

AUTHORITY

These rules are promulgated pursuant to CRS 12-43-221, CRS 24-4-103, CRS 24-4-105(11).

PURPOSE AND SCOPE

These rules inform the public in general and those desiring Colorado licensure or registration as a social worker, in particular, of the following; The Operations of the Colorado State Board of Social Work Examiners; Procedures for Public Participation at Board Meetings; Confidentiality of Board Proceedings and Records of the Board; Procedures for Investigations and Disposition of Inquiries; Declaratory Orders; Mandatory Disclosure Statement; Information Required to be Reported to the Appropriate Board; Supervision of Mental Health Practitioners; The information needed, the qualifications required, and the type and amount of supervised experience necessary for licensure or registration; the general content of the examination(s). These rules include licensure or registration by endorsement (*i.e.*, admission from another jurisdiction) and by examination and cover initial, reinstatement of, and renewal of licensure or registration. These rules affect every person seeking Colorado licensure or registration as a social worker, as defined in CRS 12-43-201(5.5), CRS 12-43-201(9.3) and CRS 12-43-403. These rules affect every person licensed or registered in Colorado as a social worker.

EFFECTIVE DATE

These rules are effective on June 1, 1999

RULE 1 DEFINITIONS

In addition to the definitions set out in CRS 12-43-201, unless the context requires otherwise, as used in these Rules:

- (a) "Administrator" means the Board's Program Administrator and staff.
- (b) "Employment counseling" means professional activities that are provided on a short-term basis and that are intended to assist individuals with locating, applying for, interviewing, or otherwise successfully securing paid employment.
- (c) "Rehabilitation counseling" means professional activities that are intended to assist a person with a physical handicap, defect, or injury as defined in C.R.S. 26-8-105(2)(a), (b), or (c) to learn or to relearn to perform routine daily functions including, but not limited to, eating, dressing, transportation, or employment.
- (d) Whenever exemption from Board jurisdiction is claimed based on an assertion of practice of religious ministry as stated in CRS 12-43-215(1), the Board shall consider factors, including but not limited to those listed below, which, taken together and placed within the context of the incident in question, would tend to reasonably indicate that the person seeking the exemption was engaged in the practice of religious ministry. In weighing these factors, the Board shall consider the factors and other information which indicate the person claiming exemption was not engaged in the practice of religious ministry at the time of the alleged violation of the statute before taking further action on the complaint.

In determining whether or not social work practice has occurred, the Board analyzes activities and the basic nature of the interaction among the persons involved. The analysis focuses on what occurred, on how it occurred, and on why it occurred.

FACTORS

1. Whether the client or guardian had received notice and understood that the social work practice in question was a part of religious practice/ministry.
2. Whether the client or guardian was seeking social work practice from a religious organization to which the complainant belonged at any time.
3. Whether a written agreement or disclosure existed which stated that the social work practice in question was part of religious practice/belief.
4. Whether the social work practice sessions were conducted in a house of worship or on property belonging to a religious organization.
5. Whether the person conducting the social work practice normally represented him or herself as a religious official who is counseling as part of a religious ministry.
6. Whether social work practice was part of an on-going relationship, formed because the provider is spiritual counselor to the client.
7. Does the provider of social work hold a position of trust within a religious organization?
8. Does the provider advertise social work services to the public for a fee or present himself/herself to the public as a social worker?
9. Does the provider collect fees for social work services or religious donations, offerings, tithes, etc.?
10. Is the social work services provided based on any religious orientation or viewpoint?
11. Is the provider engaged in the practice of social work accountable or subject to any religious organization or person for misdeeds or acts of misconduct?
12. Is the provider providing psychotherapy a member of a religious organization recognized by the Internal Revenue Service? Does the organization hold 501(C)(3) tax exempt status?
13. Is the provider trained in theology or any other field, area, or specialty related to the study of a religious or spiritual orientation?
14. Is the service provided within a private practice setting?
15. If the provider is not accountable to a recognized religious organization or person, does s/he hold a declaration of religious mission or a statement identifying the religious views or beliefs of the organization or person?
16. Is the provider of social work services recognized by consumers as a religious minister or spiritual healer?

RULE 2 BOARD OPERATIONS (CRS 12-43-203, 12-43-221, 24-72-203(1))

- (a) Purpose. This Rule sets out the organization, administration, and general procedures and policies governing the operation of the Board.
- (b) Office. The office of the Board is located within the Department of Regulatory Agencies in Denver, Colorado.
- (c) Meetings.

