

## TIP SHEET FOR UNDERSTANDING THE NEW SOCIAL WORK REGULATIONS (Revised October 2018)

**The Board of Social Work Examiners (BSWE/Licensing Board) has adopted and posted new Regulations which govern the practice of Social Work in the State of New Jersey. This Tip Sheet outlines significant changes to the NJ Social Work Regulations in this version. This Tip Sheet is designed to help you understand the new Regulations.**

### **PLEASE NOTE:**

**NASW-NJ does not speak for the Board of Social Work Examiners. The Board of Social Work Examiners is the final authority on all social work practice and the Social Work Regulations in New Jersey.**

To read the actual language of the Regulations, go to <http://tinyurl.com/NJSWRegs13-44G>, ignore the “Please Read” and LexisNexis parts, and scroll down review the relevant Subchapter (noted below).

## **SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS**

### 1.2 Definitions

"Board" means the NJ State Board of Social Work Examiners.

"Clinical social work" and all other categories of clinical social work services now refer specifically to “psychotherapy groups.” The general term “groups” has been deleted in all categories.

“Clinical consultation” now includes client-centered advocacy when it is provided as part of the psychotherapeutic process. Client-centered advocacy in any other context is not considered “clinical.” It is listed under “social work services.”

“**Psychotherapeutic counseling**” is 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.” A timeline for “ongoing” has not been established by the BSWE. However, a single intervention (such as an Emergency Room visit) will not fulfill this requirement.

In these Regulations, all credentials (CSW, LSW, LCSW) refer to New Jersey social workers.

"Social work counseling" now includes advising and providing guidance to support/psycho-educational groups and providing supportive counseling.

"Social work client-centered advocacy” now includes functioning on behalf of support/psycho-educational groups.

## **SUBCHAPTER 3. AUTHORIZED PRACTICE**

### 3.1 Scope of Practice

The scope of practice for all credential levels (CSW, LSW, LCSW) now includes:

Supervising, pursuant to Council on Social Work Education standards, students who are completing undergraduate or graduate social work coursework.

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

### 4.1 Eligibility requirements; LCSW

**NOTE: If an LSW began their clinical social work experience (accruing hours) under a qualified supervisor prior to September 17, 2018 then she/he will fall under the old Regulations (adopted 9/21/15) and only needs to document completion of 1920 hours of face-to-face client contact that meets the definition of “clinical social work” (see Subchapter 1.2 – Definitions).**

**Number of hours, type of work and time to complete hours:** Under the new Regulations (adopted 9/17/18), an LSW needs to document 3,000 hours of work completed within 2-4 consecutive years (24-48 months) after earning a master’s degree in social work. At least 1,920 of these hours shall be in face-to-face client contact and at least half of the 1,920 hours (960) shall be providing psychotherapeutic counseling (see definition above). The rest of the 3,000 hours (up to 1080) can include time spent in supervision (individual or group) or other social work-related activities.

**1,920 hours (minimum) need to meet the definition of “clinical social work” (see Subchapter 1.2 – Definitions). This includes clinical assessment and/or psychotherapeutic counseling. Of these 1,920 hours, 960 (minimum) need to meet the definition of “psychotherapeutic counseling.” The rest of the 3,000 hours (up to 1,080) can be in supervision or other social work-related activities including documentation in case records.**

**Please note: The BSWE uses your official job description (provided by your employer) to determine that your work meets the definitions and requirements established in the Regulations. If your job description does not show that the work you are doing meets the definition of “clinical social work” and/or “psychotherapeutic counseling,” then your hours probably will not be accepted in those categories.**

**Documentation Log:** Click [here](#) to access a form for documenting your hours. This particular form is not required by the BSWE. However, you must have some way of showing the work that you have completed if the BSWE asks for documentation. Be sure to read the instructions before beginning to use this form.

The start date for this 2-4 year period can be any time as long as the LSW has direct and qualified supervision which meets the requirements in Subchapter 8.1 of the Regulations. **Even after completing all of the required hours, you must continue weekly supervision until your LCSW license is granted by the Board of Social Work Examiners (BSWE). This occurs when your license number is posted on the BSWE’s website (<http://tinyurl.com/NJLicenseVerify>).** Then you are licensed and can practice without supervision.

**Application Form:** In the new Regulations, the 12 semester hours of graduate level course work required to apply for your LCSW should focus on methods of clinical social work practice. Courses titled “Human Behavior and the Social Environment (HBSE)” are no longer accepted for this requirement. Diagnosis and assessment courses need to be related to clinical social work practice;

Under the new Regulations, the 3,000 hours of work experience need to be completed no more than five years

before you submit your application. This means that an LSW must finish acquiring clinical hours under a qualified supervisor within 5 years of applying for their LCSW.

**For social workers licensed in another state:**

If a social worker is licensed to practice clinical social work independently (equivalent to NJ LCSW) and has been working in clinical practice under that license, older clinical hours acquired under clinical supervision may be accepted as part of an application for a NJ LCSW.

