

VOLUME 44, ISSUE 22

ISSUE DATE: **NOVEMBER** 19, 2012

RULE ADOPTIONS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF SOCIAL WORK EXAMINERS**

Adopted Amendments: N.J.A.C. 13:44G-6.2, 6.4, 6.5, 8.1, and 14.1

Adopted Repeal and New Rule: N.J.A.C. 13:44G-6.7

Credit-Hour Requirements; Sources of Continuing Education Credits and Credit-Hour Calculations; Documentation of Continuing Education Credit; Responsibilities of Continuing Education Sponsors; Clinical Supervision; Fees

Proposed: November 7, 2011 at 43 N.J.R. 2731(a).

Adopted: April 25, 2012 by the State Board of Social Work Examiners, Doreen J. Bobby, Chair.

Filed: October 23, 2012 as R.2012 d.191, **with substantial and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.6).

Authority: N.J.S.A. 45:15BB-11(h).

Effective Date: November 19, 2012.

Expiration Date: September 19, 2015.

Summary of Public Comments and **Agency** Responses follows:

The official comment period ended January 6, 2012. The Board received five comments from the following individuals:

1. Doug Behan, MSW, ACSW, LCSW, Director of Continuing Education, School of Social Work, Rutgers, The State University of New Jersey
2. Nancy M. Milewski, MPA, Director, Accreditation and Standards, University Behavioral HealthCare, University of Medicine and Dentistry of New Jersey
3. Walter X. Kalman, MSW, LSW, Executive Director, National Association of Social Workers New Jersey Chapter
4. Debra L. Wentz, Ph.D., Chief Executive Officer, New Jersey Association of Mental Health and Addiction **Agencies**, Inc.
5. Allison Blake, Ph.D., L.S.W., Commissioner, New Jersey Department of Children and

Families

1. COMMENT: A commenter supports amendments to N.J.A.C. 13:44G-6.4 that permit licensees to obtain continuing education hours by completing courses offered by the Association of Social Work Board (ASWB) or the National Association of Social Workers (NASW) and by completing courses approved by other state boards of social work. The commenter also supports provisions in N.J.A.C. 13:44G-6.7 that require continuing education approval entities to approve individual courses.

RESPONSE: The Board thanks the commenter for his support.

2. COMMENT: One commenter recommends that N.J.A.C. 13:44G-6.4 be amended to recognize state behavioral-health trade, professional, and stakeholder associations as entities that may provide continuing education courses. The commenter contends that these entities have been providing quality continuing education to behavioral health workers for decades. The commenter contends that the Board's continuing education regulations result in restraint of trade by limiting continuing education approval entities to a single discipline. The commenter also recommends that national entities besides the NASW represent behavioral healthcare disciplines and all of these entities must be represented in the regulations.

RESPONSE: As the commenter has not identified any behavioral-health trade, professional, and stakeholder associations or national entities that represent behavioral healthcare disciplines, the Board is not able to consider whether it should amend its rules to recognize these entities. The Board's rules recognize that the continuing education completed by social workers must be related to social work practice. This is to ensure the relevancy of continuing education to the practices engaged in by licensees; it is not restraint of trade. The Board points out that N.J.A.C. 13:44G-6.4(c)11 permits social workers to obtain continuing education credits by attending programs or courses recognized or approved by the Alcohol and Drug Counselor Committee, the State Board of Marriage and Family Therapy Examiners, or the Professional Counselor Examiners Committee. In addition, courses offered by trade associations can be submitted for approval to entities approved by the Board pursuant to N.J.A.C. 13:44G-6.7.

3. COMMENT: Prior to the adoption of these amendments, N.J.A.C. 13:44G-6.4 permitted licensees to obtain continuing education credits by completing courses approved by either the ASWB or the NASW. The adopted amendments changed these provisions so that licensees can obtain continuing education by completing courses provided by either the ASWB or the NASW. A commenter is concerned that these amendments will prevent licensees from obtaining continuing education credits by completing courses approved by the ASWB or the NASW. The commenter contends that this would impose an undue burden on licensees and would negatively impact continuing education providers approved by the ASWB or the NASW. The commenter recommends that the Board not adopt the proposed amendment to these provisions.

RESPONSE: N.J.A.C. 13:44G-6.4(c)15 permits social workers to obtain continuing education credit by attending programs or courses approved by an entity recognized by the Board pursuant to N.J.A.C. 13:44G-6.7. As long as the ASWB and the NASW obtain such Board recognition, social workers will be able to obtain continuing education credits by attending programs or courses given by providers approved by the ASWB and NASW.

