
NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 44G
STATE BOARD OF SOCIAL WORK
EXAMINERS

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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) 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.

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.

"Board" means the State Board for Social Work Examiners.

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

"Clinical social work services" means social work services which may be performed only by an LCSW or an 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 an LCSW or an LSW conducts a differential, individualized, and accurate identification of the psycho-social/behavioral problems existing in the life of the individual client, the family, or psychotherapy group for the purpose of establishing a plan to implement a course of psychotherapeutic counseling. A clinical social work assessment includes, but is not limited to, a mental status examination and a psychosocial history. The clinical social worker may utilize currently accepted diagnostic classifications including, but not limited

to, the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, as amended and supplemented.

2. Clinical consultation, defined as ongoing case discussion and evaluation focusing on, but not limited to, client centered advocacy provided as part of the psychotherapeutic process, clinical social work data, clinical goals, and treatment plans for the implementation of psychotherapeutic counseling with individuals, psychotherapy 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 psychotherapy group for the purpose of helping to resolve symptoms of mental disorder, psychosocial stress, relationship problems, or difficulties in coping with the social environment; and
4. Clinical supervision of individuals pursuant to the standards set forth in N.J.A.C. 13:44G-8.1.

"CSW" means a New Jersey certified social worker.

"LCSW" means a New Jersey licensed clinical social worker.

"LSW" means a New Jersey 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 support/psycho-educational groups for the purpose of enhancing, protecting, or restoring the capacity for coping with the social environment, exclusive of the practice of psychotherapy and includes giving advice, delineating alternatives, providing supportive counseling, helping to articulate goals and providing needed information.

3. "Social work consultation," defined as discussion and evaluation focusing on data, goals and objectives, including intervention with individuals, agencies, businesses, organizations, groups and communities for purposes of problem solving;
4. "Social work planning," defined as specifying future objectives, evaluating the means for achieving them, including identifying appropriate resources, and making deliberate choices about appropriate courses of action in order to enhance social well-being;
5. "Social work community organization," defined as the process of social interaction and the method of social work concerned with meeting broad needs and bringing about and maintaining adjustment between needs and resources in a community or other areas; helping people to deal more effectively with their problems and objectives by helping them develop, strengthen and maintain qualities of participation, self-direction and cooperation; and bringing about changes in community and group relationships and in the distribution of decision-making power. The community which is the primary client may be an organization, neighborhood, city, county, state or national entity;
6. "Social work policy," defined as the practice concerned primarily with translating laws, technical knowledge and administrative rulings into organizational goals and operational policies to guide organizational behavior; designing organizational structure and procedures or processes through which social work goals can be achieved; securing resources in the form of material, staff and clients; and obtaining the public support necessary for attaining social work goals;
7. "Social work administration," defined as applying specialized social work knowledge, skills and techniques to the coordinated totality of activities in a social welfare organization in order to transform policies into services; also, a method of practice by which the social worker plans, assigns, coordinates, evaluates and mediates the interdependent tasks, functions, personnel, and activities that are called upon to achieve the mission of the organization;
8. "Social work research," defined as the formal organization and the methodology of data collection and the analysis and evaluation of data; and
9. "Social work client-centered advocacy," defined as the service in which the social worker functions on behalf of individual clients, support/psycho-educational groups, or other entities including, but not limited to, social work and governmental agencies, and specific issues related to those organizations. The purpose of client-centered advocacy is to bring about or influence change to improve the quality of life, enhance empowerment, and assure the basic rights of the entity or individual being served by the social worker.

13:44G-1.3 PERSONS REQUIRING LICENSURE; PERSONS REQUIRING CERTIFICATION

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

are within the scope of practice of N.J.A.C. 13:44G-3.3 is required to be certified as a social worker.

SUBCHAPTER 2. AGENCY ORGANIZATION AND ADMINISTRATION

13:44G-2.1 DESCRIPTION OF THE BOARD

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

13:44G-2.2 OFFICE LOCATION AND MAILING ADDRESS

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

SUBCHAPTER 3. AUTHORIZED PRACTICE

13:44G-3.1 PRACTICE AS AN LCSW; SCOPE

- a) The scope of practice of an LCSW includes, but is not limited to:
- 1) Clinical social work services. Clinical social work services include, but are not limited to, clinical assessment, clinical consultation, psychotherapeutic counseling, client-centered advocacy, and clinical supervision of individuals pursuant to the standards set forth in N.J.A.C. 13:44G-8.1;
 - 2) Social work services. Social work services include, but are not limited to, social work assessment, social work consultation, social work counseling, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy;
 - 3) Custody/parenting time evaluations as set forth in Subchapter 13;
 - 4) Supervising, pursuant to Council on Social Work Education standards, students who are completing undergraduate or graduate social work coursework; and

- 5) Pursuant to N.J.S.A. 26:16-8, determining whether a terminally ill patient is capable, as the term is defined at N.J.S.A. 26:16-3, and notifying a physician of this determination, in writing.

13:44G-3.2 PRACTICE AS AN LSW; SCOPE

- a) The scope of practice of an LSW includes, but is not limited to:
 - 1) Social work services. Social work services include, but are not limited to, social work assessment, social work counseling, social work consultation, social work planning, social work community organization, social work policy, social work administration, social work research, and social work client-centered advocacy;
 - 2) Clinical social work services, under the supervision of a LCSW. 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; and
 - 3) Supervising, pursuant to Council on Social Work Education standards, students who are completing undergraduate or graduate social work coursework.
- b) No LSW is permitted to perform custody/parenting time evaluations as set forth in Subchapter 13.

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.
- b) The scope of practice of a CSW also includes supervising, pursuant to Council on Social Work Education standards, students who are completing undergraduate social work coursework.
- c) A CSW shall not engage in clinical social work services.

