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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Board of Social Worker Licensure
Division:	
Contact Person:	Nathaniel Flinchbaugh, Assistant General Counsel
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator 710 James Robertson Parkway,
Address:	Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
Phone:	(615) 741-6350
Email:	Tina.M.Harris2@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Iris Conference Room
City:	Nashville
Zip:	37228
Hearing Date :	08/08/19
Hearing Time:	9:00 A.M. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1365-01	General Rules and Regulations
Rule Number	Rule Title
1365-01-.01	Definitions
1365-01-.02	Necessity of Licensure

1365-01-.03	Use of Titles
1365-01-.04	Licensure Requirements
1365-01-.05	Fees
1365-01-.06	Application Review, Approval, Denial
1365-01-.07	Renewal, Reinstatement and Retirement
1365-01-.08	Supervision
1365-01-.09	Continuing Education
1365-01-.10	Standards of Conduct
1365-01-.11	Clinical Experience
1365-01-.12	Disciplinary Actions and Civil Penalties
1365-01-.13	Replacement License
1365-01-.14	Change of Address and/or Name
1365-01-.15	Consumer Right-to-Know Requirements
1365-01-.16	Professional Peer Assistance
1365-01-.17	Free Health Clinic and Volunteer Practice Requirements
1365-01-.18	Repealed
1365-01-.19	Repealed
1365-01-.20	Repealed
1365-01-.21	Repealed
1365-01-.22	Repealed
1365-01-.23	Repealed

Chapter Number	Chapter Title
1365-01	General Rules and Regulations
Rule Number	Rule Title
1365-01-.01	Definitions
1365-01-.02	Scope of Practice
1365-01-.03	Necessity of Licensure and Title Uses
1365-01-.04	Licensure Requirements
1365-01-.05	Fees
1365-01-.06	Application Review, Approval, Denial
1365-01-.07	Renewal, Reinstatement and Retirement
1365-01-.08	Supervision
1365-01-.09	Continuing Education
1365-01-.10	Standards of Conduct
1365-01-.11	Disciplinary Actions and Civil Penalties
1365-01-.12	Replacement License
1365-01-.13	Change of Address and/or Name
1365-01-.14	Consumer Right-to-Know Requirements
1365-01-.15	Professional Peer Assistance
1365-01-.16	Free Health Clinic and Volunteer Practice Requirements
1365-01-.17	Repealed
1365-01-.18	Repealed
1365-01-.19	Repealed
1365-01-.20	Repealed
1365-01-.21	Repealed
1365-01-.22	Repealed

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 1365-01
General Rules and Regulations

Amendments

Rule 1365-01-.01 Definitions is amended by deleting the rule, but not the rule title, in its entirety and substituting instead the following language, so that as amended, the new rule shall read:

- (1) Applicant - Any individual seeking licensure by the board who has submitted an official application and paid the application fee.
- (2) Board - The Board of Social Worker Licensure.
- (3) Board administrative office or Board office - The office of the administrator assigned to the board located at 665 Mainstream Drive, Nashville, TN 37243.
- (4) Board designee - Any person who has received a written delegation of authority from the board to perform board functions subject to review and ratification by the full board where provided by these rules.
- (5) Experience –
 - (a) Nonclinical Advanced Practice Experience – The application of generalist practice skills under the supervision of an L.C.S.W. or an L.A.P.S.W. in the areas of education, research, advocacy, community organization, mediation, consultation, public policy, legislative advocacy, healthcare, discharge planning, assessment, treatment planning, case management, counseling, supportive counseling, information and referral, and the development, implementation, evaluation and administration of policies, programs and activities. Nonclinical advanced practice experience is designated as the actual time spent in direct services to clients, client systems and/or organizations. Nonclinical advanced practice experience is not defined as solely face-to-face contact with individuals, couples, families and/or groups.
 - (b) Clinical Experience - The assessment, diagnosis, and/or treatment of mental, emotional, and behavioral conditions and/or addictions, including severe mental illness and serious emotional disturbances in adults, adolescents and children based on the application of social work theory, knowledge, methods, and ethical standards. Treatment methods may include, but are not limited to, providing individual, marital, couple, family, and/or group psychotherapy. Clinical experience may also involve the provision of brief psychosocial and behavioral interventions, comprehensive crisis assessment, and treatment planning for clients who are adversely affected by social or psychosocial stress or health or mental impairment. Clinical experience is designated as the actual time spent providing direct services to clients. The practice of clinical social work is restricted to a Licensed Clinical Social Worker, or to a Licensed Master Social Worker or Licensed Advanced Practice Social Worker under supervision of a Licensed Clinical Social Worker meeting the standards set forth in T.C.A. § 63-23-101 et seq.
- (6) Fee splitting - The practice of paying commissions to colleagues out of fees received from rendering services to clients who have been referred by the colleague.
- (7) Group supervision - The process of supervision of no more than four persons in a group setting provided by an L.C.S.W. or L.A.P.S.W. supervisor wherein practice problems are dealt with that are similar in nature and complexity to all supervisees in the group.
- (8) Hours of Experience - The number of actual hours of supervised experience necessary for the advancement of an L.M.S.W. to a higher level of licensure as either an L.A.P.S.W. or an L.C.S.W.

- (9) Independent Practice – Practice in which an individual receives direct compensation or remuneration of any kind from any person or third party payer, including but not limited to insurance companies, health plans, and state and federal benefit programs for the provision of any services.
- (10) Individual supervision - A live, face-to-face meeting with one supervisor and one supervisee, including the use of teleconferencing technologies.
- (11) L.A.P.S.W. or LAPSW - Licensed Advanced Practice Social Worker.
- (12) L.B.S.W. or LBSW - Licensed Baccalaureate Social Worker.
- (13) L.C.S.W. or LCSW - Licensed Clinical Social Worker.
- (14) L.M.S.W. or LMSW - Licensed Master Social Worker.
- (15) Person - Any individual, firm, corporation, partnership, organization, or body politic.
- (16) Private Practice - Practice in which practitioners, either on a full or part-time basis, establish their own conditions of exchange with their clients, receive direct fees, and are solely responsible for the services they provide to clients, without supervision, regardless of the organization structure. Only an L.C.S.W. or an L.A.P.S.W. may engage in private clinical practice.
- (17) Supervision - The ongoing, direct clinical review, and/or non-clinical review, for the purpose of training or teaching, by an L.C.S.W. or L.A.P.S.W. supervisor who monitors the performance of a person's interaction with a client and provides regular documented face-to-face contact, guidance and instructions with respect to the clinical and/or non-clinical skills and competencies of the person supervised. Supervision may include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct supervision.
- (18) Supervisor - A licensed clinical social worker or licensed advanced practice social worker who meets the requirements established by the Board of Social Worker Licensure, pursuant to Rule 1365-01-.08, and who provides supervision for a prospective applicant for licensure.

