

# Tennessee Board of Social Worker Licensure



# Newsletter



Winter 2009

A regulatory agency of the state of Tennessee

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227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243 <http://tennessee.gov/health> (615) 532-5088 or 1-800-778-4123 extension 25088 • Office Hours: Monday – Friday 8 a.m. to 4:30 p.m. Central Time (except state and federal holidays) Fax: (615) 532-5369

In conjunction with the purpose and goals of the Department of Health, the mission of the Bureau of Health Licensure and Regulation is to: monitor, access and enforce health care laws and regulations; protect, promote and enhance quality health care for all citizens; continuously strive to meet the needs of our customers in a respectful and caring manner; provide quality work-life necessary to attract and retain competent, caring employees; empower our employees to become entrepreneurs in their jobs; increase awareness and public confidence in our services; and, utilize our resources efficiently and cost effectively.



## About the Board of Social Workers

The Board of Social Worker Licensure was created in 1984 by an act of the state legislature. This board is charged with the responsibilities of governing the practice of social work, safeguarding the health, safety, and welfare of Tennesseans, by requiring that all that practice social work within this state be qualified. The board interprets the laws, rules, and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The board is authorized to issue licenses qualified candidates who have completed appropriate education and successfully completed required examinations. The board is also responsible for the

investigation of alleged violations of the Tennessee Practice Act and rules, and is responsible for the discipline of licensees who are found guilty of such violation.

## Board of Social Worker Licensure Website

You may download a copy of the rules, applications and forms, board member list, board meeting schedule, policy statements, and other pertinent information at the board's website: <http://tennessee.gov/health>

## 2010 Board Meeting Dates

February 25-26, 2010  
9 a.m., Iris Room

May 20-21, 2010  
9 a.m., Iris Room

August 5-6, 2010  
9 a.m., Iris Room

November 18-19, 2010  
9 a.m., Iris room



All board meetings will be held at 227 French Landing, Suite 300 Heritage Place MetroCenter, Nashville TN, unless otherwise noted.

## **Legislation Update**

### **Public Chapter No. 1016 Board of Social Workers Licensure**

Revises social worker statute to license baccalaureate social workers, change certification to licensure for master social worker, initiate an advanced practice license, and modify scope of practice provisions.

#### **Licensed Clinical Social Worker (LCSW)**

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.

Licensed clinical social workers may engage in both independent clinical and agency based non-clinical, 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.

#### **Requirements for Licensure**

Complete minimum of two years LCSW supervised full-time clinical experience after receipt of LMSW, complete appropriate forms, pay fees and pass Association of Social Work Boards (ASWB) clinical practice exam.

#### **Practice Information**

Can practice clinical and non-clinical social work in an agency, organization, or independently. Can supervise LMSW working towards LCSW or LAPSW. Examples: LCSW providing services and supervision in AIDS service organization and clinical social worker in private practice.

#### **Licensed Advance Practice Social Worker (LAPSW)**

The practice of advanced social work as a non-clinical social worker is 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 non-clinical 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 non-clinical social worker may include the practice activities of a licensed baccalaureate social worker and/or licensed master's social worker. The practice of advanced master's or doctorate social work may include the practice of clinical social work under the clinical 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.

#### **Requirements for Licensure**

Complete minimum of two years full-time supervised experience under LAPSW or LCSW after receipt of LMSW, complete appropriate forms, pay fees and pass Association of Social Work Boards (ASWB) advance generalist practice exam.

#### **Practice Information**

Can practice non-clinical social work in an agency, organization, or independently. Can supervise LMSW working towards LAPSW. Examples: Social Worker providing consulting services to nonprofits, social work educator or social work agency administrator.

#### **Licensed Master's Social Worker (LMSW)**

The practice of licensed master's social work is 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.

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 advance practice social worker or a licensed clinical social worker. A social worker may not prescribe medication or interpret psychological tests.

### **Requirements for Licensure**

Graduate from CSWE accredited social work graduate program, complete appropriate forms, pay fees, pass Association of Social Work Boards (ASWB) master licensing exam.

### **Practice Information**

Generalist social work practice within agency or organization. Examples include a geriatric social worker providing case management in senior service organization, or a social worker assisting homeless families.

### **Licensed Baccalaureate Social Worker (LBSW)**

The practice of baccalaureate social work is 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.

Baccalaureate social workers are not 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.

### **Requirements for Licensure**

Graduate from CSWE accredited baccalaureate social work program, complete appropriate forms, pay fees, pass Association of Social Work Boards (ASWB) master's licensing exam.

### **Practice Information**

Generalist social work practice within agency or organization. Examples include a geriatric social worker providing case management in senior service organization, or a social worker assisting homeless families.

### **Public Chapter 581 Voluntary Provision of Health Care Services**

Chapter 581 of the 2009 Public Acts provides that a person licensed by any of the health related Boards who provides voluntary health care services to a patient of a sponsoring organization shall not be civilly liable for any act or omission in rendering these services, unless the act or omission constitutes gross negligence or willful misconduct.

This Public Chapter became effective on July 1, 2009.

### **Public Chapter 425 Health Care Liability**

This public chapter revises provisions governing notice that must be given by any person asserting a potential claim for medical malpractice to each health care provider against whom the claim is being made; revises provisions governing certificate of good faith that must be filed. This Public Chapter became effective on July 1, 2009.