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

13:44G-4.1 ELIGIBILITY REQUIREMENTS; LCSW

- a) For purposes of this section, "two years of full-time clinical social work" means 3,000 hours under direct supervision pursuant to the standards set forth in N.J.A.C. 13:44G-8.1, subsequent to earning a master's degree in social work. The 3,000 hours shall be completed in no less than two years and no more than four years. At least 1,920 hours of the 3,000 hours shall be in face-to-face client contact, and half of these 1,920 hours shall be in psychotherapeutic counseling. The other 1,080 hours can include time spent in supervision or other social work services.
- b) An applicant for licensure as an LCSW shall submit the following, on forms provided by the Board:
- 1) A completed application form, which requests information concerning the applicant's educational and experiential background;
 - 2) The application fee set forth in N.J.A.C. 13:44G-14.1;
 - 3) An official transcript indicating that the applicant:
 - i) Received a master's degree in social work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education; or a doctorate degree in social work from an accredited institution of higher education;
 - ii) Completed 12 semester hours of graduate level course work in methods of clinical social work practice, exclusive of field placement, from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education. The applicant shall obtain 12 credits in any of the following areas of study:
 - (1) Diagnosis and assessment in clinical social work practice;
 - (2) Models of psychotherapy or clinical practice (for example, psychodynamic, behavioral, cognitive therapies, task-centered, psychosocial, crisis intervention approaches, etc.);
 - (3) Clinical supervision and consultation; and/or

- (4) Intervention with special populations;
- 4) A supervisor's certification indicating that the applicant has acquired two years of satisfactory full-time clinical social work experience after the completion of the master's degree required by (b)3 above. Such work experience shall have been completed no more than five years prior to the submission of the application. 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;
 - 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.
- c) Notwithstanding (a) above, an applicant who began clinical social work experience under supervision prior to September 17, 2018, will be deemed to have completed two years of full-time clinical social work if he or she has completed 1,920 hours of face-to-face client contact.

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 or letter from the dean or registrar of the school 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.

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.

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.

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.

13:44G-4.6 CREDIT TOWARDS LICENSURE OR CERTIFICATION FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure or certification under N.J.A.C. 13:44G-4.1, 4.2, and 4.3 may apply to the Board for

recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Board shall consider, together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure or certification.

- b) The Board shall issue a license or certificate to the applicant if the applicant presents evidence to the Board that:
- 1) The applicant has been honorably discharged from active military service;
 - 2) The relevant training, education, and experience the applicant received in the Armed Forces, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, education, and experience required for licensure or certification under N.J.A.C. 13:44G-4.1, 4.2, or 4.3.
 - i) An applicant seeking credit for military training and experience shall submit to the Board the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.
 - ii) An applicant seeking credit for education courses and/or training completed while in the military shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to the program required for licensure or certification under N.J.A.C. 13:44G-4.1, 4.2, or 4.3. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those education courses and/or training relevant to the practice of social work that have been evaluated by the American Council on Education for substantial equivalence to civilian social work education; and
 - 3) The applicant complies with all other requirements for licensure or certification, including successful completion of the applicable licensing examination.
- c) It is the applicant's responsibility to provide timely and complete evidence of the training, education, and experience gained in the military for review and consideration.
- d) If the applicant's military training, education, and experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure or certification, the Board shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:44G-4.1, 4.2, or 4.3 for the issuance of the license or certification.

- e) Satisfactory evidence of such training, education, and experience shall be assessed on a case-by-case basis.

13:44G-4.7 ABANDONMENT OF APPLICATION FOR LICENSURE OR CERTIFICATION

- a) An application for a license or certification submitted to the Board will be deemed abandoned if:
- 1) The individual applying for the license or certificate has not submitted, to the Board, all of the information and documentation required to obtain the license or certificate and;
 - i) One year has elapsed since the last notice to the applicant was sent by the Board informing the applicant that the Board has not received all of the information and documentation required for licensure or certification; and
 - ii) The last notice to the applicant states that the application will be deemed abandoned if the required information and documentation is not received by the Board within one year; or
 - 2) The individual applying for licensure or certification has not submitted to the Board any documentation in furtherance of the application after January 1, 2018.
- b) If an application for licensure or certification is deemed abandoned pursuant to (a) above, the Board shall administratively close the application without further notice to the applicant and shall dispose of any information or documentation submitted by the applicant pursuant to the Division of Consumer Affairs' record retention plan.
- c) An individual whose application for licensure or certification has been administratively closed by the Board pursuant to (a) above may reapply for licensure or certification pursuant to N.J.A.C. 13:44G-4.1, 4.2, or 4.3, and include payment of the appropriate application fee.

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. CONTINUING EDUCATION

13:44G-6.1 LICENSE AND CERTIFICATION RENEWAL AND CONTINUING EDUCATION REQUIREMENT

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

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; of the remaining 20 credits, five credits shall be related to ethics, and three credits shall be in the subject area of social and cultural competence. 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 and three of which shall be in the subject area of social and cultural competence. 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 and three of which shall be in the subject area of social and cultural competence. 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. A CSW or LSW shall complete three credits in ethics related courses and two credits in the subject area of social and cultural competence. An LCSW shall complete a least 10 of the 20 credits in programs which directly relate to clinical

practice and, of the remaining 10 credits, three shall be in ethics related courses and two shall be in the subject area of social and cultural competence.

- 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) Continuing education credits that could be allocated to general social work, clinical practice, ethics, or social and cultural competence shall only be counted once and shall not be allocated for more than one category. For instance, a course which could be allocated towards clinical practice or ethics shall count towards either clinical practice or ethics, but not both.
- e) Commencing with the biennial renewal period beginning on September 1, 2018, a licensee shall complete at least one of the prescribed contact hours of continuing education as required by (a) above in topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion.

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.

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.

- c) As of 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 providers approved by the Association of Social Work Boards (ASWB): one credit for each hour of attendance;
- 3) Attendance at programs or courses offered by the National Association of Social Workers (NASW) or state chapters of the NASW: one credit for each hour of attendance;
- 4) Attendance at programs or courses offered by providers approved by the National Association of Social Workers (NASW) or state chapters of the NASW: one credit for each hour of attendance;
- 5) 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;
- 6) 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;
- 7) Attendance at continuing education programs offered by an academic institution accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education: one credit for each hour of attendance;
- 8) 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;
- 9) 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;
- 10) 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;
- 11) 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, 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;

- 12) 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;
- 13) Attendance at programs or courses approved by boards that license social work practice in other states: one credit for each hour of attendance;
- 14) 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;
- 15) Publishing a refereed article in a professional journal within the preceding biennial period: nine credits per article;
- 16) 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 which 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;
- 17) 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
- 18) Attendance at programs or courses approved by an entity recognized by the Board pursuant to N.J.A.C. 13:44G-6.7.

- d) Continuing education programs, courses, coursework, or training recognized by (c) above shall meet the requirements of N.J.A.C. 13:44G-6.2 and 6.3.

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:
- 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 of the attendee;
 - 3) Number of credits awarded;
 - 4) Name and signature of officers 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) 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 “new.” For the purpose of this paragraph, “new” represents a course that the licensee or certificate holder has not taught previously in any education setting.
- 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 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) Require 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;
 - 11) Responds to applications for continuing education course approval within 90 days of receipt of a request; and
 - 12) Issues approvals for continuing education courses that are effective only for the biennial licensure renewal period during which the approvals are issued.
- b) Board recognition shall be valid for two years, except for the first Board recognition issued to an entity which shall be valid until the end of the biennial licensure renewal period during which it is issued. An entity shall reapply for Board recognition by submitting the information required pursuant to (a) above by February 1 of every even numbered year.
 - 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 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.

