pursuant to the Act.

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:

"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" mean social work services which may be performed only by a licensed clinical social worker or a licensed social worker 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 licensed clinical social worker or a licensed social worker conducts a differential, individualized and accurate identification of the psycho-social/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 psycho-social 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, Third Edition, Revised (DSM-III-R), 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.

"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" mean 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 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;

3. "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;

4. "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;

5. "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;

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, unless the applicant is applying for licensure pursuant to the provisions of N.J.A.C. 13:44G-5.2.

Cross References

Exemption, see N.J.A.C. 13:44G-5.4.

13:44G-4.3 Eligibility requirements; certified social worker

(a) An applicant for certification as a social worker 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 (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.

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 for a hearing 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.

SUBCHAPTER 5. LICENSURE WITHOUT EXAMINATION; CERTIFICATION WITHOUT PROOF OF EDUCATIONAL CRITERIA; ENDORSEMENT

13:44G-5.1 Licensure without examination; clinical social worker

(a) Until December 1, 1994, an individual who has not completed the board-approved examination may qualify for licensure as a clinical social worker upon submission of 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 affidavit indicating that the applicant has acquired at least three years of full time clinical social work experience during any consecutive five-year period during the period May 6, 1986 through May 5, 1994;

4. A supervisor's certification or, if the supervisor is unavailable, the applicant's affidavit in lieu of supervisor's certification indicating that the applicant has acquired at least two years of supervised full time clinical social work experience, defined as 1,920 hours of direct face-to-face client contact over any consecutive three-year period; and

5. An official transcript indicating that the applicant completed the educational requirements set forth in N.J.A.C. 13:44G-4.1.

(b) For purposes of this section, "three years of full-time clinical social work experience" means 2,880 hours of direct client contact; the providing of clinical supervision; or the teaching of clinical social work courses subsequent to earning a master's degree in social work. The applicant shall have provided the clinical supervision pursuant to the standards set forth in N.J.A.C. 13:44G-8.1.

Amended by R.1994 d.320, effective June 20, 1994.
See: 26 N.J.R. 1604(b), 26 N.J.R. 2590(b).

13:44G-5.2 Licensure without examination; licensed social worker

(a) Until December 1, 1994, an individual who has not completed the Board-approved examination may qualify for licensure as a social worker upon submission to the Board of 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 affidavit indicating that the applicant has acquired three years of full time social work experience during any consecutive five-year period during the period May 6, 1986 through May 5, 1994; and
4. An official transcript indicating that the applicant completed the educational requirements set forth in N.J.A.C. 13:44G-4.2.

(b) For purposes of this section, "three years of full time social work experience" means 4,800 hours of social work practice or the teaching of social work courses subsequent to earning a master's degree in social work.

Amended by R.1994 d.320, effective June 20, 1994.
See: 26 N.J.R. 1604(b), 26 N.J.R. 2590(b).

13:44G-5.3 Certification without baccalaureate degree in social work

(a) Until December 1, 1994, an individual who has not received a baccalaureate degree in social work may qualify for certification as a social worker upon submission to the Board of 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. An affidavit indicating that the applicant has acquired two years of full-time social work experience during any consecutive five year period during the period May 6, 1986 through May 5, 1994.

(b) For purposes of this section, "two years of full time social work experience" means 3,200 hours of social work practice.

Amended by R.1994 d.320, effective June 20, 1994.
See: 26 N.J.R. 1604(b), 26 N.J.R. 2590(b).

13:44G-5.4 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 the Social Workers' Licensing Act of 1991; and
2. The applicant has taken an examination similar to the Board-approved 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.

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. LICENSE AND CERTIFICATION RENEWALS

13:44G-7.1 Biennial license and certification renewal

(a) Prior to the expiration of the current biennial period, the licensee or certificate holder shall complete and sign the biennial renewal notice form provided by the Board and shall return the form to the Board together with the biennial renewal fee.

(b) If the licensee fails to renew his or her license or certification on or before the date specified in the biennial renewal notice, the license or certification shall automatically expire and the individual shall immediately cease practice.

13:44G-7.2 Reinstatement

(a) If a license or certificate expires due to nonpayment of the biennial renewal fee, it may be reinstated within five years upon application to the Board, payment of the biennial license or certification fee and the reinstatement fee as set forth in N.J.A.C. 13:44G-14, and demonstration that any other requirements for license renewal have been met.

(b) The Board will not renew a license or certificate if the renewal application is submitted to the Board more than five years after the date of license or certificate expiration. In such event, the individual shall be required to apply for an initial license and to take the Board-approved examination or to apply for initial certification.