4.2 Eligibility requirements; LSW

The new Regulations now recognize an official letter from the dean or registrar of the school indicating that the applicant has received a Master’s or Doctorate degree that is acceptable to the Board of Social Work Examiners. Most NJ Schools of Social Work send this letter to the Board soon after graduation with a list of all graduates. If such a letter is not sent, a final transcript showing your graduation is required.

**SUBCHAPTER 6. CONTINUING EDUCATION**

6.2 Credit-hour requirements

**The number of CE credits required has not changed in the new Regulations:**

LCSWs shall complete at least 40 credits. At least 20 of these shall be in courses or programs directly related to clinical practice; of the remaining 20, 5 shall be related to ethics, and 3 shall be related to social and cultural competence. LCSWs may carry a maximum of 8 surplus credits into the next biennial licensing cycle;

LSWs shall complete at least 30 credits. At least 5 of these shall be related to ethics, and 3 shall be related to social and cultural competence. LSWs may carry a maximum of 6 surplus credits into the next biennial licensing cycle;

CSWs shall complete at least 20 credits. At least 5 of these shall be related to ethics, and 3 shall be related to social and cultural competence. CSWs may carry a maximum of 4 surplus credits into the next biennial licensing cycle;

**If an applicant gets their license or certificate during the second year of the license cycle (on September 1, 2019 or later), s/he shall complete at least half of the minimum required CE credits. In this situation, all credentials (CSW, LSW and LCSW) shall complete 3 credits in ethics-related courses and 2 credits in social and cultural competence. In addition, LCSWs shall complete a least 10 of the required 20 credits in programs which directly relate to clinical practice.**

**The rules for counting CE credits have changed. 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 that could be allocated towards clinical practice or ethics shall count towards either clinical practice or ethics, but not both.**

**SUBCHAPTER 8. CLINICAL SUPERVISION**

8.1a) LSWs working in private practice settings

**An LSW may be employed by, or volunteer at, a private practice owned by a healthcare professional licensed to provide clinical mental health services (for example: LCSW, LPC, Ph.D. psychologist, psychiatrist). Appropriate supervision must be provided by an LCSW who is in that practice or is hired by the LSW as an “off premises” supervisor. (See Subchapter 8.1 i)).**

However, an LSW may not provide clinical social work services in a practice owned by a medical professional when the LSW is the only or primary mental health practitioner, even if they have outside supervision. A licensed clinical mental health professional must screen potential clients and assign appropriate cases to the LSW. Without this process in place, the LSW is essentially practicing “independently” without proper licensure.

Also, an LSW shall not provide these clinical services through a private practice that the LSW owns either wholly or in part.

#### 8.1b) Clinical supervision

**All LSWs engaged in clinical social work practice shall have clinical supervision in accordance with the following standards until licensed by the Board of Social Work Examiners as an LCSW.** This includes LSWs who are not accumulating hours toward their LCSW.

**PLEASE NOTE: Graduating with an MSW, passing the ASWB (Clinical) Licensing exam, completing the required hours and/or sending an application for licensure to the Board of Social Work Examiners is/are NOT sufficient for providing clinical social work services without appropriate clinical supervision. A social worker is licensed as an LSW until their LCSW license number is posted on the Board’s website. Until that time, weekly clinical supervision is still required.**

**Check this link to see if your new License number has been posted: <http://tinyurl.com/NJLicenseVerify>.**

#### **Supervision by video conferencing**

The new Regulations require LSWs to meet with their supervisor:

- At least one hour per week, face-to-face, for individual or group clinical supervision, or
- At least one hour per week for individual clinical supervision through synchronous video conferencing. **The video conferencing system/platform must comply with the confidentiality requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).**
- **Video conferencing can be used for no more than half of the total supervision hours.**

**Clinical supervision of an LSW doing clinical social work in NJ shall be provided by:**

- **A clinical social worker licensed in NJ (LCSW).**
- **An LCSW who has been licensed as an LCSW for a minimum of three years, and who has completed at least 20 continuing education credits of post-graduate course-work related to clinical supervision approved by the Board of Social Work Examiners.**
- **A Seminar in Field Instruction (SIFI) course shall not satisfy this requirement either in whole or in part.**

#### 8.1i) Off-premises (or “outside”) supervision

When no appropriate supervision is available onsite, an LSW shall arrange for outside supervision. **The LSW must receive written consent of the employer (on agency/practice letterhead with signature) to have outside supervision with the named supervisor.** The LSW should keep this documentation on file for review by the Board of Social Work Examiners if asked.

When getting outside supervision, the LSW will need the client's written consent to present records or other documents to the supervisor. Written consent is not required to share verbal, de-identified information with the supervisor.