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.

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.

SUBCHAPTER 8. CLINICAL SUPERVISION

13:44G-8.1 CLINICAL SUPERVISION

- a) An LSW providing clinical services pursuant to supervision as set forth in (b) below shall not provide clinical services through a private practice which the LSW owns either wholly or in part. An LSW may be employed by, or volunteer at, a private practice owned by a healthcare professional licensed to provide clinical mental health services.
- b) LSWs engaged in clinical social work practice shall have clinical supervision in accordance with the following standards:
- 1) Clinical supervision shall consist of contact between a social worker and a supervisor during which at least the following occurs:
 - i) The social worker apprises the supervisor of the diagnosis and treatment of each client;
 - ii) The social worker's cases are discussed;
 - iii) The supervisor provides the social worker with oversight and guidance in diagnosing and treating clients;
 - iv) The supervisor regularly reviews and evaluates the professional work of the social worker; and

- v) The supervisor provides at least one hour of face-to-face individual or group clinical supervision per week or one hour of individual clinical supervision through synchronous video conferencing, which complies with the confidentiality requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), for no more than half of the total supervision hours;
 - 2) Clinical supervision shall be rendered by a clinical social worker licensed by this State.
 - 3) 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 approved by the Board pursuant to (c) below. A Seminar in Field Instruction (SIFI) course shall not satisfy this requirement either in whole or in part.
 - 4) The supervisor shall retain responsibility for the standards of clinical social work practice with respect to treatment being rendered to the client;
 - 5) The supervisor shall refer the clients to the social worker unless the social worker is employed by an agency and obtains supervision pursuant to (i) below;
 - 6) 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
 - 7) 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).
- c) An entity that wishes to obtain Board approval of a continuing education course of post-graduate course work related to clinical supervision shall apply to the Board for such approval in writing, indicating that the course:
- 1) Is taught by an LCSW who is qualified to supervise LSWs pursuant to (b) above;
 - 2) Is taught in person by the LCSW;
 - 3) Meets the requirements of N.J.A.C. 13:44G-6.4; and
 - 4) Contains the following topics:

- i) Development models of supervision;
 - ii) The role of supervision in the practice environment;
 - iii) Legal and ethical issues in supervision;
 - iv) Cultural competency and supervision; and
 - v) Transference and countertransference in clinical practice and supervision.
- d) Board approval granted pursuant to (c) above shall be valid until a continuing education course changes instructor, course sponsor, or content. A course that changes instructor, course sponsor, or content shall reapply to the Board for approval pursuant to (c) above.
- e) 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.
- f) 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.
- g) The social worker shall disclose that he or she is practicing under supervision, and shall identify the supervisor for the client.
- h) 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.
- i) 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 such supervision, the social worker shall obtain the client's written consent to share records or other documents with the supervisor.

**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.

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) Upon receipt of the items set forth in (a) above, the Board shall issue to the individual a new license or certificate.
- c) Upon receipt of the new license or certificate as set forth in (b) above, the licensee or certificate holder shall immediately remit the original license or certificate to the Board.

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) Offering or rendering clinical social work services as an employee of a nonprofit organization if the employee holds a master's degree in social work but does not possess a license issued by the Board.

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

SUBCHAPTER 10. BUSINESS PRACTICES; PROFESSIONAL CONDUCT

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) "Social workers are licensed or certified by the Board of Social Work Examiners, an agency of the Division of Consumer Affairs. You may notify the Board of any complaint relative to the practice conducted by a social worker. The Board's address is Division of Consumer Affairs, Board of Social Work Examiners, Post Office Box 45033, 124 Halsey Street, Newark, New Jersey 07101."
 - 2) "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

13:44G-10.2 FINANCIAL ARRANGEMENTS WITH CLIENTS

- a) Fees for social work services and clinical social work services shall be reasonable and commensurate with the status and experience of the social worker when compared with fees of social workers offering like services or treatment in the geographic area and shall be consistent with the provisions of N.J.A.C. 13:44G-10.10 prohibiting excess fees.
- b) Where payment of the usual fee would be a hardship, a social worker shall refer the client to other sources for provision of needed services.
- c) A licensee or certificate holder shall not accept goods or services from clients as payment for professional services.
- d) Before providing social work services or clinical social work services, a licensee or certificate holder shall assist the client to understand financial arrangements. Financial arrangements shall use clear and understandable language and be in writing, dated, and signed by the licensee or certificate holder, maintained as part of the licensee's or certificate holder's records, and provided to the client. Financial arrangements shall inform clients of
 - 1) The purpose of services;

- 2) Risks related to services;
 - 3) Limitations of services imposed by third party payers;
 - 4) The fee for services or the basis for determining the fee to be charged;
 - 5) The identity of the person or entity responsible for payment of the fee for services;
 - 6) Whether the licensee or certificate holder will accept installment payments;
 - 7) The financial consequences, if any, of missed appointments; and
 - 8) The client's right to terminate the financial arrangement.
- e) A licensee or certificate holder shall review the financial arrangements with a client at least once year.
- f) A licensee or certificate holder may terminate services with a client who has not paid an overdue balance as long as:
- 1) The contract for services made clear to the client that services could be so terminated;
 - 2) The consequences for nonpayment were discussed with the client; and
 - 3) The termination of services will not pose an imminent danger to the client or to others.
- g) An LCSW providing clinical social work services shall prepare and maintain a written list of current fees for standard services and shall provide the list to clients. The list shall include:
- 1) Whether Medicaid, Medicare, or other third party payor plans are accepted;
 - 2) Whether insurance payments (excluding deductible and copay) are accepted as payment in full; and
 - 3) Whether special fee categories are available, such as senior citizens or members of designated groups (for example, preferred provider plan members).
- h) The provisions of this section shall not apply to a social worker in an agency setting.

13:44G-10.3 (RESERVED)**13:44G-10.4 CONFLICTS OF INTEREST**

- a) Licensees and certificate holders shall avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Licensees or certificate holders shall inform clients when a real or potential conflict of interest arises and take steps to resolve the issue, which could be the termination of the professional relationship with the client.
- b) Licensees and certificate holders shall not take advantage of any professional relationship or exploit clients to further their personal, religious, political, or business interests or unduly influence clients based on their personal, religious, political, or business interests.
- c) Licensees and certificate holders shall not engage in dual or multiple relationships with clients or former clients in which there are risks of potential harm to the client or the perception of conflicts of interest and partiality. Licensees and certificate holders shall take steps to protect clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries. Dual or multiple relationships occur when licensees or certificate holders have more than one existing or past relationship with clients, whether professional, social, or business.
- d) When a licensee or certificate holder provides services to two or more people who have a relationship with each other (for example, couples, family members, or separated or divorced parents), the licensee or certificate holder shall identify to all parties the individual who is the client and the nature of licensee's or certificate holder's professional obligations to the individuals receiving services. A licensee or certificate holder who anticipates a conflict of interest among the individuals receiving services or who anticipates having to perform in potentially conflicting roles shall notify the parties as to the licensee's or certificate holder's role and take action to minimize any conflict of interest.