4. COMMENT: A commenter is concerned that the amendments to N.J.A.C. 13:44G-6.4 would prohibit the Department of Children and Families from providing continuing education

credits without obtaining preapproval. The commenter contends that the Department has made substantial investments to expand its continuing education offerings and that not recognizing Department offerings would have a negative fiscal impact on the Department. The commenter requests that the Board amend N.J.A.C. 13:44G-6.4 so that licensees could obtain continuing education credit by attending programs or courses offered by the Child Welfare Training Academy within the New Jersey Department of Children and Families.

REPOSE: The Board has determined that courses offered by the Child Welfare Training Academy qualified for continuing education credit under existing rules. It has also determined that the courses offered provide valid social work education that is similar to that provided by other entities recognized by the Board in the adopted amendments. As the courses provided offer similar education to that offered by entities recognized in N.J.A.C. 13:44G-6.4 and in order to permit licensees to continue to obtain continuing education credit by attending these courses, the Board has change N.J.A.C. 13:44G-6.4 upon adoption so that licensees may obtain continuing education credit by attending programs or courses offered by the Child Welfare Training Academy within the New Jersey Department of Children and Families.

5. COMMENT: One commenter contends that licensees should not be able to obtain continuing education credits by completing undergraduate or graduate-level coursework at an academic institution that is not accredited by the Council on Social Work Education (CSWE). The commenter contends that these courses could have no relation to social work practice.

RESPONSE: The Board points out that N.J.A.C. 13:44G-6.4(a) requires that continuing education programs or courses be directly related to social work practice. The Board also points out that, under the existing rules, social workers could obtain continuing education credits by completing undergraduate or graduate-level coursework at regionally accredited institutions. The Board has not changed this standard in the amended rules, it has only clarified what was intended by the term "regionally accredited." The Board does not believe it is appropriate to restrict social workers by prohibiting them from completing continuing education credits through coursework from institutions that are not accredited by CSWE as some of the coursework provided by such institutions is valid social work continuing education. The Board believes that, as long as the coursework is related to social work practice, social workers can obtain legitimate and valid education from such coursework.

6. COMMENT: Two commenters are concerned with changes to N.J.A.C. 13:44G-6.4 that increase the number of continuing education credits licensees may obtain through in-service training from six credits [page=2953] to one-half of the required credits. The commenters recognize that this change makes it more convenient for licensees to complete continuing education requirements, but question whether consumers will benefit from this change. The commenters contend that the six-credit limitation was imposed to ensure that licensees completed the majority of their continuing education credits in a professional setting. The commenters are concerned that the changes to N.J.A.C. 13:44G-6.4 allow **agencies** to self-approve continuing education credits, which is an abdication of the Board's oversight responsibility. The commenters contend that allowing half of the continuing education requirement to be completed through in-service training is not common in other states and that in-service continuing education can be substandard as there is no oversight of these programs. The commenters contend that continuing education offered by professional providers is provided by expert instructors and is better than in-service training.

RESPONSE: The Board did not amend N.J.A.C. 13:44G-6.4 to allow licensees to complete up to half of the required continuing education credits through in-service training solely

because it is more convenient for licensees. The Board considered the validity of this in-service training and imposed new restrictions on such training in order to ensure its validity. Under the amended rule, in-service training may be provided only by licensed or accredited entities and the number of topics that are not considered continuing education has been increased to include job training and training on administrative procedures or policies. To clarify that the Board intended that the organizations providing in-service training are those whose practices are intimately related to social work and to assure that the continuing education hours offered by these entities is directly related to social work practice as required by N.J.A.C. 13:44G-6.3, the Board has changed N.J.A.C. 13:44G-6.4(c)8 to require that the organizations provide social work services. Given these higher standards for in-service training, the Board believes it is appropriate to allow licensees to complete one-half of their continuing education requirements through in-service training.

7. COMMENT: A commenter is concerned that N.J.A.C. 13:44G-6.4(c)8 will prevent organizations that provide services to children and families under Department of Children and Families' care from providing in-service training for continuing education credits. The commenter contends that such organizations contract with the Department, that they are not licensed by the Department, and that they therefore do not meet the requirements of N.J.A.C. 13:44G-6.4(c)8. The commenter contends that these organizations have been offering in-service training that provided licensees with continuing education credits for some time and that prohibiting them from continuing to do so would have a negative fiscal impact. The commenter recommends that the Board amend N.J.A.C. 13:44G-6.4(c)8, so that licensees may obtain continuing education credits by completing in-service training provided by organizations under contract to provide social work related services with the Department of Children and Families, the Department of Community Affairs, the Department of Health, or the Department of Human Services.