Authority: T.C.A. §§ 63-23-101, 63-23-102, 63-23-103, 63-23-104, 63-23-108, 66-23-110 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.02 Necessity of Licensure is amended by deleting the rule, and the rule title in their entirety and substituting instead the following language, so that as amended, the new rule and rule title shall read:

1365-01-.02 Scope of Practice.

- (1) Baccalaureate Social Worker, as defined in T.C.A. § 63-23-102(a), means a person who practices the professional application of social work theory, knowledge, methods, principles, values and ethics and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. The practice of baccalaureate social work is basic generalist practice that includes interviewing, assessment, planning, intervention, evaluation, case management, mediation, supportive counseling, direct nonclinical practice, information and referral, problem solving, client education, advocacy, community organization, supervision of employees, and the development, implementation, and administration of policies, programs and activities. Baccalaureate social workers are neither qualified to diagnose or treat mental illness nor provide psychotherapy services. A social worker at this level shall not provide services to clients in exchange for direct payment or third-party reimbursement. A social worker at this level shall work in or for an agency or organization and may not practice privately or independently. Licensed baccalaureate social workers shall not engage in advanced social work practice or in clinical social work practice or hold themselves out as a licensed master's social worker, a licensed advance practice social worker or a licensed clinical social worker. A social worker may not prescribe medication or interpret psychological tests.
- (2) Master's Social Worker, as defined in T.C.A. § 63-23-103(a), means a person who practices the professional application of social work theory, knowledge, methods, principles, values and ethics and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of

individuals, couples, families, groups, organizations and communities. The practice of master's social work requires the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, mediation, counseling, supportive counseling, direct practice, information and referral, supervision of employees, consultation, education, research, advocacy, community organization and the development, implementation, and administration of policies, programs and activities. The practice of master's social work may include the practice activities of a licensed baccalaureate social worker. The practice of master's social work may include the practice of clinical social work under the supervision of a licensed clinical social worker as an avenue for licensure as a clinical social worker. A social worker at this level shall not provide services to clients in exchange for direct payment or third-party reimbursement. Licensed master's social workers shall engage only in supervised practice in or for an agency or organization and may not practice privately or independently. Licensed master's social workers may not hold themselves out as a licensed advanced practice social worker or a licensed clinical social worker. A social worker may not prescribe medication or interpret psychological tests.

- (3) Advanced Practice Social Worker, as defined in T.C.A. § 63-23-104(a), means a person who practices advanced social work as a nonclinical social worker using the professional application of social work theory, knowledge, methods, principles, values and ethics and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. Advanced master's or doctorate social work practice requires the application of specialized knowledge and advanced practice skills in the areas of education, research, advocacy, community organization, mediation, consultation, assessment, treatment planning, implementation and evaluation, case management, counseling, supportive counseling, direct practice, information and referral, supervision, and the development, implementation, and administration of policies, programs and activities. The nonclinical advanced practice of social work may occur independently outside the jurisdiction of an agency or organizational setting in which the social worker assumes responsibility and accountability for the nature and quality of the services provided to clients, pro bono or in exchange for direct payment or third-party reimbursement. The practice of advanced social work as a nonclinical social worker may include the practice activities of a licensed baccalaureate social worker or licensed master's social worker, or both. The practice of advanced master's or doctorate social work may include the practice of clinical social work under the supervision of a licensed clinical social worker as an avenue for licensure as a clinical social worker without the benefit of direct payments or third-party reimbursements for clinical practice. Practice at this level may include the provision of supervision for licensed or temporarily licensed master's social workers seeking to become licensed advanced practice social workers. Licensed advanced practice social workers may not hold themselves out as a licensed clinical social worker. A social worker may not prescribe medication or interpret psychological tests.
- (4) Clinical Social Worker, as defined in T.C.A. § 63-23-105(a), means a person who practices advanced master's or doctorate social work as a licensed clinical social worker. The practice of advanced master's or doctorate social work as a licensed clinical social worker is a specialty within the practice of social work that requires the application of social work theory, knowledge, methods, principles, values, ethics, and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups or persons who are adversely affected by social or psychosocial stress or health impairment. The practice of clinical social work requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis and treatment of mental, emotional and behavioral disorders, conditions and addictions, including severe mental illness in adults and serious emotional disturbances in children, case management, direct practice, information and referral, clinical and supervision, and the development, implementation, and administration of policies, programs and activities. Treatment methods include the provision of individual, marital, couple, family, and group therapy, mediation, counseling, supportive counseling, advanced case management, direct practice and psychotherapy. Clinical social workers are qualified to use the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), and other diagnostic classification systems in assessment, diagnosis, treatment planning and other activities. The advanced practice of clinical social work may occur outside the jurisdiction of an agency or organizational setting in which the social worker assumes responsibility and accountability for the nature and quality of the services provided to clients, pro bono or in exchange for direct payment or third-party reimbursement. Practice at this level may include the provision of supervision for licensed or temporarily licensed master's social workers seeking advanced licensure as an advanced practice social worker or as a licensed clinical social worker. Licensed clinical social workers may engage in both independent clinical and agency-based, nonclinical, macro social work practice. A social worker may not prescribe medication or interpret

psychological tests. The practice of advanced master's or doctorate social work as a licensed clinical social worker may include the practice activities of a licensed baccalaureate social worker, licensed master's social worker and/or licensed advanced practice social worker.

Authority: T.C.A. §§ 63-23-101, 63-23-102, 63-23-103, 63-23-104, 63-23-105, 63-23-110, 63-23-1016, 63-23-108 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.03 Use of Titles is amended by deleting the rule and the rule title in their entirety and substituting instead the following language, so that as amended, the new rule and rule title shall read:

1365-01-.03 Necessity of Licensure and Title Uses.