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) A social worker shall not provide social work services while under the influence of alcohol or any mind altering drug that impairs delivery of services.

- c) A social worker shall obtain competent professional assistance in order to determine whether to voluntarily suspend, terminate or limit the scope of the social worker's professional and/or scientific activities which are foreseeably likely to lead to inadequate performance or harm to a client, colleague, student or research participant.
- d) When interacting with a research subject, a social worker shall observe research requirements consistent with accepted standards of practice.

13:44G-10.6 TERMINATION OR INTERRUPTION OF SERVICES

- a) A social worker shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.
- b) A social worker shall not abandon or neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.
- c) A social worker who anticipates the termination or interruption of services to a client shall notify the client promptly and seek the transfer, referral or continuation of service in relation to the client's needs and preferences.
- d) Whenever a social work practice is to be closed due to the retirement or death of a licensee or certificate holder, or the practice will be closed for more than 90 days, the licensee, certificate holder, or the executor or administrator of the licensee's or certificate holder's estate shall:
 - 1) Establish a procedure by which clients may obtain records or agree to the transfer of those records to another licensee or certificate holder who is assuming the responsibilities of that practice;
 - 2) If the practice will not be attended by another licensee or certificate holder, publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's or certificate holder's practice or on the licensee's or certificate holders' website, at least once each month for the first three months after the cessation;
 - 3) Notify the Board, in writing, of the impending closure and the established procedure for the retrieval of records;
 - 4) Make reasonable efforts to directly notify clients treated during the six months preceding the cessation of the practice to provide information concerning the established procedure for retrieval of records;

- 5) Conspicuously post a notice on the premises of the procedure for the retrieval of records for at least one month prior to the cessation of the practice; and
- 6) Arrange for the storage of any records that have not been retrieved by clients for one year from the date the practice closes.

13:44G-10.7 SEXUAL MISCONDUCT, HARASSMENT; DISCRIMINATION

- a) As used in this section, the following terms shall have the following meanings unless the context indicates otherwise:
 - 1) "Client" means any person who is the recipient of a professional social work service rendered by a social worker. "Client," for purposes of this section, also means a person who is the recipient of professional social work services even if those services are unrelated to ongoing social work services.
 - 2) "Client-social worker relationship" means an association between a social worker and a client wherein the social worker owes a continuing duty to the client to be available to render professional social work services consistent with his or her training and experience.
 - 3) "Harassment" means deliberate or repeated comments, contacts, or gestures which intimidate or offend an individual on the basis of that individual's race, religion, color, national origin, marital status, sexual orientation, physical or mental disability or any other preference or personal characteristic, condition or status.
 - 4) "Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the social worker's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal or other opening of the other person's body.
 - 5) "Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a social worker's activities or role as a provider of social work services, and that is unwelcome, offensive to a reasonable person, or creates a hostile workplace environment, and the licensee knows, should know, or is told this or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may include conduct of a non-sexual nature if it is based upon the gender of an individual. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to conduct of a licensee with a client, co-

worker, employee, student or supervisee whether or not such individual is in a subordinate position to the licensee.

- b) A social worker shall not accept as a client an individual who was the social worker's sexual partner.
- c) A social worker shall not engage in sexual contact with a client with whom the social worker has a client-social worker relationship, a former client to whom any social work services were rendered within the immediately preceding 24 months, a current student, a supervisee or supervisor or a research participant.
 - 1) The 24 month limitation shall not apply, and the prohibition shall extend indefinitely, in circumstances where the former client is or should be recognized by the social worker as clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the social worker.
- d) A social worker shall not condone or engage in sexual harassment or harassment.
- e) A social worker shall not condone or engage in any form of discrimination on the basis of an individual's race, age, religion, color, national origin, marital status, gender, sexual orientation, gender identity, physical or mental disability, or any other preference or personal characteristic, condition or status.
- f) A social worker shall not seek or solicit sexual contact with a client, and shall not seek or solicit sexual contact with any person in exchange for professional services.
- g) A social worker shall not engage in any discussion of an intimate sexual nature with a client, unless that discussion is related to legitimate client needs. Such discussion shall not include disclosure by the social worker of his or her own intimate sexual relationships.
- h) A social worker shall not promote, permit or condone sexual contact between group members in therapy groups.
- i) A social worker shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the social worker's personal prurient interests, is for the sexual arousal or the sexual gratification of the social worker or the client, or constitutes the sexual abuse of the social worker or the client.
- j) It shall not be a defense to any action under this section that:

- 1) The client solicited or consented to sexual contact with the social worker; or
 - 2) The social worker was in love with or had affection for the client.
- k) Violation of any of the prohibitions or directives set forth herein shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21 (c) or (d) or professional misconduct pursuant to N.J.S.A. 45:1-21(e).

13:44G-10.7A INAPPROPRIATE BEHAVIOR

- a) Licensees and certificate holders shall not engage in actions that do not support the therapeutic or professional relationship. Such actions include, but are not limited to:
- 1) Initiating, encouraging, or participating in communication with the client or the client's support system that is not professional in nature;
 - 2) Demonstrating preferential treatment or the perception of preferential treatment toward a client;
 - 3) Failing to maintain impartiality such as demonstrating aggressiveness or being overly protective of a client without a clinical reason;
 - 4) Granting favors or rewards to clients to endear clients, gain or promote feelings of acceptance, or receive gifts; and
 - 5) Sharing private information that does not have a therapeutic benefit.

13:44G-10.8 REPORTING OF VIOLATIONS BY OTHER LICENSEES

- a) A social worker shall promptly notify the Board when in possession of information that reasonably indicates that another licensee or certificate holder has demonstrated an impairment, gross incompetence, or unprofessional conduct that would present an imminent danger to a client or to the public health, safety, or welfare.
- 1) When the information is obtained in the course of a professional or consulting relationship with a client, and the client is unwilling or unable to make the report, the social worker shall report the information and advise the client of the report.

- 2) When the information is obtained in the course of treating a client-social worker, the treating social worker shall not be obligated to notify the Board if:
 - i) The treating social worker reasonably believes that the improper conduct has ceased and that the treatment is preventing a recurrence of the impairment, incompetence or professional misconduct; or
 - ii) The treating social worker has reasonable cause to believe that the client-social worker is currently receiving professional supervision and pursuing education to correct the deficiency.