RESPONSE: By requiring that organizations be licensed by the Department of Children and Families, the Department of Community Affairs, the Department of Health, or the Department of Human Services, the Board intended to ensure that the continuing education provided by such organizations is valid. The Board has become aware that the process by which these State entities enter into contracts with organizations entails rigorous review that provides the same assurances that licensure provides. As the contracting process provides the same level of assurance as to validity as requiring organizations to be licensed, the two standards are substantively similar and the Board is changing N.J.A.C. 13:44G-6.4(c)8 upon adoption to permit licensees to obtain continuing education credits from organizations that are under contract to provide social work services with the Department of Children and Families, the Department of Community Affairs, the Department of Health and Senior Services, or the Department of Human Services.

8. COMMENT: A commenter contends that accreditation by the Child Welfare League of America (CWLA), the Council on Accreditation (COA), the Council on Accreditation of Rehabilitation Facilities (CARF), the Family Service Association of America (FSAA), or the Joint Commission is the minimum standard to ensure the quality of in-service training offered by an organization. The commenter contends that such accreditation does not provide the same focus on continuing education as a review by a continuing education approval entity would provide.

RESPONSE: The Board agrees that in-service training provided by organizations accredited by CWLA, COA, CARF or FSAA have met the minimum standard to ensure quality. The Board points out that under the existing rules on in-service training, there was no standard that such organizations had to meet. The Board does not dispute that the review undertaken by a continuing education approval entity may be different than that undertaken by an

accrediting entity; this does not mean that this review does not provide assurance as to the validity of continuing education offered by organizations accredited by CWLA, COA, CARF or FSAA.

9. COMMENT: A commenter is concerned that N.J.A.C. 13:44G-6.5(b)2 will require a certificate of attendance to be pre-printed by an **agency** with the name and license or certification number of an attendee. The commenter contends that this will be burdensome on **agencies**.

RESPONSE: N.J.A.C. 13:44G-6.5(b)2 does not require an entity to pre-print certificates of attendance.

10. COMMENT: A commenter contends that, in the past, the Board accepted signatures that were printed on an attendance certificate. The commenter contends that the original signature requirement in N.J.A.C. 13:44G-6.5(b)4 is unnecessary as other safeguards as to authenticity are in place.

RESPONSE: The Board agrees that printed signatures on attendance certificates are appropriate and has changed N.J.A.C. 13:44G-6.5(b)4 upon adoption to remove the requirement that a signature be original.

11. COMMENT: A commenter contends that it is inappropriate to increase the number of entities that may approve continuing education courses. This increase will result in additional paperwork and recordkeeping for the Board. The commenter recommends that the Board not adopt N.J.A.C. 13:44G-6.7 and instead recognize the Continuing Education Approval Collaborative as the entity that will approve continuing education courses. The Collaborative includes the NASW New Jersey Chapter and schools and departments of social work in New Jersey colleges and universities. The commenter contends that N.J.A.C. 13:44G-6.7(d), which requires that an approval entity not approve any continuing education course that it provides, supports his recommendation as this provision would not be necessary if the Collaborative is established as the sole approving entity.

RESPONSE: The Board has been approached by several entities that have expressed an interest in approving continuing education courses and programs. Given this interest, it is not appropriate for the Board to deny recognition to entities that seek recognition as approving entities as the commenter recommends. As long as an entity meets the standards of N.J.A.C. 13:44G-6.7, the Board will recognize the entity and it may approve continuing education courses and programs.

12. COMMENT: N.J.A.C. 13:44G-6.7 does not establish a fee that continuing education approval entities may charge. A commenter is concerned that this will result in prohibitively high fees being charged by these entities.

RESPONSE: The Board does not believe it is appropriate to dictate the fees an approval entity may charge. Such entities should be free to charge the fee they deem necessary to support the services provided. If continuing education providers believe that a specific entity's fee is unduly high, they will be able to obtain approval from another entity that is recognized by the Board.

13. COMMENT: N.J.A.C. 13:44G-6.7(a)11 requires continuing education approval entities to respond to applications for course approval within 90 days of receipt. One commenter recommends that this rule be amended to require entities to approve or reject applications within 90 days of receipt.