### **Public Chapter 1060 Child Abuse Reporting**

Public Chapter 1060 provides immunity from civil and criminal liability for reporting abuse of children by a health care examiner when there is harm or reason to believe there is a mandate to report. No immunity is provided for reports by perpetrators of harm to children.

### **Public Chapter 1190 Long Term Care**

The long term care system shall recognize that aging is not a disease, but rather a natural process that often includes increasing needs for assistance with daily living activities. To the maximum extent possible and appropriate, the system shall be based on a model of care delivery which acknowledges that services delivered in the home and community-based settings are not primarily medical in nature, but rather, support services that will provide needed assistance with activities of daily living and that will allow persons to "age in place" in their homes and communities.

## **Public Chapter 529 Prohibition of Employment of Illegal Aliens**

If the Commissioner of Labor and Workforce Development receives a complaint that a person, licensed by a state regulatory board, knowingly employs, recruits or refers for a fee for employment an illegal alien, that person is subject to an investigation and contested case hearing.

If there is proof a person knowingly employed, recruited or referred for a fee for employment, an illegal alien, which occurred while acting within the scope of practice of his/her license, the regulatory board will be required to revoke, suspend, or deny the person's license.

For the first violation, the regulatory board will be required to suspend the person's license until they show they no longer employ, recruit or refer for a fee for employment, an illegal alien. This can be made by the person filing a sworn statement that they no longer employ illegal aliens.

If a second violation occurs within three (3) years from the first order, the regulatory agency will be required to suspend the person's license for one (1) year. Effective July 1, 2008.

## **Public Chapter 83 Domestic Violence**

The General Assembly passed a new law during the last legislative session that mandates health care practitioners shall report cases of suspected or confirmed domestic violence to the Tennessee Department of Health.

The mandatory monthly reporting is by a web-based system. The system was operational in October 2007 and the Department has mailed you the details of the required data to be reported and the instructions on how to use the reporting tool. The Board will also keep you informed as more information is available. Effective July 1, 2007.

## **Public Chapter 864 Restroom Access Act**

Public Chapter 864 requires any place of business that is open to the general public for the sale of goods or services ("retail establishment") that has an employee toilet facility to allow a customer to use such facility during normal business hours, if:

1. The customer requesting the use of the employee toilet facility suffers from a medical condition that requires immediate access to a

toilet facility or utilizes an ostomy device; the customer must present the employee with proof of an eligible medical condition, such as a document issued by a licensed medical provider;

2. Three or more employees of the retail establishment are working at the time of the request;
3. There is not a restroom available for public use in the retail establishment or otherwise immediately accessible to the customer; and
4. The employee toilet facility is not located in an area that poses an obvious safety or security risk.

This bill provides immunity from civil damages to any retail establishment or an employee of a retail establishment for any act or omission in allowing a customer to use an employee toilet facility that is not a public restroom if the act or omission:

1. Is not willful or grossly negligent;
2. Occurs in an area that is not accessible to the public; and
3. Results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

This bill does not require any retail establishment to make any physical changes to an employee toilet facility. Any retail establishment or employee of a retail establishment that does not comply with the toilet facility access requirements of this bill commits a Class C misdemeanor punishable only by a fine of up to \$50.

**The complete text of Public Acts is available at:**  
<http://www.tennessee.gov/sos/acts/index.htm>

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## **Web Addresses for Social Worker Organizations**

### **Association of Social Work Boards – ASWB**

Develops social work licensure tests and provides support and training for state social work licensure Boards. <http://www.aswb.org/>

### **Council on Social Work Education – CSWE**

Nationally and Tennessee recognized accrediting agency for social work education programs. <http://www.cswe.org/CSWE>.

## Online Renewals and Address Changes

Practitioners may access the online service at <http://www.tennessee.gov/health> to renew their license up to 120 days prior to the expiration date. Practitioners may also update their address and mandatory practitioner profile at this site. The Board of Social Worker Licensure must be notified within 30 days of changes of address.



## Non-Compliance with License Renewal Requirements

All practitioners licensed by the Social Worker Licensure Board who fail to renew their license pursuant to Rules 1155-2-.09, 1155-3-.05 and 1155-4-.10 are subject to disciplinary action. The licensee must pay a \$100 monthly civil penalty for each month the licensee has worked on an expired license, after an initial three month grace period. The licensee's name will be listed on the monthly disciplinary report on the Department of Health's Web site.

## Non-Compliance with Continuing Education Requirements

All practitioners licensed by the Social Worker Licensure Board who fail to comply with the continuing education requirements pursuant to Rules 1155-2-.12, 1155-3-.04 and 1155-4-.12 are subject to disciplinary action. The licensee must pay a \$100 civil penalty within 30 days of notification from the board, and obtain the deficient continuing education hours by the end of the next calendar year in addition to the current continuing education hour requirement. The licensee's name will be listed on the Department of Health website.



Tennessee Board of Social Worker Licensure  
227 French Landing, Suite 300  
Heritage Place, Metro Center  
Nashville, TN 37243



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**Tennessee Board of Social Worker Licensure**

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**Pamela Sams, LCSW**

**Georgia Y. Alexander, LCSW**  
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**Vickie Williams, LAPSW**

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