- (1) Necessity of Licensure. Unless an individual holds a current unrevoked or unsuspended Licensed Clinical Social Worker (L.C.S.W.) license in Tennessee, he or she may not engage in the private practice of clinical social work, as defined in the scope of practice requirements.
- (2) Use of Titles.
 - (a) Any person who possesses a valid license as a baccalaureate social worker may use the title and/or acronym "Licensed Baccalaureate Social Worker (L.B.S.W.)," as defined in T.C.A. § 63-23-102.
 - (b) Any person who possesses a valid license as a master's social worker may use the title and/or acronym "Licensed Master's Social Worker (L.M.S.W.)," as defined in T.C.A. § 63-23-103.
 - (c) Any person who possesses a valid license as an advanced practice social worker may use the title and/or acronym "Licensed Advanced Practice Social Worker (L.A.P.S.W.)," as defined in T.C.A. § 63-23-104.
 - (d) Any person who possesses a valid license as a clinical social worker may use the title and/or acronym "Licensed Clinical Social Worker (L.C.S.W.)," as defined in T.C.A. § 63-23-105.

Authority: T.C.A. §§ 63-23-101, 63-23-102, 63-23-103, 63-23-104, 63-23-105, 63-23-110, 63-23-1016, 63-23-108 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.04 Licensure Requirements is amended by deleting paragraph (1), only subparagraph (1)(a), subpart (1)(a)1(ii), and parts (1)(a)4 and (1)(a)6 in their entirety and substituting instead the following language, and is further amended by deleting subpart (1)(a)1(iii) in its entirety and re-lettering the remaining subpart, so that as amended, the new paragraph, subparagraph, parts, and subpart shall read:

- (1) Baccalaureate Social Worker by examination.
 - (a) An applicant for a license as a baccalaureate social worker shall submit the following to the Board office:
 - (ii) Denial, loss, restriction, or discipline of licensure privileges imposed by a state licensing board;
 4. Results of his or her criminal background check to be sent from the vendor identified in the Board's application materials directly to the Board office;
 6. Proof that he or she has successfully passed the Association of Social Work Board's bachelor's licensing examination.

Authority: T.C.A. §§ 63-1-116, 63-23-101, 63-23-102, 63-23-103, 63-23-104, 63-23-105, 63-23-108, 63-23-110, 63-23-111 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.04 Licensure Requirements is amended by deleting paragraph (2), only subparagraph (2)(a), subpart (2)(a)1(ii), and parts (2)(a)4, (2)(a)5 and (2)(a)6 in their entirety and substituting instead the following language, and is further amended by deleting subpart (2)(a)1(iii) in its entirety and re-lettering the remaining subpart, so that as amended, the new paragraph, subparagraph, parts, and subpart shall read:

(2) Master's Social Worker by examination.

(a) An applicant for a license as a master's social worker shall submit the following to the Board office:

- (ii) Denial, loss, restriction, or discipline of licensure privileges imposed by a state licensing board; and
- 4. Results of his or her criminal background check to be sent from the vendor identified in the Board's application materials directly to the Board office;
- 5. An official transcript showing a master's or doctorate degree in social work from his or her institution to be submitted directly from the school to the Board office. The institution must be accredited by the Council on Social Work Education at the time the degree was granted; and
- 6. Proof that he or she has successfully passed the Association of Social Work Board's master's licensing examination.

Authority: T.C.A. §§ 63-1-116, 63-23-101, 63-23-102, 63-23-103, 63-23-104, 63-23-105, 63-23-108, 63-23-110, 63-23-111 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.04 Licensure Requirements is amended by deleting paragraph (3), only subparagraph (3)(a), subpart (3)(a)1(ii), and parts (3)(a)4, (3)(a)5, (3)(a)6 and (3)(a)7 in their entirety and substituting instead the following language, and is further amended by deleting subpart (3)(a)1(iii) in its entirety and re-lettering the remaining subpart, so that as amended, the new paragraph, subparagraph, parts, and subpart shall read:

(3) Advanced Practice Social Worker by examination.

(a) An applicant for a license as an advanced practice social worker shall submit the following to the Board office:

- (ii) Denial, loss, restriction, or discipline of licensure privileges imposed by a state licensing board; and
- 4. Results of his or her criminal background check to be sent from the vendor identified in the Board's application materials directly to the Board office;
- 5. An official transcript showing a master's or doctorate degree in social work from his or her institution to be submitted directly from the school to the Board office. The institution must be accredited by the Council on Social Work Education at the time the degree was granted;
- 6. Proof that he or she has successfully passed the Association of Social Work Board's advanced generalist licensing examination; and
- 7. Proof that he or she has practiced for no less than two (2) years after the date of application as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed advanced practice social worker or licensed clinical social worker who has met the qualifications set forth in 1365-01-.08. In the event that the applicant is from another state, then the applicant must have worked under the supervision of a person who possesses or exceeds the educational and experience requirements to obtain licensure as an advanced practice social worker in Tennessee. Within a period of no less than (2) years nor greater than six (6) years from the date the application is received, the applicant shall demonstrate proof of having obtained the following:
 - (i) Licensure as a temporarily licensed master's social worker or as a licensed master's social worker obtained prior to filing an application for licensure and/or beginning a supervised clinical experience for the purpose of licensure. A

photocopy of the applicant's current L.M.S.W. license or temporary L.M.S.W. license must accompany the L.A.P.S.W. application. The L.M.S.W. license must be maintained in active status throughout the application process and until the L.A.P.S.W. license is issued.

- (ii) At least three thousand (3000) hours of nonclinical advanced practice experience, that may include administrative and direct client-social worker contact;
- (iii) At least one hundred (100) hours of supervision in addition to the 3000 hours of experience. These hours must be spread throughout the 3000 clinical contact hours at a ratio of approximately one hour of supervision to every thirty clinical contact hours.

Authority: T.C.A. §§ 63-1-116, 63-23-101, 63-23-102, 63-23-103, 63-23-104, 63-23-105, 63-23-108, 63-23-110, 63-23-111 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.04 Licensure Requirements is amended by deleting paragraph (4), only subparagraph (4)(a), subpart (4)(a)1(ii), and parts (4)(a)4, (4)(a)5, (4)(a)6 and (4)(a)7 in their entirety and substituting instead the following language, and is further amended by deleting subpart (4)(a)1(iii) in its entirety and re-lettering the remaining subpart, so that as amended, the new paragraph, subparagraph, parts, and subpart shall read:

(4) Clinical Social Worker by examination.