RESPONSE: It appears that the commenter is recommending that N.J.A.C. 13:44G-6.7(a)11 be amended so that the response provided by an approving entity include either an approval or rejection. The Board does not believe that it should require entities to approve or reject applications within 90 days of receipt. The Board believes requiring a response, without dictating that this response include an approval or rejection, within 90 days of receipt provides protections for continuing education providers seeking approval while providing approval entities the flexibility they need to review the courses and programs submitted by [page=2954] such providers. The Board will not amend the rule as the commenter recommends.

14. COMMENT: N.J.A.C. 13:44G-8.1(a)5ii requires that clinical supervisors complete 20 continuing education credits of post-graduate coursework related to clinical supervision offered by either a sponsor approved by ASWB or the NASW, or an educational program approved by the CSWE. The NASW, in a comment on this rule, recommended that this provision be amended so that the course-work be offered by the NASW, a sponsor approved by ASWB, or an education program approved by the CSWE. The commenter was under the impression that the ASWB was no longer recognized as an approval entity.

RESPONSE: The Board has amended N.J.A.C. 13:44G-8.1 upon adoption to recognize that NASW offers, but does not approve, clinical supervision coursework related to clinical supervision. The Board is not aware of any reason why the ASWB should not be recognized as an approval entity.

Summary of Agency-Initiated Change:

At recodified N.J.A.C. 13:44G-6.4(c)9, the Department of Health is identified as the Department of Health and Senior Services. After the notice of proposal was published, P.L. 2012, c. 17, was enacted, changing the name of the Department of Health and Senior Services to the Department of Health, and such change is updated in this notice of adoption.

Federal Standards Statement

A Federal standards analysis is not required because the amendments, repeal, and new rule are adopted pursuant to State statute and are not subject to any Federal requirements or standards.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 6. CONTINUING EDUCATION

13:44G-6.2 Credit-hour requirements

(a) An applicant for a biennial license or certification renewal shall complete the applicable continuing education credits as follows:

1. An 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;

2. An 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. (No change.)

(b)-(c) (No change.)

(d) 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.

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

(a) (No change.)

(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.

(c) As of *[(the effective date of this amendment)]* ***November 19, 2012***, a licensee or certificate holder may obtain continuing education hours only from the following sources:

1. Attendance at programs or courses offered by the ASWB: one credit for each hour of attendance;

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

3. Attendance at programs or courses offered by the Child Welfare Training Academy within the New Jersey Department of Children and Families: one credit for each hour of attendance;

[3.] ***4.*** Attendance at programs or courses given at State and national social work association conferences, where the criteria for membership is an academic degree in social work: one credit for each hour of attendance;

[4.] ***5.*** (No change.)

[5.] ***6.*** Attendance at continuing education programs provided by institutions accredited, or in candidacy for accreditation, by the Council on Social Work Education (CSWE): one credit for each hour of attendance;

[6.] ***7.*** Completion of undergraduate or graduate-level coursework in an academic program accredited, or in candidacy for accreditation, by the CSWE: five credits for each course credit;

[7.] ***8.*** Completion of undergraduate or graduate-level coursework at an academic institution accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education that is not accredited, or not in candidacy for accreditation by, the CSWE: three credits for each course credit awarded up

to a maximum of one-half of the required continuing education credits;

[8.] ***9.*** Attendance at in-service training provided by an organization ***that provides social work services and which is*** licensed by ***or under contract to provide social work-related services with*** the Department of Children and Families, the Department of Community Affairs, the Department of Health ***[and Senior Services]***, or the Department of Human Services, in a subject matter related to the setting in which the licensee or certificate holder works: one credit for each hour of training up to a maximum of one-half of the required continuing education credits. Such in-service training shall not include staff meetings, job training, training on administrative procedures or policies, quality assurance or case reviews, or case management;

[9.] ***10.*** Attendance at in-service training provided by an organization accredited by the Child Welfare League of America (CWLA), the Council on Accreditation (COA), the Council on Accreditation of Rehabilitation Facilities (CARF), the Family Service Association of America (FSAA), or the Joint Commission, in a subject matter related to the setting in which the licensee or certificate holder works: one credit for each hour of training up to one-half of the required continuing education credits. Such in-service training shall not include staff meetings, job training, training on administrative procedures or policies, quality assurance or case reviews, or case management;

[10.] ***11.*** Attendance at programs or courses approved by boards that license social work practice in other states: one credit for each hour of attendance;