- (1) The Board shall hold regular meetings and additional meetings as necessary during each year ending on 30 June.
 - (2) The Chair may call meetings after consultation with the Board and shall call meetings if requested to do so by a majority of Board members.
 - (3) The Board may conduct meetings by telephone if an emergency situation so requires.
 - (4) The Board will announce and conduct its meetings in accordance with the Colorado Open Meetings Law, CRS 24-6-401 et seq.
- (d) Quorum. A quorum of the Board necessary to conduct business is four members.
- (e) Rules of order. The Board shall conduct its meetings in an orderly fashion, with due regard for the rights of each Board member. The Board may refer to Robert's Rules of Order Revised when necessary.
- (f) Transaction of official business.
- (1) The Board may transact official business only when in a legally-constituted meeting with a quorum present.
 - (2) The Board is not bound in any way by any action on the part of any Board member and/or the administrator except when the action is pursuant to a specific instruction or direction of the Board.
 - (3) Informal opinions given or statements made by a Board member and/or the administrator are not official opinions or statements of the Board and do not bind the Board. Only those opinions, decisions, or policies documented in the written minutes of Board meetings, Board rules, or official publications of the Board are binding as action of the Board.
- (g) Minutes. The minutes of any Board meeting are official only when approved by the Board and signed by the Chair or Vice-Chair.
- (h) Elections.
- (1) At the meeting held in July of each year, or as soon thereafter as possible, the Board shall elect, by a simple majority vote of those members present, a Chair and Vice-Chair.
 - (2) A vacancy that occurs in the office of the Chair or Vice-Chair may be filled at any regular meeting.
- (i) Officers.
- (1) The Chair presides at all meetings that s/he attends and performs all duties prescribed by law, Board rules, or Board policies. The Board hereby authorizes the Chair to make day-to-day minor decisions regarding Board activities in order to facilitate the responsiveness and effectiveness of the Board. At all times the Chair exercises her/his authority subject to the general policies, rules, orders, decisions, findings, and determinations of the Board.
 - (2) The Vice-chair performs the duties of the Chair in case of the absence or disability of the Chair. If the office of the Chair becomes vacant, the Vice-Chair serves as Chair until a successor is elected.

- (j) Committees. The Board or the Chair with the approval of the Board may establish committees or appoint consultants as deemed necessary to assist the Board in carrying out its responsibilities. As necessary or as requested, committee Chairs and consultants shall make reports to the Board. Committees and consultants shall provide all written reports or other materials to the administrator for distribution to the Board.
- (l) Impartiality. Any Board member who cannot be impartial in the determination of or who has an immediate personal, private, or financial interest in a matter before the Board shall inform the Board and shall not participate in any Board deliberation or vote on the matter.

RULE 3 PUBLIC PARTICIPATION AT BOARD MEETINGS (CRS 12-43-203; 12-43-221)

(a) Public participation at Board meetings.

- (1) The Board may provide a person a reasonable opportunity to address the Board at an open meeting if the request is made in accordance with this Rule and, in the Board's sole discretion, the granting of the request will not result in delay or disruption of the Board's meeting.
- (2) The Board may provide a reasonable opportunity for a person to address the Board on an agenda item if a request to speak is given to the Chair or Administrator prior to Board consideration of the item.
- (3) The Board may provide a reasonable opportunity for a person to address the Board on a subject that is not an agenda item if the request to speak is given to the Chair or Administrator prior to the conclusion of the meeting.
- (4) In accordance with procedural due process of law, the Board will not permit members of the public to address the Board on pending disciplinary proceedings or cases.
- (5) Except in unusual circumstances and in the Board's sole discretion, the Board will rely exclusively on written materials during its initial consideration of inquiries. Therefore, except in unusual circumstances, the Board will not permit any member of the public (including a complainant or a respondent social worker) to address the Board during the course of the Board's initial consideration of an inquiry.
- (6) The Chair may impose reasonable limitations on the time allotted for comments made pursuant to this Rule.

