

Rule Adoptions  
Volume 35, Issue 13  
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Law and Public Safety  
Division of Consumer Affairs  
STATE BOARD OF SOCIAL WORK EXAMINERS

**N.J.A.C. 13:44G**

**Rules**

Readoption with Amendments: N.J.A.C. 13:44G

Proposed: January 21, 2003 at 35 N.J.R. 380(a).

Adopted: April 16, 2003 by the Board of Social Work Examiners, Doreen J. Bobby, MSW, LCSW, Chairperson.

Filed: June 10, 2003 as R.2003 d.265, with technical changes not requiring additional public notice and comment (See N.J.A.C. 1:30-6.3).

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

Effective Dates: June 10, 2003,  
Readoption; \_\_July 7, 2003, Amendments.  
Expiration Date: June 10, 2008.

**Summary of Agency-Initiated Change:**

Upon adoption, the Board has elected to amend N.J.A.C. 13:44G-7.2(a)1 to correct an error in the proposal and upon adoption is replacing "reinstatement" with "appropriate renewal" as the required fee that a social worker returning from inactive status must pay to return to active status. The appropriate renewal fee is the renewal fee paid on a biennial basis listed in N.J.A.C. 14:44G-14.1 for the social workers level of licensure of certification. Payment of the appropriate renewal fee instead of the reinstatement fee will result in a significant savings for CSWs and LSWs as they will now pay \$70.00 and \$120.00 in renewal fees, respectively, instead of the \$150.00 reinstatement fee. However, the LCSW will now pay a \$160.00 renewal fee instead of the \$150.00 reinstatement fee, which is not an unduly significant increase.

**Federal Standards Statement**

A Federal standards analysis is not required because the rules readopted with amendments are not subject to any Federal requirements or standards.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 13:44G.

Full text of the adopted amendments follows:

< < **NJ ADC 13:44G-1.2** > >

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 services" means social work services which may be performed only by a LCSW or a LSW under

supervision pursuant to N.J.A.C. 13:44G-8. Clinical social work services include, but are not limited to, the following:

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

2.-5. (No change.)

"CSW" means certified social worker.

"LCSW" means licensed clinical social worker.

"LSW" means licensed social worker.

...

< < **NJ ADC 13:44G-2.1** > >

13:44G-2.1 Description of the Board

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

< < **NJ ADC 13:44G-3.1** > >

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

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

1.-2. (No change.)

< < **NJ ADC 13:44G-3.2** > >

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

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

1. (No change.)

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

< < **NJ ADC 13:44G-3.3** > >

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

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

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

< < **NJ ADC 13:44G-4.1** > >

#### 13:44G-4.1 Eligibility requirements; LCSW

(a) (No change.)

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

1.-3. (No change.)

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

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

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

< < **NJ ADC 13:44G-4.2** > >

#### 13:44G-4.2 Eligibility requirements; LSW

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

1.-4. (No change.)

< < **NJ ADC 13:44G-4.3** > >

#### 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.-3. (No change.)

< < **NJ ADC 13:44G-4.5** > >

#### 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) (No change.)

< < **NJ ADC 13:44G-6.1** > >

#### 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.

< < NJ ADC 13:44G-6.2 > >

#### 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.

< < NJ ADC 13:44G-6.3 > >

#### 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.-3. (No change.)

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) (No change in text.)

< < NJ ADC 13:44G-6.4 > >

#### 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.

< < **NJ ADC 13:44G-6.7** > >

13:44G-6.7 Responsibilities of continuing education providers

(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)-(f) (No change.)

< < **NJ ADC 13:44G-7.1** > >

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.

< < NJ ADC 13:44G-7.2 > >

#### 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 < <-reinstatement fee-> > < <+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.