[11.] ***12.*** Attendance at programs or courses related to the practice of social work that are recognized or approved by the Alcohol and Drug Counselor Committee, the State Board of Marriage and Family Therapy Examiners or the Professional Counselor Examiners Committee: one credit for each hour of attendance;

[12.] ***13.*** Publishing a refereed article in a professional journal within the preceding biennial period: nine credits per article;

[13.] ***14.*** Teaching appointments for courses offered in academic institutions accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education: 15 credits for each new course that a licensee or certificate holder teaches within a biennial cycle. For the purposes of this paragraph, "new" represents a course that the licensee or certificate holder has not taught previously in any educational setting;

[14.] ***15.*** Presentations at workshops, training sessions, and seminars: 1.5 credits for each hour of a new offering up to a maximum of nine credits. For the purposes of this paragraph, "new" represents a workshop, training session, and seminar that the licensee or certificate holder has not taught previously in any educational setting; and

[15.] ***16.*** Attendance at programs or courses approved by an entity recognized by the Board pursuant to N.J.A.C. 13:44G-6.7.

13:44G-6.5 Documentation of continuing education credit

(a) (No change.)

[page=2955] (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:

1. The title, including the specific designation of whether the course or program is clinical practice, ethics, cultural competency, or general social work, date, and location of course offering;
2. Name and license or certificate number of the attendee;
3. Number of credits awarded;
4. Name and *[original]* signature of officer or responsible party; and
5. The number of continuing education hours.

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

1.-2. (No change.)

3. For teaching appointments, copies of the syllabus, bibliography, course outline, and verification from the academic institution that the course was "new." For the purpose of this paragraph, "new" represents a course that the licensee or certificate holder has not taught previously in any educational setting.

(d)-(e) (No change.)

13:44G-6.7 Board recognition of continuing education approval entities

(a) An entity that wishes to obtain Board recognition as an entity that may approve continuing education courses shall submit the approval entity applicant fee set forth at N.J.A.C. 13:44G-14.1(a)16i and apply to the Board for such recognition in writing, indicating that it:

1. Requires an applicant for continuing education course approval to indicate whether it has applied to another entity for approval and if such application has been denied by the other entity;
2. Has a complaint process for continuing education courses that have not been approved with an option to appeal to the Board if the sponsor is displeased with the results of that process;
3. Has a complaint process through which attendees of approved continuing education courses may register complaints with the entity with an option to appeal to the Board if an attendee is displeased with the results of the process;
4. Lists all approved continuing education courses on its website;
5. Requires courses to maintain attendance records for five years;
6. Utilizes only certified social workers, licensed social workers or licensed clinical social workers in good standing to review continuing education courses;
7. Approves continuing education courses only, not continuing education sponsors;

8. Requires that approved continuing education courses comply with the requirements of N.J.A.C. 13:44G-6.3;

9. Sets forth, in documentation sent to an approved course, the number of credits contained in the course and whether these credits are in clinical practice, ethics, cultural competency, or general social work. The entity shall require that approved courses provide this information to course attendees;

10. Maintains records as to continuing education course approvals and denials; and

11. Responds to applications for continuing education course approval within 90 days of receipt of a request.

(b) Board recognition shall be valid for one year. An entity shall reapply for Board recognition by submitting the information required under (a) above.

(c) The Board may revoke recognition of an entity's ability to approve continuing education courses if the Board becomes aware that the entity is not complying with the requirements of (a) above.

(d) An entity that is recognized to approve continuing education courses shall not approve any continuing education course that it provides.

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.-iv. (No change.)

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.-iii. (No change.)

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. Any LSW who has entered into a supervisory relationship with a supervisor pursuant to (a)2 above may continue the supervisory relationship;

5. Clinical supervision shall be rendered by an LCSW who:

- i. Has been licensed as an LCSW for a minimum of three years; and
 - ii. Has completed at least 20 continuing education credits of post-graduate course-work related to clinical supervision offered by either ***the National Association of Social Workers (NASW) or*** a sponsor approved by ASWB *[or the National Association of Social Workers (NASW)]*, or an educational program approved by the Council on Social Work Education (CSWE).
- 6. The supervisor shall retain responsibility for the standards of clinical social work practice with respect to treatment being rendered to the client;
 - 7. 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;
 - 8. 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; and
 - 9. (No change in text.)
 - (b)-(f) (No change.)

SUBCHAPTER 14. FEES

13:44G-14.1 Fees

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

1.-15. (No change.)

16. Continuing education fees:

i. Continuing education sponsors approval entity. \$ 100.00