- (a) An applicant for a license as a clinical social worker shall submit the following to the Board office:
 - (ii) Denial, loss, restriction, or discipline of licensure privileges imposed by a state licensing board; and
- 4. Results of his or her criminal background check to be sent from the vendor identified in the Board's application materials directly to the Board office;
- 5. An official transcript showing a master's or doctorate degree in social work from his/her institution to be submitted directly from the school to the Board office. The institution must be accredited by the Council on Social Work Education at the time the degree was granted;
- 6. Proof that he or she has successfully passed the Association of Social Work Board's clinical licensing examination; and
- 7. Proof that he or she has practiced for not less than two (2) years after the date of application as a licensed master's social worker or temporarily licensed master's social worker under the supervision of a licensed clinical social worker who has met the qualifications set forth in 1365-01-.08. In the event that the applicant is from another state, then the applicant must have worked under the supervision of a person who possesses the same or exceeds the same educational and experience requirements to obtain licensure as a clinical social worker in Tennessee. Within a period of no less than two (2) years, nor greater than six (6) years, the applicant shall demonstrate proof of having obtained the following:
 - (i) Licensure as a temporarily licensed master's social worker or as a licensed master's social worker obtained prior to filing an application for licensure and/or beginning a supervised clinical experience for the purpose of licensure. A photocopy of the applicant's current L.M.S.W. license or temporary L.M.S.W. license must accompany the L.C.S.W. application. The L.M.S.W. license must be maintained in active status throughout the application process and until the L.C.S.W. license is issued.
 - (ii) At least three thousand (3000) hours of clinical experience.
 - (iii) At least one hundred (100) hours of supervision in addition to the 3000 hours of

experience. These hours must be spread throughout the 3000 clinical contact hours at a ratio of approximately one hour of supervision to every thirty clinical contact hours.

Authority: T.C.A. §§ 63-1-116, 63-23-101, 63-23-102, 63-23-103, 63-23-104, 63-23-105, 63-23-108, 63-23-110, 63-23-111 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.04 Licensure Requirements is amended by deleting paragraph (5) in its entirety and by substituting instead the following language, and is further amended by deleting paragraph (6) in its entirety and renumbering the remaining paragraph, so that as amended the new paragraph shall read:

(5) Licensure by Reciprocity.

(a) An applicant may obtain licensure as a baccalaureate social worker, master's social worker, advanced practice social worker or clinical social worker by reciprocity by submitting the following to the Board office:

1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial, loss, restriction, or discipline of licensure privileges imposed by a state licensing board; and
 - (iii) Civil suit judgment or adverse civil settlement involving the applicant;
2. Payment of the application, license, and state regulatory fees;
3. Results of his or her criminal background check to be sent from the vendor identified in the Board's application materials directly to the Board office;
4. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office;
5. Letter of good standing from another state's licensing board showing that the applicant's license is active;
6. Proof that the person has not previously failed the examination required by the Board;
7. Photocopy of original license from the original state of licensure with the applicant's current license number, if available;
8. Photocopy of the applicant's current renewal certificate with the license number and license expiration date; and
9. The applicant must reside or be employed in the state of Tennessee.

(b) If an applicant does not qualify for licensure by reciprocity, he or she must apply for licensure by examination. If documentation of appropriate supervision meeting the requirements pursuant to Rule 1365-01-.04(4), is provided, the applicant need not have possessed the credential of licensed master social worker in the State of Tennessee prior to application to sit for the examination.

Authority: T.C.A. §§ 63-1-116, 63-23-101, 63-23-102, 63-23-103, 63-23-104, 63-23-105, 63-23-108, 63-23-110, 63-23-111 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.04 Licensure Requirements is amended by deleting subparagraph (6)(b), including its parts and subparts, of newly renumbered paragraph (6), and substituting instead the following language, so that as amended, the new subparagraph shall read:

- (b) An applicant applying for licensure as a licensed baccalaureate or licensed master's social worker shall submit the following to the Board office in order to obtain a temporary license:
1. Completed application on a form prescribed by the Board, which shall include, but not be limited to disclosures of the following:
 - (i) Criminal conviction(s), except for traffic violations;
 - (ii) Denial, loss, restriction, or discipline of licensure privileges imposed by a state licensing board; and
 - (iii) Civil suit judgment or adverse civil settlement involving the applicant;
 2. An official transcript of a bachelor degree in social work if the person is seeking licensure as a licensed baccalaureate social worker;
 3. An official transcript of a master's degree in social work if the person is seeking licensure as a licensed master's social worker,
 4. Proof that the institution granting the degree, at the time the degree was granted, had applied for accreditation by the Council on Social Work Education;
 5. Payment of the application, temporary license, and state regulatory fees;
 6. Proof that he or she has successfully passed the Association of Social Work Board's baccalaureate or master's licensing examination;
 7. A passport-style photograph taken within twelve (12) months preceding the date the application is submitted to the Board office; and
 8. Results of his or her criminal background check to be sent from the vendor identified in the Board's application materials directly to the Board office.

Authority: T.C.A. §§ 63-1-116, 63-23-101, 63-23-102, 63-23-103, 63-23-104, 63-23-105, 63-23-108, 63-23-110, 63-23-111 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1350-01-.06 Application Review, Approval, Denial is amended by deleting paragraph (3) in its entirety and substituting instead the following language, and is further amended by adding new paragraph (7), so that as amended, the new paragraphs shall read:

- (3) After the Board or the Board's designee reviews a completed application and renders a decision or recommendation about whether the license should be granted or denied, the Board office shall notify the applicant within ten (10) days after that decision is made. In the event that a recommendation about the granting or denial of the license is made by the Board designee before the Board grants or denies, the Board office shall notify the applicant of the designee's recommendation and/or deficiencies in the application, informing the applicant that the determination shall not be effective until the Board makes a decision.
- (7) The Board, in its discretion, may waive the twelve (12) month requirement in extraordinary circumstances. To apply for a waiver an applicant must provide the board with written documentation of the extraordinary circumstances.