RULE 4 CONFIDENTIALITY OF PROCEEDINGS AND RECORDS OF THE BOARD; (CRS 12-43-218, 12-43-221, 12-43-224(2)(b), 12-43-224(4))

- (a) General. Inquiries, complaints, investigations, hearings, meetings, or any other proceedings of the Board relating to disciplinary proceedings shall not be open to public inspection until the Board meets for its initial consideration of the inquiry that gave rise to the proceedings. The initial consideration of the inquiry and all further proceedings shall be open and the records available for inspection unless subsection (b) or (c) of this Rule, an exception to the Public Records Act or an exception to the Open Meetings Act applies.
- (c) Subpoenaed Information. Information subpoenaed by the Board shall remain confidential and not be open to public inspection until the Board has reviewed the information and made a determination whether the information should remain confidential. Information which is not determined to be confidential shall be open to public inspection unless an exception to subsection (b) an exception to the Public Records Act or the Open Meetings Act applies. This exception shall not apply to review of information by a respondent in a Board investigation.

RULE 5 PROCEDURES FOR INVESTIGATIONS AND DISPOSITION OF INQUIRES (CRS 12-43-221, 12-43-223, 12-43-224, 24-34-103)

- (a) General. This Rule sets out the procedures for making and processing inquiries against social workers where the inquiries are within the jurisdiction of the Board.
- (b) Initial Inquiries.
 - (1) Generally, inquiries against social workers must be submitted in writing and should state in as much detail as possible the facts upon which the inquiry is based. If the complainant or recipient of psychotherapy services would like to have her/his name withheld from the public, this request should be included in the inquiry.
 - (2) At the discretion of the Board, an oral inquiry may be informally handled. The Board may request that oral inquiries be reduced to writing.
 - (3) At the discretion of the Board, anonymous inquiries may be reviewed.
- (c) Voluntary surrender of license or registration. If a licensee or registrant who is the subject of a Board investigation or disciplinary proceeding voluntarily surrenders her/his license or registration, absent unusual circumstances, the Board will not discontinue the investigation or disciplinary proceeding unless the licensee or registrant consents to entry of a permanent injunction limiting or prohibiting her/his practice of social work and psychotherapy in Colorado.
- (d) Notice to social worker. If the allegations in an inquiry against a social worker, if proved, would constitute grounds for action pursuant to CRS 12-43-223, 12-43-224, 12-43-226, or 12-43-227, the Administrator shall:
 - (1) Inform the social worker in writing that an inquiry has been made against her/him, enclose a copy of the inquiry, indicate the provisions of the Act that may have been violated, and request the social worker's cooperation in ascertaining the facts and circumstances that led to the inquiry.
 - (2) Request the social worker to provide a written statement setting out her/his response to the inquiry and whatever facts s/he may consider relevant for the Board to understand the circumstances. The social worker shall have 20 days, or such time as the Board may determine in its discretion, to respond to the inquiry.
 - (3) At the discretion of the administrator, the complainant will be given an opportunity to review and to comment upon the social worker's response.
- (e) Requests for extension of time. The Administrator may grant a reasonable request for extension of time within which a social worker may respond to an inquiry and/or within which a complainant may comment upon a social worker's response.
- (f) Initial Board consideration of inquiries. When the social worker has responded and the complainant has commented (if the complainant is asked to comment) or at the expiration of the response time (if the social worker or complainant submits no response), the administrator shall forward the inquiry, any response, and other available information to the Board for its review. The Board will not delay its initial consideration of an inquiry because the social worker or complainant has not responded.

RULE 6 DECLARATORY ORDERS (CRS 24-4-105(11))

- (a) Any person may petition the Board for a declaratory order to terminate a controversy or to remove

uncertainty as to the applicability to the petitioner of any statutory provision or of any Board rule or order.

(b) A petition filed pursuant to this Rule shall set forth the following:

- (1) The name and address of the petitioner and whether the petitioner is a licensee or registrant.
- (2) The statute, rule, or order to which the petition relates.
- (3) A concise statement of all facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.

(c) The Board will determine, in its discretion and without notice to petitioner, whether to rule upon a petition. In determining whether to rule upon a petition, the Board will consider the following matters, among others:

- (1) Whether a ruling on the petition will terminate a controversy or remove uncertainty as to the applicability to petitioner of any statutory provision or Board rule or order.
- (2) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter, proceeding, or investigation involving the petitioner and currently pending before the Board, any other board, or a court.
- (3) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter, proceeding, or investigation currently pending before the Board, any other board, or a court, but not involving the petitioner.
- (4) Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
- (5) Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colo.R.Civil P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.

(d) If the Board determines, in its discretion, that it will not rule upon the petition pursuant to this Rule, the Board shall promptly notify the petitioner of its action and state the reasons for such action.