13:44G-10.9 PROHIBITION ON SOLICITATION; UNETHICAL REFERRALS AND KICKBACKS

- a) A social worker who provides services to an agency shall not solicit, for his or her private practice, the agency's clients for the same services the agency provides. Nothing in this section prohibits a social worker from offering to the client all appropriate options upon termination of services at the agency, including the continuation of services in private practice.
- b) A social worker shall not refer a client to a service in which the social worker or his or her immediate family has a financial interest, as defined in the Health Care Cost Reduction Act, N.J.S.A. 45:9-22.4 et seq., including an equity or ownership interest in a practice or in a commercial entity holding itself out as offering a health care service.
- c) A social worker shall not prescribe goods or devices which the social worker sells or leases to the client unless the social worker advises the client of the ownership or other interest in the goods or devices.
- d) A social worker shall not pay, offer to pay or receive any fee or other form of compensation for referral of a client for professional services or for the purchase of goods.
- e) A social worker shall not permit the division of fees for professional services unless the social worker is engaged in a bona fide partnership or professional service corporation or employment relationship.

13:44G-10.10 PROHIBITION ON EXCESSIVE FEES

- a) A social worker shall not charge an excessive fee for services. Factors which the Board may consider in determining whether a fee is excessive include, but are not limited to, the following:

- 1) The time or effort required to perform the service or treatment;
- 2) The skill required to properly perform the service or treatment;
- 3) The nature and length of the professional relationship with the client;
- 4) The experience, reputation and ability of the social worker performing the services;
- 5) The nature and circumstances under which services are provided; and
- 6) Whether the fee was set by an institution or agency.

13:44G-10.11 TREATMENT OF MINORS

Unless otherwise ordered by a court, at least one parent or guardian shall consent to the treatment of a minor. If one parent consents, a licensee may treat a minor even over the objection of the other parent.

SUBCHAPTER 11. ADVERTISING

13:44G-11.1 DEFINITIONS

For purposes of this subchapter, the following terms shall have the indicated meanings unless the context clearly indicates otherwise:

"Advertisement" means an attempt, directly or indirectly by publication, dissemination or circulation in print, electronic or other media, to induce any person or entity to purchase or enter into an agreement to purchase social work services, treatment or goods related thereto.

"Certified" or "certifications" means that a social worker shall have fulfilled all requirements of the agency granting certification and shall have earned a certificate upon satisfactory completion of a program directly related to social work.

"Diplomate" means that a social worker shall have satisfactorily completed a program approved by the American Board of Examiners in Clinical Social Work or shall have had diplomate status conferred by the National Association of Social Workers.

"Electronic media" include, but are not limited to, radio, television, telephone and other electronic means of communication.

"Print media" include, but are not limited to, business cards, newspapers, magazines, periodicals, professional journals, telephone directories, circular, handbills, flyers, billboards, signs, direct mail, matchcovers and other items disseminated by means of the printed word.

"Range of fees" means a statement of fees containing an upper and lower limit on the fees charged for services or goods offered by a social worker.

13:44G-11.2 ADVERTISING; GENERAL REQUIREMENTS

- a) A social worker shall be able to substantiate the truthfulness of any material, objective assertion or representation set forth in an advertisement.
- b) A social worker who is a principal, partner or officer of a firm or entity identified in an advertisement as offering social work services or goods shall be responsible for the form and content of any advertisement disseminated by or on behalf of a social worker affiliated with the firm.
- c) A social worker shall assure that an advertisement does not misrepresent, suppress, omit or conceal a material fact. Omission, suppression or concealment of a material fact includes directly or indirectly obscuring a material fact under circumstances where the social worker knows or should know that the omission is improper or prohibits a prospective client from making a full and informed judgment on the basis of the information set forth in the advertisement.
- d) An LSW who advertises must include the name of his or her employer in any promotional material.
- e) Advertisements using social work license or certification credentials shall only be used when promoting social work services.

13:44G-11.3 MINIMUM CONTENT

- a) A social worker shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards and professional stationery:
 - 1) Name, identification of licensure or certification status; and

- 2) Street address and telephone number of the practice location.
- b) A social worker may petition the Board for waiver of the requirement to list street address for good cause. A social worker shall submit a request for a waiver in writing which shall detail the reason(s) for the request which may include, but is not limited to, the maintenance of personal or client safety.

13:44G-11.4 USE OF PROFESSIONAL CREDENTIALS AND CERTIFICATIONS

- a) A social worker shall accurately and objectively represent his or her competence, education, training, experience and diplomate status, as held at the time of the representation.
- b) An advertisement that includes information on professional credentials shall contain the highest academic degrees attained related to the practice of social work and shall refer only to degrees obtained from accredited academic institutions.
- c) An advertisement that includes information on social work certification or diplomate status shall include the full name of the agency conferring the certification or diplomate or the recognized name or abbreviation of the certification or diplomate.
- d) In addition to the information required to appear pursuant to N.J.A.C. 13:44G-11.3, letters or abbreviations that may appear immediately adjacent to the social worker's name shall be limited to those representing the following:
 - 1) The highest academic degrees earned related to the practice of social work;
 - 2) Current social work certifications or diplomate status as defined in N.J.A.C. 13:44G-11.1;
 - 3) Other licenses or certifications issued by another state or Federal agency; and
 - 4) Any academic degree earned in a field other than social work, as long as the field in which the degree has been earned is clearly identified.
- e) Letters or abbreviations appearing immediately adjacent to the social worker's name shall appear in the following order only: highest academic degrees earned related to the practice of social work; licensure or certification; social work certifications or diplomate status. For example, MSW, LCSW, BCD.
- f) Nothing in this section shall preclude any truthful and non-deceptive statement in regard to education or experience.

13:44G-11.5 ADVERTISEMENTS REGARDING FEES; REQUIRED DISCLOSURES

- a) Advertisements regarding fees shall be limited to those which contain a fixed or a stated range of fees for specifically described social work services.
- b) A social worker who advertises a fee or range of fees shall include the following disclosures in any such advertisement:
 - 1) All relevant and material variables and considerations which are ordinarily included in the advertised services so that the fee will be clearly understood by prospective clients. In the absence of such disclosures, the stated fees shall be presumed to include everything ordinarily required for the advertised services;
 - 2) The additional services contemplated and the fee to be charged therefor. In the absence of such disclosures, the social worker shall be prohibited from charging an additional fee for the advertised service; and
 - 3) The period during which the advertised fee will remain in effect. In the absence of such disclosure, the advertisement shall be deemed to be effective for 30 days from the date of its initial publication.
- c) The advertisement of any specific fee shall not preclude the social worker from decreasing the fee or waiving the fee in individual circumstances.