Authority: T.C.A. §§ 63-23-101, 63-23-102, 63-23-108 and 63-23-110 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.07 Renewal, Reinstatement, and Retirement is amended by deleting subparagraphs (1)(a) and (1)(d), part (2)(b)4, subparagraph (2)(c) and part (3)(b)1 in their entirety and substituting instead the following language, so that as amended, the new subparagraphs and parts shall read:

- (1) (a) A licensee shall have until the last day of the month in which a licensee's birth date falls to renew the license, pursuant to the Division of Health Related Board's biennial birth date renewal system,

as shown as the expiration date on renewal certificates.

- (d) A licensee may renew his or her license within sixty (60) days after the license expiration date by complying with paragraph (c) above and paying the late renewal fee established in Rule 1365-01-.05. If a licensee fails to renew his or her license within the sixty (60) day grace period, then the license is administratively revoked. The licensee may apply for reinstatement or reapply for licensure.
- (2) (b) 4. Results of his or her criminal background check to be sent from the vendor identified in the boards application materials directly to the Board office; and
- (c) An applicant who wishes to reinstate his or her license and the license has been inactive or expired for more than five (5) years shall reapply for licensure. The reapplication will be treated as a new application and the applicant must meet all required qualifications under the statutes and rules in effect at the time of application.
- (3) (b) 1. License reinstatement form;

Authority: T.C.A. §§ 63-23-101, 63-23-102, 63-23-103, 63-23-104, 63-23-106, 63-23-107, 63-23-108, 63-23-109, 63-23-110 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.08 Supervision is amended by deleting the rule in its entirety, but not the rule title, and by substituting instead the following language, so that as amended, the new rule shall read:

- (1) Supervision as the term is used in T.C.A. § 63-23-101 et seq. is considered to include the following:
 - (a) Individual or a group supervision, which shall focus on:
 - 1. Data from the supervisee's clinical or non-clinical work made available to the supervisor by oral and written clinical or non-clinical reports, direct observation, and/or audio recordings.
 - 2. Mutually establishing goals and objectives for the promotion of learning.
 - (b) Review of supervisee's specific cases and evaluating his or her skill development by the supervisor.
 - (c) Supervision may occur via visual multi-media technology. Supervision may NOT be completed via email, instant messaging, texting or any format that does not allow for visual contact.
 - (d) A supervisor must be secured prior to the accumulation of hours of experience.
 - (e) Supervision must occur at reasonable intervals and must continue at reasonable intervals until the completion of the necessary hours of experience and a license has been granted.
- (2) Supervision requirements.
 - (a) The L.C.S.W. applicant by examination, after having become a licensed master social worker or a temporarily licensed master social worker, shall have completed a total of three thousand (3,000) hours of clinical experience. All three thousand (3,000) hours must be completed over not less than a two (2) year period and not more than a six (6) year period from the date the application and fee are received. The L.C.S.W. applicant must be under the supervision of an L.C.S.W.
 - 1. The applicant must accumulate a total of one hundred (100) supervisor contact hours (supervisor-supervisee) at reasonable intervals of approximately one (1) supervision hour to every thirty (30) clinical experience hours such that the supervision is spread throughout the clinical experience timeframe. The supervision hours are in addition to the three thousand required clinical practice hours.
 - 2. Not less than (60) of the one hundred (100) supervision hours must be individual supervision between the supervisor and supervisee; no more than forty (40) hours may

- be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting.
3. No more than 75% of individual supervision hours may be obtained through video conferencing technology.
 4. Individual and group supervision must be provided by a licensed clinical social worker.
 5. The above supervision time shall be in addition to:
 - (i) Any overall administrative supervision, and
 - (ii) Any group seminar or group consultation which is deemed appropriate.
- (b) The L.A.P.S.W. applicant by examination, after having become a licensed master social worker or a temporarily licensed master social worker, shall have completed a total of three thousand (3,000) nonclinical advanced practice experience hours. All three thousand (3,000) hours must be completed over not less than a two (2) year period and not more than a six (6) year period from the date the application and fee are received. The L.A.P.S.W. applicant must be under the supervision of either an L.C.S.W. or L.A.P.S.W.
1. The applicant must accumulate a total of one hundred (100) supervisor contact hours (supervisor-supervisee) at reasonable intervals of approximately one (1) supervision hour to every thirty (30) clinical experience hours such that the supervision is spread throughout the clinical experience timeframe. The supervision hours are in addition to the three thousand required practice hours.
 2. Not less than (60) of the one hundred (100) supervision hours must be one-to-one individual supervision between the supervisor and supervisee; no more than forty (40) hours may be in a situation where the supervisor is working with no more than four (4) supervisees in a group setting; and
 3. No more than 75% of individual supervision hours may be obtained through video conferencing technology.
 4. Individual and group supervision must be provided by a licensed clinical social worker or licensed advanced practice social worker.
 5. The above supervision time shall be in addition to:
 - (i) Any overall administrative supervision, and
 - (ii) Any group seminar or group consultation which is deemed appropriate.
- (3) Both the supervisor and supervisee must maintain records of the experience and the supervision process. Verification of supervision will be submitted by both the supervisor and supervisee at the time the application for licensure is filed in the Board's administrative office. Supervision logs recommended by the board and signed by both the supervisor and the supervisee are sufficient to meet this requirement.
 - (4) An L.C.S.W. supervisor must have an active L.C.S.W. license and must provide documentation to Board administrative staff submitted with the supervisee's application that he/she has been continuously licensed as an L.C.S.W. for a period of no less than three (3) years prior to initiation of the supervision. If supervision was begun prior to December 31, 2010, the L.C.S.W. supervisor need not have been continuously licensed for more than three (3) years.
 - (5) An L.A.P.S.W. supervisor must have an active L.A.P.S.W. license and must provide documentation to Board administrative staff submitted with the supervisee's application that he/she has been continuously licensed as an L.A.P.S.W. for a period of no less than three (3) years prior to initiation of the supervision. If supervision was begun prior to December 31, 2014 the L.A.P.S.W. supervisor need not have been continuously licensed for more than three (3) years prior to initiation of supervision.