(e) If the Board determines, in its discretion, that it will rule on the petition, any ruling of the Board will apply only to the facts presented in the petition and any amendment to the petition. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.

In ruling on the petition, the Board may take one or more of the following actions, in its discretion:

- (1) The Board may dispose of the petition on the basis of the matters set out in the petition.
- (2) The Board may request the petitioner to submit additional facts, in writing. In this event, the additional facts amend the petition.
- (3) The Board may order the petitioner to file a written brief, memorandum, or statement of position.
- (4) The Board may set the petition for hearing, upon due notice to petitioner, to obtain additional facts or information; to determine the truth of any facts set forth in the petition; or to hear

oral argument on the petition. The notice to the petitioner setting the hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of the hearing, to the extent necessary, the petitioner shall have the burden of proving all facts stated in the petition; all facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner; and any other facts the petitioner desires the Board to consider.

- (f) If the Board determines that the petition addresses a matter within the purview of any other board, the Board shall refer the petition to the other board for consideration. If the Board refers a petition to another board, the Board shall promptly inform the petitioner of the referral.
- (g) The parties to any proceeding pursuant to this Rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding. A petition to intervene shall set forth the matters required by subsection (b) of this Rule. Based on the information presented, the Board may, in its discretion, grant leave to intervene. Any reference to "petitioner" in this Rule includes any person who has been granted leave to intervene by the Board.
- (h) Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute final agency action subject to judicial review pursuant to CRS 24-4-106.

RULE 7 MANDATORY DISCLOSURE STATEMENT (CRS 12-43-214, 12-43-222(1)(p))

- (a) When a social worker engages in social work/ psychotherapy practice a mandatory disclosure statement is required pursuant to CRS 12-43-214(1).
- (b) Definition for CRS 12-43-214,
 - (1) "Client" means the recipient of psychotherapy, except as noted here. If the client is a child who is consenting to psychotherapy under CRS 27-10-103, the mandatory disclosure is made to the child. However, if the client is a child whose parent or legal guardian is consenting to the psychotherapy, mandatory disclosure is given to the parent or legal guardian. If the recipient of psychotherapy services is an adult for whom a guardian or legal representative has been appointed by a court of competent jurisdiction (irrespective of an appeal of the order) because the adult is an "incapacitated person" within the meaning of CRS 15-14-101(1), the mandatory disclosure is made to the guardian or legal representative.
 - (2) "Initial client contact" means the first contact between the social worker and the client. This term does not include client contact that both occurs by telephone and is preliminary to beginning the social worker-client relationship (e.g., contact to determine office hours, methods used, availability). In those instances in which the client is incapable of understanding, disclosure shall be given at the first opportunity such impairment is removed.
- (c) Institutions. The institutional and primary therapist's disclosures may be combined provided all required elements are included.

RULE 8 INFORMATION REQUIRED TO BE REPORTED TO THE APPROPRIATE BOARD (CRS 12-43-221, CRS 12-43-224(8), CRS 12-43-224(9))

- (a) General. Licensees and registrants are required to report violations of CRS 12-43-222 to the appropriate Board once they have direct knowledge that a licensee or registrant or any other individual regulated under the Colorado mental health statute has violated a provision of CRS 12-43-222. Licensees or registrants are not required to report when such reporting would violate

client/therapist confidentiality without first obtaining client consent (refer to CRS 12-43-218).

(b) Terms.

(1) Direct knowledge means:

- (a) Having seen, heard, or participated in the alleged violation.
- (b) Having been informed by the client/victim and obtained informed consent to release information as to the event or the client's name.
- (c) Having been informed of a violation by the violator.
- (d) Having been informed by a guardian of a minor or adult and obtained informed consent from the guardian to release information.

(2) Has violated means a reasonable belief that a social worker has engaged in a prohibited activity under CRS 12-43-222.

(c) Procedures.

- (1) Once direct knowledge is established, the licensee or registrant must report as soon as practicable, and within 60 days.
- (2) When direct knowledge of a violation of 12-43-222 is obtained from her/his client, the licensee or registrant shall:
 - (a) Inform the client a violation may have occurred.
 - (b) Encourage the client to report the violation.
 - (c) Provide the client the packet entitled "Your Options as a Psychotherapy Client."
 - (d) Obtain the client's informed consent before reporting the alleged violation of section 222.
- (3) The report shall be in writing and shall include the specifics of the violation, to the degree known, and any and all relevant information and supporting documentation.