### **SUBCHAPTER 9. GENERAL OBLIGATIONS OF LICENSEES AND CERTIFICATE HOLDERS; UNLICENSED PRACTICE**

### 9.3 Unlicensed practice of social work

**Offering or providing clinical social work services by an LSW who is not under appropriate supervision is considered unlicensed practice of social work** (see 8.1 above or Subchapter 8.1 for details of acceptable clinical supervision). **This is true at any time an LSW is providing clinical social work services, and whether or not the LSW is acquiring hours toward their LCSW.**

The NJ Social Work Statutes ([N.J.S.A. 45:15 BB](#)) provide for exemptions from licensure for practice in certain settings (see Subchapter 5h). This includes MSWs who are not licensed but can work for a nonprofit organization and provide social work services except for psychotherapeutic counseling. **However, if an MSW (without an LSW) works for a nonprofit organization and offers or provides clinical social work services, then the MSW is engaging in Unlicensed Practice even if they have clinical supervision.**

## **SUBCHAPTER 10. BUSINESS PRACTICES; PROFESSIONAL CONDUCT**

### 10.2 Financial arrangements with clients

A licensee or certificate holder shall not accept goods or services from clients as payment for professional services. In short, no bartering.

**Before providing social work or clinical social work services, a licensee or certificate holder shall assist the client in understanding the financial arrangements of the services. With this in mind, financial arrangements shall use clear and understandable language.** They shall 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. **These arrangements should be discussed with the client before beginning services even if the client doesn't raise the issue or have questions about the document provided.**

The new Regulations list, in detail, what information shall be included in the financial arrangements document(s) (see Subchapter 10.2 d) for details) and these arrangements should be reviewed with the client at least once a year.

### 10.4 Conflicts of interest

**The new Regulations detail and clarify potential conflicts of interests for social workers and establish parameters to avoid them. The new Regulations directly address dual/multiple relationships with clients or former clients.**

**Here is an overview of the Regulations' message:**

**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. **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. (See Subchapter 10.4 Conflicts of Interest for more information.)

### 10.6 Termination or interruption of services

**The new Regulations outline what notifications and other procedures are required when a social worker retires or dies. They have also added "interruption of services" for more than 90 days as a time when these steps should be taken. This might include situations of medical leave, post-surgical recuperation or other**

temporary disability. These are complicated times in a social work practice and the new Regulations provide guidance and helpful details for such situations. (See Subchapter 10.6 Termination or Interruption of Services for more information).

#### 10.7 Sexual misconduct, harassment; discrimination

The new Regulations have added “gender identity” to the areas of discriminations which social workers should not condone or engage in.

##### 10.7A Inappropriate behavior

**The Board of Social Work Examiners has added specific examples of behavior that is considered inappropriate for licensed and certified social workers. These examples clarify what is expected of professional social workers and allow for complaints to be filed with the Board for generally unprofessional behavior.**

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:

- Initiating, encouraging, or participating in communication with the client or the client's support system that is not professional in nature;
- Demonstrating preferential treatment or the perception of preferential treatment of a client.
- Failing to maintain impartiality such as demonstrating aggressiveness or being overly protective of a client without a clinical reason;
- Granting favors or rewards to clients to endear clients, gain or promote feelings of acceptance, or receive gifts; and
- Sharing private information that does not have a therapeutic benefit.

#### 10.8 Reporting of violations by other licensees

**The new Regulations change and add to the rules for reporting of violations by other licensees.**

The general rule is that 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.

However, there are exceptions when that information is obtained in the course of a professional (therapeutic) or consulting relationship.

- If the client is not a social worker, she/he can report this to the Board of Social Work Examiners. If the client is unwilling or unable to do so, the social worker should make the report and advise the client.
- If the client is a social worker, the treating social worker does not have to report client behavior to the Board under certain circumstances (see Subchapter 10.8 - Reporting of Violations by other Licensees).

## **SUBCHAPTER 11. ADVERTISING**

### 11.2 Advertising; general requirements

An LSW who advertises must include the name of his or her employer in any promotional material.

Advertisements using social work license or certification credentials shall only be used when promoting social work services.

#### 11.4 Use of professional credentials and certifications

If a social worker has an academic degree earned in a field other than social work, this can be listed as long as the field is clearly identified (for example: JD or MBA or Ph.D. (English Literature)).

### **SUBCHAPTER 12. CLIENT RECORDS; CONFIDENTIALITY**

#### 12.3 Confidentiality

**The new Regulations require documentation for a waiver of confidentiality. Clients must now agree in writing to waive the privilege accorded by this section of the Regulations.** The client shall sign and date the written waiver and the social worker shall maintain the waiver in the client's record.

It is still the case that 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 also agree to the waiver. Absent a waiver of each family member, a social worker shall not disclose any information received from any family member.

### **SUBCHAPTER 13. CUSTODY/PARENTING TIME EVALUATIONS**

#### 13.6 Fees

The new Regulations require the same compliance to financial arrangements for Custody/Parenting Time Evaluations as they do for other social work services.