- (6) Supervisors must provide documentation submitted with the supervisee's application of twelve (12) hours of continuing education credits related specifically to the provision of clinical or advanced general social work supervision. This twelve (12) hours of continuing education is a cumulative requirement, not an annual requirement, and can be achieved as a part of the supervisor's annual continuing education requirements.
 - (a) Any new supervisor providing supervision for the first time must complete the twelve (12) hours of supervision-related continuing education credits prior to beginning supervision or during the first calendar year of the provision of clinical or advanced general social work supervision.
 - (b) For any new supervisor after December 31, 2014, supervision continuing education content must include a thorough review of current Tennessee licensing rules as a part of the supervision course.
- (7) Applicants from another state seeking licensure by examination in Tennessee must provide evidence of supervision by an L.C.S.W., or L.A.P.S.W. if applying for L.A.P.S.W. licensure, or the equivalent in the state where the supervision was performed. The supervisor must have passed the ASWB Clinical examination or Advanced Generalist examination. If the supervisor is not licensed or the state has no provision for licensure, then the applicant must obtain the prerequisite supervision from an L.C.S.W. or L.A.P.S.W. licensed in Tennessee.
- (8) No members of any other mental health or medical discipline may qualify as an approved supervisor for L.C.S.W. or L.A.P.S.W. licensure.
- (9) Conflict of Interest Supervision - Supervision provided by the applicant's parents, spouse, former spouse, siblings, children, cousins, in-laws (present or former), step-children, grandparents, grandchildren, aunts, uncles, employees, or anyone sharing the same household shall not be acceptable toward fulfillment of licensure requirements. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payment for actual supervisory hours.

Authority: T.C.A. §§ 63-23-101, 63-23-103, 63-23-104, 63-23-105, 63-23-108, 63-23-109, 63-23-110 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.09 Continuing Education is amended by deleting the rule in its entirety, but not the rule title, and by substituting instead the following language, so that as amended, the new rule shall read:

- (1) Basic Requirements - Each social worker licensed by the board is required to complete continuing education pursuant to Continuing Education paragraphs two (2) through four (4) every two calendar years preceding the year of renewal of the license.
 - (a) For licensed baccalaureate social worker applicants and licensed master's social worker applicants, applying for licensure in the calendar year in which they took the exam, successful completion of the exam shall be considered sufficient preparatory education to be substituted for half of the required hours of continuing education for the first renewal period.
 - (b) Those persons who hold an active L.B.S.W., L.M.S.W., L.A.P.S.W. and/or L.C.S.W. authorization to practice must separately satisfy the continuing education requirements for each license they wish to renew with no duplication between the four.
 - (c) A licensee may count completed ethics and rules and regulations continuing education hours for all categories of licensure, but the total required hours for each category of licensure must be met.
 - (d) Suicide Prevention Training required under the "Kenneth and Madge Tullis, MD, Suicide Prevention Training Act."
 1. Current Licensees – Beginning January 1, 2020, all persons who hold an active L.B.S.W., L.M.S.W., L.A.P.S.W., or L.C.S.W must complete a minimum two (2) hour Board approved training program relative to suicide prevention at least once every four (4) years.

2. New Licensees – An applicant applying for initial licensure on or after January 1, 2020 is not required to complete a training program on suicide prevention for two (2) years after the date of initial licensure if the applicant can demonstrate successful completion of a two (2) hour academic training program that meets criteria established by the Board and that was completed no more than two (2) years prior to the application for initial licensure.
 3. Hours Earned – The continuing education hours earned through the training program under Part 1 and Part 2 of this subparagraph count toward meeting the continuing education requirements listed in subparagraphs (2)(a), (3)(a), and (4)(a) of this rule.
- (2) Requirements for licensed baccalaureate social worker.
 - (a) Each licensee shall obtain eighteen (18) continuing education clock hours relative to social work practice every two calendar years preceding the year of renewal.
 - (b) At least three (3) of the eighteen (18) hours shall be in social work ethics.
 - (c) One (1) of the eighteen (18) hours shall be specific to Tennessee Code Annotated § 63-22-101 et seq., and the Rules and Regulations of the Tennessee Board of Social Worker Licensure.
 - (d) Attendance at one (1) regularly scheduled meeting of the board may count as the continuing education requirement in subparagraph (c) above.
 - (3) Requirements for licensed master's social worker.
 - (a) Each licensee shall obtain twenty-four (24) continuing education clock hours relative to social work practice every two calendar years preceding the year of renewal.
 - (b) At least three (3) of the twenty-four (24) hours shall be in social work ethics.
 - (c) One (1) of the twenty-four (24) hours shall be specific to Tennessee Code Annotated § 63-22-101 et seq., and the Rules and Regulations of the Tennessee Board of Social Worker Licensure.
 - (d) Attendance at one (1) regularly scheduled meeting of the board may count as the continuing education requirement in subparagraph (c) above.
 - (4) Requirements for licensed advanced practice social worker and licensed clinical social worker.
 - (a) Each licensee shall obtain thirty (30) continuing education clock hours relative to social work practice every two calendar years preceding the year of renewal.
 - (b) At least three (3) of the thirty (30) hours shall be in social work ethics.
 - (c) One (1) of the thirty (30) hours shall be specific to Tennessee Code Annotated § 63-22-101 et seq., and the Rules and Regulations of the Tennessee Board of Social Worker Licensure.
 - (d) Attendance at one (1) regularly scheduled meeting of the board may count as the continuing education requirement in subparagraph (c) above.
 - (5) Acceptable Social Work Continuing Education.
 - (a) Acceptable continuing education shall consist of in-person attendance at seminars, workshops, or mini-courses oriented to the awareness of professional ethics and to the enhancement of social work practice, values, skills, and knowledge for the purpose of accomplishing specific written learning objectives.
 1. Cross-disciplinary offerings from medicine, law, administration, education and the behavioral sciences are acceptable, if they are clearly related to the awareness of professional ethics and to the enhancement of social work practices, values, skills, and knowledge.