13:44G-11.6 PROHIBITED TYPES OR METHOD OR METHODS OF ADVERTISING

- a) A social worker shall not guarantee that satisfaction or a cure will result from the performance of professional services.
- b) A social worker shall not communicate information that may identify a client without the client's written consent.
- c) A social worker shall not offer a professional service which the social work knows or should know is beyond his or her ability to perform, and shall adhere to the specifications set forth in N.J.A.C. 13:44G-10.5.
- d) A social worker shall not advertise any technique or communication which appears to intimidate, exert undue pressure or unduly influence a prospective client.

13:44G-11.7 USE OF TESTIMONIALS

- a) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver's personal knowledge or experience obtained from a provider relationship with the social worker or upon the testimonial giver's direct personal knowledge of the subject matter of the testimonial.
- b) Prior to using the testimonial, the social worker shall obtain a signed, notarized statement and release indicating the testimonial giver's willingness to have his or her testimonial used in the advertisement.
- c) A layperson's testimonial shall not attest to any technical matter beyond the layperson's competence to comment upon.
- d) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.
- e) A social worker shall be able to substantiate any statement of fact appearing in a testimonial.
- f) Where a social worker directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent:

COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL

13:44G-11.8 RETENTION OF ADVERTISEMENTS

- a) The social worker shall retain for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The social worker shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.
- b) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of the last use. Documentation shall include, but not be limited to:
 - 1) The name, address and telephone number of the testimonial giver;
 - 2) The type and amount or value of compensation; and
 - 3) The notarized statement and release required pursuant to N.J.A.C. 13:44G-11.7(b).

SUBCHAPTER 12. CLIENT RECORDS; CONFIDENTIALITY

13:44G-12.1 PREPARATION AND MAINTENANCE OF CLIENT RECORDS

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

- c) A social worker providing clinical services shall include in the client record the following information, in addition to the information required pursuant to (a) above:
 - 1) Significant medical and psychosocial history;
 - 2) A diagnostic assessment; and
 - 3) Prognosis.
- d) The social worker shall periodically review and update the treatment or service plan.
- e) The social worker shall retain the permanent client record for at least seven years from the date of the last entry, unless otherwise provided by law, or in the case of a minor, until age 25.
 - 1) This requirement shall not apply to a social worker in an agency setting where it is not the policy of the agency to allow the social worker to maintain control over the retention of client records.

13:44G-12.2 USE OF COMPUTER TO PREPARE CLIENT RECORDS

- a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:
 - 1) Contains an internal permanently activated date and time recordation for all entries;
 - 2) Automatically prepares a back-up copy of the file; and
 - 3) Is designed in such manner that, after the social worker "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.
- b) The social worker shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.
- c) The social worker shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the social worker responsible for the practice shall assure that each such person obtains a CPC and uses the program in the same manner.

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

13:44G-12.3 CONFIDENTIALITY

- a) A social worker shall preserve the confidentiality of information obtained from a client in the course of performing social work services for the client, including after the death of a client, except in the following circumstances.
- 1) Disclosure is required by Federal or state law or regulation.
 - 2) Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation.
 - 3) Disclosure is required by a court of competent jurisdiction pursuant to a judge's order.
 - 4) The client would present a clear and present danger to the health or safety of an individual if the social worker fails to disclose the information.
 - 5) The social worker is a party defendant to a civil, criminal or disciplinary action arising from the social work services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action.
 - 6) The patient or client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses on that person's behalf.
 - 7) The client agrees in writing to waive the privilege accorded by this section. The client shall sign and date the written waiver and the social worker shall maintain the waiver in the client's record. In circumstances when more than one person in a family is receiving social work services, each family member who is at least 14 years of age or older must agree to the waiver. Absent a waiver of each family member, a social worker shall not disclose any information received from any family member.
- b) A social worker shall establish and maintain a procedure to protect the client record from access by unauthorized persons.
- c) The social worker shall establish procedures for maintaining the confidentiality of client records in the event of the social worker's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in accordance with the

time frame set forth in N.J.A.C. 13:44G-12.1(e) in the event of the social worker's separation from a group practice.

13:44G-12.4 RELEASE OF CLIENT RECORD

- a) For purposes of this section, "authorized representative" means, but is not limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third-party payor with whom the client has a contract, which provides that the third-party payor be given access to records to assess a claim for monetary damages or reimbursement.
 - 1) Unless otherwise ordered by a court, if the client is a minor, a parent or legal guardian will be deemed to be an authorized representative.
 - 2) Unless otherwise ordered by a court, when the client is 14 years of age or older, but has not yet reached the age of majority, an authorization shall be signed by the client and by the client's parent or legal guardian.

- b) At the written request of the client or authorized representative, a social worker shall provide the client record or a summary thereof, within 30 days of the request directly to:
 - 1) The client or the client's guardian, except that:
 - i) A social worker may withhold information contained in the client record from a client or the client's guardian if, in the reasonable exercise of his or her professional judgment, the social worker believes release of the information would adversely affect the client's health or welfare; and
 - ii) Pursuant to N.J.S.A. 9:17A-1 et seq. the social worker shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.
 - 2) The client's health insurance carrier. Only the following basic information shall be provided. The information provided shall be marked "Confidential" and forwarded to the attention of a specific individual if identified by the client or authorized representative.
 - i) The client's name, age, sex, address, educational status, identifying number within the insurance program, date of onset of difficulty, date of initial consultation, dates and character of sessions (individual or group) and fees;

- ii) Diagnostic information, defined as therapeutic characterizations of the type found in the current version of the DSM or in another professionally recognized diagnostic manual;
 - iii) Status of the client (voluntary or involuntary; inpatient or outpatient);
 - iv) The reason for continuing social work services, limited to an assessment of the client's current level of functioning and level of distress. Each aspect shall be described as "none," or by the term mild, moderate, severe or extreme; and
 - v) Prognosis, limited to an estimate of the minimal time during which treatment might continue.
- 3) Another licensed health care professional, hospital, nursing home or similar licensed institution which is providing or has been asked to provide treatment to the client.
- 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. A social worker may withhold information contained in the client record from a client or a client's guardian if, in the reasonable exercise of his or her professional judgment, the social worker believes the release of such information would adversely affect the client's health or welfare. That record or the summary shall be accompanied with an explanation of the reasons for the refusal.
- 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 when the third party makes a separate request for reports to be completed.
- 1) If additional information is requested by a third party, the social worker shall procure informed consent from the client for release of the specific information requested.
- 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 or as a custody/parenting evaluator pursuant to N.J.A.C. 13:44G-13.6.