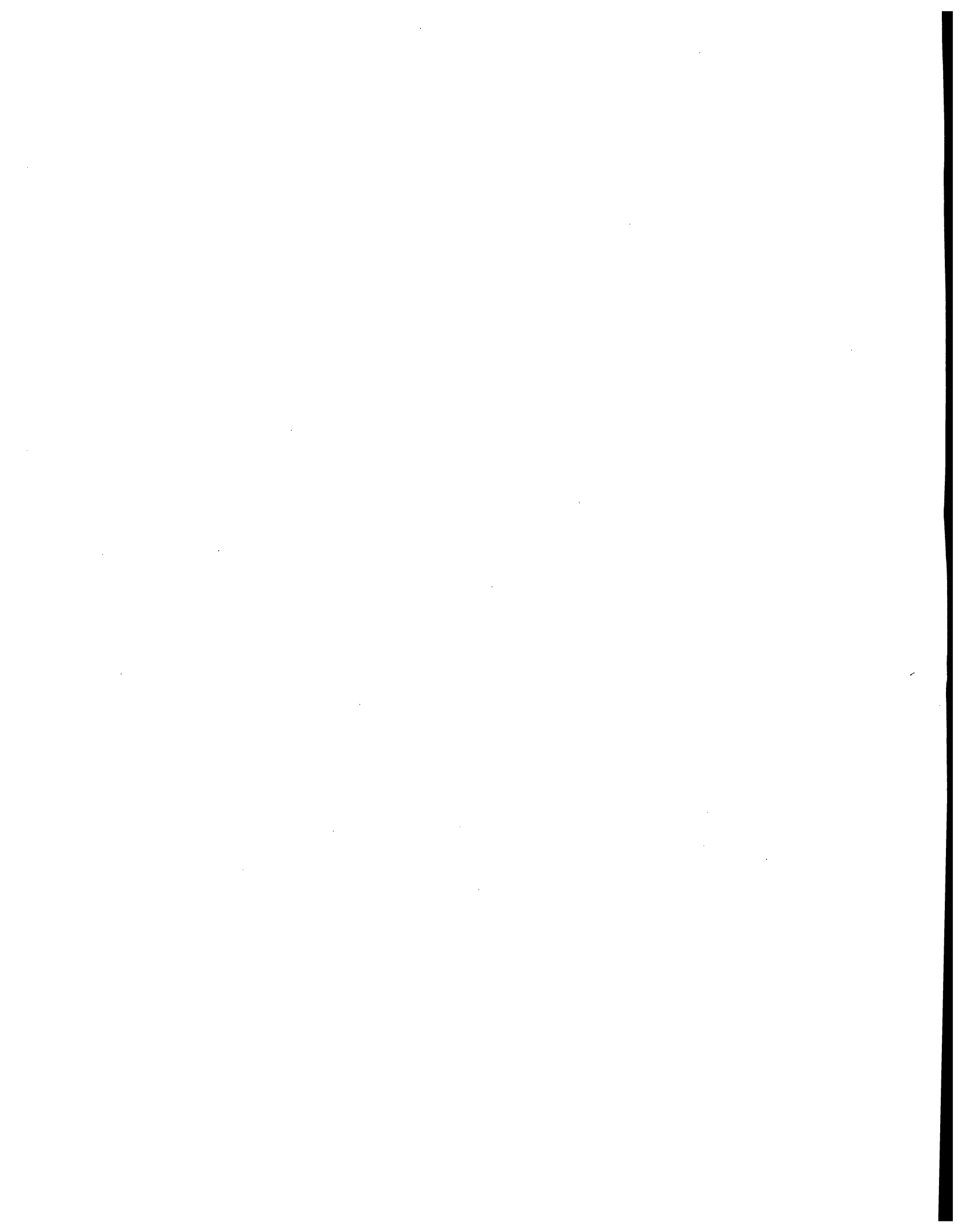
SUBCHAPTER 8. CLINICAL SUPERVISION

13:44G-8.1 Clinical supervision

(a) An applicant for licensure as a clinical social worker shall be required to document at least two years of full time, supervised clinical social work experience, as defined in N.J.A.C. 13:44G-4.1, in accordance with the following clinical supervision 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;



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 must agree to the waiver. Absent a waiver from 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 the event of the social worker's separation from a group practice.

13:44G-12.4 Release of client record

(a) At the 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 ver-

sion 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 require a record request to be in writing.

(c) 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.

(d) 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.

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

(f) A social worker may charge a reasonable fee for completion of reports required for third party reimbursement of client treatment expenses.

(g) 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.

(h) 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.

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. FEES

13:44G-14.1 Fees

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

- | | |
|---|---|
| <ul style="list-style-type: none"> 1. Application fee \$ 75.00 2. Initial clinical license fee: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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. Reinstatement fee \$150.00 10. Endorsement fee \$75.00 11. Duplicate wall certificate \$40.00 12. Change of address \$25.00 13. Verification of licensure/certification \$25.00 14. Verification of continuing education credits 40.00 |
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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.