2. In-service continuing education training can be provided by the employer using presenters from the staff or from outside agencies.
 3. Attendance at educational events sponsored by national, state, regional, or local professional associations in the field or events related to the practice of the profession for which a nationally or regionally accredited institution of higher education grants CEUs is acceptable. Providers who measure continuing education activities in "continuing education units" (CEUs) shall define CEU to equal one (1) clock hour.
- (b) Master or doctoral level social work courses or social work related courses such as mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling and guidance taken for credit or audited from a nationally or regionally accredited institution of higher education. Baccalaureate level social work courses or social work related courses such as mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling and guidance taken for credit or audited from a nationally or regionally accredited institution of higher education are acceptable for licensed baccalaureate social workers.
1. One academic credit hour is equivalent to fifteen (15) clock hours of continuing education. Credit for auditing will be for the actual clock hours in attendance, not to exceed the academic credit.
 2. A maximum of fifteen (15) clock hours for academic coursework may be earned per two (2) year continuing education period.
- (c) Presentation/teaching for the first time of an academic social work course at the baccalaureate, master or doctoral level, in-service training workshop or seminar, or other professional seminar.
1. One clock hour of preparation time will be allowed for each clock hour of first-time presentation time. For example if the workshop or seminar is awarding three (3) continuing education clock hours, the presenter may count up to six (6) hours to include preparation.
 2. A maximum of twenty-four (24) hours will be allowed for total preparation and presentation may be earned per two (2) year continuing education period.
- (d) Preparation for the first time of a professional social work paper submitted for publishing in a recognized professional journal or given for the first time at a regional, statewide or national professional meeting.
1. Hours may be claimed during the calendar year in which the publication was submitted for consideration or presented at the professional meeting.
 2. A maximum of five (5) clock hours will be allowed for preparation of a publication.
- (e) Remote attendance of or completion of multi-media courses that have specific written learning objectives oriented toward the awareness of professional ethics and to the enhancement of social work practice, values, skills, and knowledge. These courses must be presented by a qualified presenter, have a method to verify completion of the learning experience and include the issuance of verification of the completion of the continuing education.
1. Multi-Media courses may include, but not be limited to, courses utilizing:
 - (i) the internet;
 - (ii) closed circuit television;
 - (iii) satellite broadcasts;

- (iv) correspondence courses;
 - (v) videotapes;
 - (vi) CD-ROM;
 - (vii) DVD;
 - (viii) teleconferencing;
 - (ix) videoconferencing; and/or
 - (x) distance learning.
2. A maximum of two-thirds ($\frac{2}{3}$) of a licensee's credit hours may be earned for multi-media courses per two (2) year continuing education period.
- (f) Attendance at a Board of Social Worker Licensure meeting.
1. Licensees may receive one (1) clock hour of credit counted toward the rules and regulations continuing education requirement for attending one entire board meeting.
 2. A maximum of two (2) hours of continuing education credit for attendance at board meetings may be earned per each two (2) year continuing education period.
- (6) Social Work Continuing Education is considered to be continuing education oriented toward enhancing an individual's social work knowledge base and service delivery skills in the applicable areas of social work planning, administration, education, research or direct service with individuals, couples, families, and groups.
- (7) Social Work Ethics Continuing Education is considered to be continuing education oriented toward awareness of professional ethics and the statutes and rules governing the practice of social work in Tennessee.
- (8) Clock Hour - A clock hour represents actual time in continuing education activity. Providers who measure continuing education activities in "continuing education units" shall define one CEU as one clock hour.
- (9) Documentation
- (a) Each licensee registered with the board must retain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification if requested in writing by the board during its verification process. The board will not maintain continuing education files.
 - (b) The board will conduct a random audit of selected individual records to assure that the continuing education requirements have been met. An individual's records may be audited during consecutive renewal periods.
 - (c) If audited, the individual must, within fifteen (15) working days of a request from the board, provide evidence that is satisfactory to the Board of compliance with this rule. Such evidence may include, but not be limited to, one (1) or more of the following:
 1. Certificates verifying the individual's attendance at continuing education programs described in these rules.
 2. An individual submitting a program as evidence of attendance at a continuing education event will also be required to submit two or more of the following for each program submitted: original registration receipt, signed program canceled check (front and back), hotel bill, name badge, or an original letter on official stationery signed by a professional associate who attended.

3. An original letter on official institution stationery from the instructor of the academic course verifying that the course was completed and listing the number of credit hours of attendance completed by the individual.
 4. Official transcript verifying credit hours earned.
 5. Written documentation of training that is kept by the social worker's employer. When submitting evidence of continuing education, the documentation must include employer's name, address and phone number along with the individual's name as registered with the board, certificate/license number and social security number, course name and clock hours of attendance. The licensee must sign the form, as well as his supervisor or employer, certifying that the program was monitored and the social worker was in attendance at all of the sessions listed.
 6. A copy of the course syllabus and verification that the course, workshop or seminar was presented may be used as documentation.
 7. Verification from the editor or editorial review board of the submission of a professional paper for publishing consideration.
- (d) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the board will request a written description of the training and how it applies to the individual's practice as a social worker. If the board determines that the training cannot be considered appropriate continuing education, the individual will be given sixty (60) days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next renewal period.
- (e) Continuing education credit will not be allowed for the following:
1. The licensee's regular work activities, administrative staff meetings, case staffing/reporting, etc.
 2. Membership, holding office in, or participation on boards or committees, business meetings of professional organizations, or banquet speeches. This does not prevent members of the Tennessee Board of Social Worker Licensure from obtaining the one (1) clock hour of rules and regulations continuing education requirement available to all licensees for attendance at a Tennessee Board of Social Worker Licensure meeting.
 3. Independent unstructured or self-structured learning.
 4. Training specifically related to policies and procedures of an agency may not be counted.
 5. Non-social work content courses.
- (10) The board does not pre-approve continuing education programs. It is the licensee's responsibility, using his or her professional judgment and utilizing the guidelines provided within these rules, to determine whether or not the programs are applicable and appropriate to his professional development and meet the standards specified in these rules.
- (11) Continuing Education for Reactivation or Reinstatement of Retired, Revoked, or Expired License.
- (a) Reactivation of a retired license.
1. An individual whose license has been retired for one (1) year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reinstatement. Those hours will be considered replacement hours and cannot be counted during the next renewal period.
 2. Any individual requesting reactivation of a license which has been retired more than one (1) year must submit along with the reactivation request, verification which indicates the

attendance and completion of nine (9) hours of continuing education if the individual is a L.B.S.W.; twelve (12) hours of continuing education if the individual is a L.M.S.W.; and fifteen (15) hours of continuing education if the individual is a L.C.S.W. or L.A.P.S.W., which must have been begun and successfully completed within twelve (12) months immediately preceding the date of requested reinstatement. The continuing education hours completed to reinstate a retired license shall not be credited toward the continuing education hours required to be completed by the end of the renewal cycle following reinstatement.