- 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. CUSTODY/PARENTING TIME EVALUATIONS

13:44G-13.1 PURPOSE AND SCOPE; DEFINITIONS

- a) A "custody/parenting time evaluation" means the analysis performed by an LCSW to provide comprehensive, objective and impartial information to the court or to attorneys which assists in making decisions as to custody/parenting time arrangements that will best provide for the needs of the minor child(ren) involved.
- b) This subchapter contains the requirements for custody/parenting time evaluations performed by LCSWs.

13:44G-13.2 COMPETENCY

- a) Only LCSWs are competent to perform custody/parenting time evaluations.
- b) The LCSW who performs custody/parenting time evaluations shall have education, training and/or experience in the following categories:
- 1) Child growth and development;
 - 2) Parent-child bonding;
 - 3) Scope of parenting, including assessment skills pertaining to the extent of parent involvement and parental capacity to provide for the child's physical and psychological needs;
 - 4) Adult development and psychopathology;
 - 5) Family functioning;
 - 6) Child and family development;

- 7) Child and family psychopathology;
 - 8) The impact of divorce or family dissolution on children; and
 - 9) The impact of age, gender, race, ethnicity, national origin, language, culture, religion, sexual orientation/identity, disability and socioeconomic status.
- c) When the following areas are involved, an LCSW shall have education, training and/or experience in the specific area or the LCSW shall consult with an expert or refer to a licensed health care provider who has education, experience, training and/or supervision in the following areas:
- 1) Physical, sexual or psychological abuse of spouse or children;
 - 2) Neglect of children;
 - 3) Alcohol or substance abuse, which impairs the ability to parent;
 - 4) Medical/physical/neurological impairment, which affects the ability to parent; or
 - 5) Other areas beyond the LCSW's expertise, which are relevant to the custody/parenting time evaluation.

13:44G-13.3 DUAL RELATIONSHIPS

- a) If an LCSW is now or has been a treating social worker for any person who is part of the custody/parenting time evaluation, the treating social worker shall not assume the role of evaluator in a custody/parenting time evaluation case and shall advise any party or court of this prohibition.
- b) Under special circumstances, pursuant to a court order and with the consent of the parties, an LCSW whose initial involvement with the case has been as an evaluator may agree to function subsequently as a treating social worker, in which case the LCSW would no longer be permitted to function as an evaluator.

13:44G-13.4 COMMUNICATIONS

- a) If a LCSW is court-appointed, the LCSW shall communicate any substantive information only to the court and both parties or their attorneys simultaneously, either in writing or through a conference call.

- 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) An LCSW who performs custody/parenting time evaluations shall comply with the requirements of N.J.A.C. 13:44G-10.2 with regard to financial arrangements for evaluations.
- b) 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.

- c) 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.
- d) 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.
- e) 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) Verification of licensure/certification	\$25.00
13) Duplicate license	\$25.00
14) Verification of continuing education credits	\$40.00
15) Continuing education fees:	
i) Continuing education sponsors approval entity	\$100.00

SUBCHAPTER 15. TELEMEDICINE AND TELEHEALTH

13:44G-15.1 PURPOSE AND SCOPE

- a) The purpose of this subchapter is to implement the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.), which authorizes healthcare providers to engage in telemedicine and telehealth.
- b) This subchapter shall apply to all persons who are licensed or certified by the Board as social workers.
- c) Pursuant to N.J.S.A. 45:1-62, a social worker must hold a license or certificate issued by the Board if he or she:
- 1) Is located in New Jersey and provides health care services to any client located in or out of New Jersey by means of telemedicine or telehealth; or
 - 2) Is located outside of New Jersey and provides health care services to any client located in New Jersey by means of telemedicine or telehealth.
- d) Notwithstanding N.J.S.A. 45:1-62 and (c) above, a healthcare provider located in another state who consults with a licensee in New Jersey through the use of information and

communications technologies, but does not direct client care, will not be considered as providing health care services to a client in New Jersey consistent with N.J.S.A. 45:15BB-1 et seq., and will not be required to obtain licensure in New Jersey in order to provide such consultation.

- e) The provisions of (d) above shall not apply when a healthcare provider located in another state provides clinical supervision pursuant to N.J.A.C. 13:44G-8.1.

13:44G-15.2 DEFINITIONS

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Asynchronous store-and-forward" means the acquisition and transmission of images, diagnostics, data, and medical information either to or from an originating site or to or from the licensee at a distant site, which allows for the client to be evaluated without being physically present.

"Board" means the Board of Social Work Examiners.

"Cross-coverage service" means a licensee who engages in a remote evaluation of a client, without in-person contact, at the request of another licensee who has established a proper licensee-client relationship with the client.

"Distant site" means a site at which a licensee is located while providing health care services by means of telemedicine or telehealth.

"Licensee" means an individual licensed or certified by the Board as a social worker.

"On-call" means a licensee is available, where necessary, to physically attend to the urgent and follow-up needs of a client for whom the licensee has temporarily assumed responsibility, as designated by the client's primary care licensee or other health care provider of record.

"Originating site" means a site at which a client is located at the time that health care services are provided to the client by means of telemedicine or telehealth.

"Telehealth" means the use of information and communications technologies, including telephones, remote client monitoring devices, or other electronic means, to support clinical

health care, provider consultation, client and professional health-related education, public health, health administration, and other services in accordance with the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.).

"Telemedicine" means the delivery of a health care service using electronic communications, information technology, or other electronic or technological means to bridge the gap between a health care licensee who is located at a distant site and a client who is located at an originating site, either with or without the assistance of an intervening licensee, and in accordance with the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.). "Telemedicine" does not include the use, in isolation, of audio-only telephone conversation, electronic mail, instant messaging, phone text, or facsimile transmission.

13:44G-15.3 STANDARD OF CARE

- a) Prior to providing services through telemedicine or telehealth, a licensee shall determine whether providing those services through telemedicine or telehealth would be consistent with the standard of care applicable for those services when provided in-person.
- b) If a licensee determines, either before or during the provision of services, that services cannot be provided through telemedicine or telehealth in a manner that is consistent with in-person standards of care, the licensee shall not provide services through telemedicine or telehealth.
- c) A licensee who determines that services cannot be provided through telemedicine or telehealth pursuant to (b) above shall advise the client to obtain services in-person.
- d) A licensee who provides a diagnosis, treatment, or consultation recommendation, including discussions regarding the risk and benefits of a client's treatment options, through telemedicine or telehealth shall be held to the same standard of care or practice standards as are applicable to in-person settings.