< < NJ ADC 13:44G-7.3 > >

#### 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.

< < NJ ADC 13:44G-8.1 > >

#### 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. (No change.)
2. Until < <-(one year from the effective date of this paragraph)-> > < <+ 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 < <-(one year from the effective date of this paragraph)-> > < <+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 < <-(four years from the effective date of the regulation)-> > < <+July 7, 2007+> >.

Recodify existing 4.-6 as 5.-7. (No change in text.)

(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)-(e) (No change.)

(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. (No change.)

**< < NJ ADC 13:44G-9.1 > >**

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

(a)-(c) (No change.)

**< < NJ ADC 13:44G-9.3 > >**

13:44G-9.3 Unlicensed practice of social work

(a) The following acts or practices shall be deemed to be the unlicensed practice of social work:

1. Offering or rendering social work services by any person other than a LCSW, a LSW or a CSW or any person who is not exempt from licensure under the Social Workers' Licensing Act, N.J.S.A. 45:15BB-5.
2. The use by any person other than a LCSW, a LSW or a CSW of any title or designation that includes the words social worker or social work or that may mislead the public, such as, but not limited to, social worker, licensed clinical social worker, licensed social worker, certified social worker, medical social worker, social work technician; and any of the abbreviations SW, LCSW, LSW, CSW, SWT or similar abbreviations. Licensed and certified social workers shall use only the title or designation corresponding to the license or certification held.
3. Engaging in the independent practice of clinical social work for a fee by any person other than a LCSW.
4. Offering or rendering clinical social work services by a LSW, unless the LSW is under supervision pursuant to N.J.A.C. 13:44G-3.2 and 8.1.
5. (No change.)

6. Offering or rendering clinical social work services by a CSW.

< < **NJ ADC 13:44G-10.1** > >

13:44G-10.1 Display of notice of licensure or certification; notification of availability of fee information

(a) All LSWs or CSWs employed in an agency setting and LCSWs conducting independent practice shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the social worker's clients:

1.-2. (No change.)

< < **NJ ADC 13:44G-10.3** > >

13:44G-10.3 LCSW; financial arrangements with clients

(a)-(b) (No change.)

< < **NJ ADC 13:44G-10.5** > >

13:44G-10.5 Professional interaction with clients

(a) A social worker shall advise the client or the client's legal guardian, in terms the client or guardian can understand, of the nature and purposes of the services to be rendered and the limits and obligations associated with such services. In circumstances where the confidential information may be requested and where disclosure of the confidential information may be legally required, the client or the client's legal guardian shall be notified in writing. These disclosures shall occur as soon as possible in the social worker-client relationship and, as needed, through the course of the relationship.

(b)-(d) (No change.)

< < **NJ ADC 13:44G-10.7** > >

13:44G-10.7 Sexual misconduct, harassment; discrimination (a)-(k) (No change.)

< < **NJ ADC 13:44G-12.1** > >

13:44G-12.1 Preparation and maintenance of client records (a)-(e) (No change.)

< < **NJ ADC 13:44G-12.3** > >

13:44G-12.3 Confidentiality

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

1. Disclosure is required by Federal or state law or regulation.

2.-3. (No change.)

4. The client would present a clear and present danger to the health or safety of an individual if the social worker fails to disclose the information.

5.-7. (No change.)

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

< < **NJ ADC 13:44G-12.4** > >

13:44G-12.4 Release of client record

(a) At the written request of the client or authorized representative, a social worker shall provide the client record or a

summary thereof, within 30 days of the request directly to:

1.-3. (No change.)

Recodify existing (c)-(h) as (b)-(g) (No change in text.)

< < **NJ ADC 13:44G-14.1** > >

13:44G-14.1 Fees

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

1.-8. (No change.)

9. Inactive fee ..... (To be set by the Director by regulation)

Recodify existing 9.-13 as 10.-14. (No change in text.)

15. Duplicate license ..... \$ 25.00

16. (No change in text.)

17. Continuing education fees:

i. Continuing education sponsors (biennial) ..... \$100.00