3. The board, upon receipt of a written request and explanation, may waive the continuing education for reactivation of a retired license in extraordinary circumstances, as determined by the board.
 - (b) Reactivation of a Revoked License - No person whose license has been revoked for failure to comply with continuing education may be reactivated without complying with these requirements. Continuing education requirements will accumulate at the same rate as for those licenses which are active. A license which has been revoked for non-compliance with the continuing education requirement shall also be subject to the late renewal fee pursuant to Rule 1365-01-.05.
 - (c) Reinstatement of an Expired License – No person whose license has expired may be reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reinstatement must equal the hours required, had the license remained in an active status.
 - (d) Continuing education hours obtained as a prerequisite for reactivating or reinstating a license may not be counted toward the calendar year requirement for the year in which reactivation or reinstatement is requested.
- (12) Waiver of Continuing Education
- (a) The board may grant a waiver to any licensee of the need to certify attendance and completion of the required hours of continuing education, if it can be shown to the board that the failure to comply was not attributable to or was beyond the physical capabilities of the individual, i.e., disability, residence abroad, military service, or other reasonable cause. Such requests for waiver must be accompanied by written documentation acceptable to the board.
 - (b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the board administrative office.
 1. A written request for a waiver which specifies what requirement is sought to be waived and includes a written, signed explanation of the reasons for the request, and
 2. Any documentation which supports the reason for the waiver requested or which may be subsequently requested by the board.
 - (c) A waiver approved by the board is effective for only the period for which the waiver of the continuing education requirement is sought, unless otherwise specified in writing by the board.
- (13) Violations
- (a) Any licensee who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or cannot adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action.
 - (b) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrants the intended action.
 - (c) The licensee has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license.
 - (d) Any licensee who fails to show compliance with the required continuing education hours in

response to the notice contemplated by subparagraph (13) (b) above may be subject to disciplinary action.

- (e) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any two (2) calendar year period preceding the year of renewal.

Authority: T.C.A. §§ 63-1-107, 63-23-101, 63-23-104, 63-23-105, 63-23-106, 63-23-108, 63-23-110 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.10 Standards of Conduct is amended by deleting paragraphs (1) and (3), subparagraph (3)(l), paragraph (4), and subparts (5)(a)1(ii) and (5)(b)1(i) in their entirety and substituting instead the following language, so that as amended, the new paragraphs, subparagraphs and subparts shall read:

- (1) Code of Ethics – All licensees shall comply with the code of ethics adopted by the National Association of Social Workers (NASW), approved by the 1996 NASW Delegate Assembly and revised by the 2017 NASW Delegate Assembly, except to the extent it conflicts with the laws of the State of Tennessee or the rules of the Board. If the code of ethics conflicts with state law or rules, the state law or rules govern the matter. Violation of the code of ethics or state law or rules may subject a licensee to disciplinary action.
- (3) Unethical conduct shall include, but not be limited to, the following:
 - (l) Entering into a relationship with a client that increases the risk of exploitation for the client to the licensee's advantage; including, but not limited to, establishing joint business ventures, co-signing on loans, receiving valuable gifts, and entering into landlord/tenant arrangements;
- (4) Release of Records – Unless prohibited by other law, upon receiving a written request from the client or the client's authorized representative, a licensee shall provide the client or the client's authorized representative a complete copy of the client's record or summary of such records maintained by the licensee; it shall be the licensee's option as to whether copies of the client records or a summary of the records will be given to the client or authorized representative.
- (5) (a) 1. (ii) Not discriminate against a client based on race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigration status, or mental or physical disability, political affiliation or social or economic status;
- (b) 1. (i) Making claims that the services performed, personnel employed, or office equipment used are professionally superior to that which is ordinarily performed, employed, or used or that conveys the message that one (1) licensee is better than another when superiority of services, personnel, or equipment cannot be substantiated;

Authority: T.C.A. §§ 4-5-217, 63-2-101, 63-23-101, 63-23-102, 63-23-103, 63-23-108 63-23-109, 63-23-110 and Chapter 1016 of the Public Acts of 2008, §1.

Rule 1365-01-.11 Clinical Experience is amended by deleting the rule in its entirety, including its title, and by renumbering the remaining rules.

Authority: T.C.A. §§ 63-23-101, 63-23-104, 63-23-105, 63-23-106, 63-23-108, 63-23-110 and Chapter 1016 of the Public Acts of 2008, §1.

Newly renumbered Rule 1365-01-.11 is amended by deleting subparagraph (1)(h) in its entirety and substituting instead the following language, and is further amended by deleting subparagraph (1)(i) in its entirety, and is further amended by adding new paragraph (3) and renumbering the remaining paragraph accordingly, so that as amended, the new subparagraph and paragraph shall read:

- (1) (h) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph four (4) of this rule.
- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and

is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed or uncertified practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.

(a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following circumstances:

1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation.

(b) Procedures

1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
 - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on or a final order in response to the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and Rule 1200-10-1-.11.

(c) Form Petition

Petition for Order of Compliance

Board of Social Worker Licensure

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _ day of _____, 20_____.

Petitioner's Signature

Authority: T.C.A. §§ 63-1-134, 63-23-101, 63-23-102, 63-23-104, 63-23-105, 63-23-106, 63-23-108, 63-23-110 and Chapter 1016 of the Public Acts of 2008, §1.

Newly renumbered Rule 1365-01-.13 Change of Address and/or Name is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph shall read:

- (1) Each licensee shall notify the Board office of any change in mailing address and/or physical address in writing within thirty (30) days after such change occurs; the notification must reference the licensee's name, category of licensure, and license number. Communication from the Board is sent to this address of record. Failure to abide by this rule may result in changes to licensure status without a licensee's knowledge.

Authority: T.C.A. §§ 63-1-108, 63-23-101, 63-23-103, 63-23-108, 63-23-110 and Chapter 1016 of the Public Acts of 2008, §1.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 6/6/19

Signature: Nathaniel H. Flinchbaugh

Name of Officer: Nathaniel Flinchbaugh
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: _____

Notary Public Signature: Suzanne Melikow

My commission expires on: January 26, 2021



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Filed with the Department of State on: 6/6/19

Tré Hargett

Tré Hargett
Secretary of State

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