13:44G-15.4 LICENSEE-CLIENT RELATIONSHIP

- a) Prior to providing services through telemedicine or telehealth, a licensee shall establish a licensee-client relationship by:
 - 1) Identifying the client with, at a minimum, the client's name, date of birth, phone number, and address. A licensee may also use a client's assigned identification number, Social

Security number, photo, health insurance policy number, or other identifier associated directly with the client; and

- 2) Disclosing and validating the licensee's identity, license, title, and, if applicable, specialty and board certifications.
- b) Prior to an initial contact with a client for the purpose of providing services to the client using telemedicine or telehealth, a licensee shall review the client's history provided by the client and any records provided by the client.
- c) Prior to initiating contact with a client for the purpose of providing services through telemedicine or telehealth, a licensee shall determine whether he or she will be able to provide the same standard of care using telemedicine or telehealth as would be provided if the services were provided in-person. The licensee shall make this determination prior to each unique client encounter.
- d) Notwithstanding (a), (b), and (c) above, service may be provided through telemedicine or telehealth without a proper licensee-client relationship if:
- 1) The provision of services is for informal consultations with another healthcare provider performed by a licensee outside the context of a contractual relationship, or on an irregular or infrequent basis, without the expectation or exchange of direct or indirect compensation;
 - 2) The provision of services is during episodic consultations by a specialist located in another jurisdiction who provides consultation services, upon request, to a licensee in this State;
 - 3) A licensee furnishes assistance in response to an emergency or disaster, provided that there is no charge for the assistance; or
 - 4) A substitute licensee, who is acting on behalf of an absent licensee in the same specialty, provides health care services on an on-call or cross-coverage basis, provided that the absent licensee has designated the substitute licensee as an on-call licensee or cross-coverage service provider.

13:44G-15.5 PROVISION OF SERVICES THROUGH TELEMEDICINE OR TELEHEALTH

- a) As long as a licensee has satisfied the requirements at N.J.A.C. 13:44G-15.4, a licensee may provide health care services to a client through the use of telemedicine and may engage in telehealth to support and facilitate the provision of services to clients.
- b) Prior to providing services through telemedicine or telehealth, a licensee shall determine the client's originating site and record this information in the client's record.
- c) A licensee providing services through telemedicine shall use interactive, real-time, two-way communication technologies, which shall include, except as provided at (e) below, a video component that allows a licensee to see a client and the client to see the licensee during the provision of services.
- d) A licensee providing services through telemedicine or telehealth may use asynchronous store-and-forward technology to allow for the electronic transmission of:
 - 1) Images;
 - 2) Diagnostics;
 - 3) Data; and
 - 4) Medical information.
- e) If, after accessing and reviewing the client's records, a licensee determines that he or she is able to meet the standard of care for such services if they were being provided in-person without using the video component described in (c) above, the licensee may use interactive, real-time, two-way audio in combination with asynchronous store-and-forward technology, without a video component.
- f) During the provision of services through telemedicine or telehealth, and after the provision of services, a licensee, or another designated licensee, shall provide his or her name, professional credentials, and contact information to the client. Such contact information shall enable the client to contact the licensee for at least 72 hours following the provision of services, or for a longer period if warranted by the client's circumstances and accepted standards of care.
- g) Prior to providing services through telemedicine or telehealth, a licensee shall review any history or records provided by a client as follows:

- 1) For an initial encounter with a client, history and records shall be reviewed prior to the provision of services through telemedicine or telehealth; and
 - 2) For any subsequent interactions with a client, history and records shall be reviewed either prior to the provision of services through telemedicine or telehealth or contemporaneously with the encounter with the client.
- h) After the provision of services through telemedicine or telehealth, a licensee shall provide the client, upon request, with his or her records created due to the services provided, or a summary of the record, as long as the summary adequately reflects the client's history and treatment, unless otherwise required by law.
- i) A licensee shall provide, upon a client's written request, the client's information to the client's primary care provider or to other health care providers.
- j) A licensee engaging in telemedicine or telehealth shall refer a client for follow-up care when necessary.

13:44G-15.6 RECORDS

A licensee who provides services through telemedicine or telehealth shall maintain a record of the care provided to a client. Such records shall comply with the requirements of N.J.A.C. 13:44G-12, and all other applicable State and Federal statutes, rules, and regulations for recordkeeping, confidentiality, and disclosure of a client's record.

13:44G-15.7 PREVENTION OF FRAUD AND ABUSE

- a) In order to establish that a licensee has made a good faith effort to prevent fraud and abuse when providing services through telemedicine or telehealth, a licensee must establish written protocols that address:
- 1) Authentication and authorization of users;
 - 2) Authentication of the client during the initial intake pursuant to N.J.A.C. 13:44G-15.4(a)1;
 - 3) Authentication of the origin of information;

- 4) The prevention of unauthorized access to the system or information;
- 5) System security, including the integrity of information that is collected, program integrity, and system integrity;
- 6) Maintenance of documentation about system and information usage;
- 7) Information storage, maintenance, and transmission; and
- 8) Synchronization and verification of client profile data.

13:44G-15.8 PRIVACY AND NOTICE TO CLIENTS

- a) Licensees who communicate with clients by electronic communications other than telephone or facsimile shall establish written privacy practices that are consistent with Federal standards under 45 CFR Parts 160 and 164, as amended and supplemented, which are incorporated herein by reference, relating to privacy of individually identifiable health information.
- b) Written privacy practices required by (a) above shall include privacy and security measures that assure confidentiality and integrity of client-identifiable information. Transmissions, including client email, and laboratory results must be password protected, or protected through substantially equivalent authentication techniques.
- c) A licensee who becomes aware of a breach in confidentiality of client information, as defined in 45 CFR 164.402, shall comply with the reporting requirements of 45 CFR Part 164.
- d) Licensees, or their authorized representatives, shall provide a client, prior to evaluation or treatment, with copies of written privacy practices and shall obtain the client's written acknowledgement of receipt of the notice.
- e) Licensees who provide services through telemedicine or telehealth, or their authorized representatives, shall, prior to providing services, give clients notice regarding telemedicine and telehealth, including the risks and benefits of being treated through telemedicine or telehealth and how to receive follow-up care or assistance in the event of an adverse reaction to the treatment or in the event of an inability to communicate as a result of a technological or equipment failure. A licensee shall obtain a signed and dated statement indicating that the client received this notice.

- f) When telemedicine or telehealth is unable to provide all pertinent clinical information that a licensee exercising ordinary skill and care would deem reasonably necessary to provide care to a client, the licensee shall inform the client of this prior to the conclusion of the provision of care through telemedicine or telehealth and shall advise the client regarding the need for the client to obtain an additional in-person evaluation reasonably able to meet the client's needs.