RULE 9 SUPERVISION OF MENTAL HEALTH PRACTITIONERS (CRS 12-43-221, CRS 12-43-222(1)(g), CRS 12-43-222(1)(h), CRS 12-43-222(1)(i), CRS 12-43-222(n))

- (a) General. Supervision provides a source of knowledge, expertise, and more advanced skills to the person being supervised. The nature of this relationship depends on the respective skills of the two professionals involved, the client population and/or the specific client being served. It is usually ongoing, required, and hierarchical in nature. (Required refers to rules for licensing and/or certification, insurance reimbursement, and/or assistance necessary to assure the supervisee's level of competency meets the generally-accepted standards of practice.)

(b) Terms.

- (1) Clinical supervision occurs when there is close, ongoing review and direction of a supervisee's clinical practice.
- (2) Consultation describes a voluntary relationship between professionals of relative equal

expertise or status wherein the consultant offers her/his best advice or information on an individual case or problem for use by the consultee as she/he deems appropriate in her/his professional judgment.

(3) Administrative supervisor is the person who bears responsibility for the non-clinical functioning of an employee, such as performance appraisals, personnel decisions, etc. The administrative supervisor may be held accountable for misconduct by a social worker when she/he knew or should have known of a violation of generally-accepted standards of practice or any prohibited activity and when she/he had responsibility for corrective administrative action and failed to act.

(4) Modes of Supervision. Includes but not be limited to individual, group, telephone, audio-visual, process recording, direct observation, telecommunication (teleconferencing, fax, videotapes), and hospital rounds. The appropriate modality of supervision shall be determined by the training, education, and experience of the supervisee, and the treatment setting (i.e. urban/rural, or the availability of resources and at all times based on community standards and client needs). The level of supervision provided, and whether the supervisor meets with the client, is determined by the education, training, and experience of the supervisee, the specific needs of the clients being served, and the professional judgment of the supervisor. The scope of practice to be supervised should be agreed upon and specified. Nothing in this rule should be assumed to abridge the rights of the client to a reasonable standard of care.

(5) Conflictual Dual Relationship.

(a) Conflictual dual relationship includes but is not limited to:

- (1) blood relatives;
- (2) spousal relationships or significant others, either current or former;
- (3) current or former therapist and/or client;
- (4) any other relationship which might compromise a therapist/client, supervisor/supervisee or supervisor/client relationship.

(c) The Board may grant an exception to the above upon a showing that:

- (1) The client was fully informed of the dual relationship and the possibilities for conflicts of interest;
- (2) The client's access to quality care has not been compromised;
- (3) The supervisor and social worker have not benefited from the relationship over and above a reasonable fee for service (i.e., that the power in the relationship has not been used to influence the relationship for personal gain);
- (4) The client and supervisory relationships have not been compromised and the best interests of the client are served by the relationship.

(d) Supervision Shall Include But is Not Limited To The Following:

- (1) Monitoring the supervisee's activities to verify she/he is providing services that meet minimal standards.

- (2) Verifying that it is the practice of any supervisee to provide the mandatory disclosure form as required pursuant to CRS 12-43-214.
- (3) If appropriate, verifying that clients are informed as to any changes in the supervisory relationship.
- (4) An adequate termination of supervision.
- (5) Keeping records that document supervision that meet the generally accepted standards of practice.
- (6) Assisting the supervisee in becoming aware of and adhering to all legal, ethical, and professional responsibilities.
- (7) Assuring that no conflictual dual relationships exist between the supervisor and supervisee, and supervisor and client.

(d) Supervisor Qualifications

- (1) The supervisor shall have sufficient knowledge of legal, ethical, and professional standards relevant to the clients being served.
- (2) The supervisor shall have experience, training and competence adequate to perform and direct the services provided by the supervisee as well as appropriate knowledge, skills and expertise in supervision.

(f) Exceptions

- (1) Someone serving only as an administrative supervisor shall not be prohibited from a conflictual dual relationship.
- (2) Performance as an administrative supervisor and a clinical supervisor for an individual supervisee is not by itself a conflictual dual relationship.

RULE 10 REPORTING CHANGE OF ADDRESS, TELEPHONE NUMBER, OR NAME (CRS 12-43-203, CRS 12-43-205)

- (a) Change of address or telephone number. Each licensee or registrant must file with the Board her/his current or preferred mailing address(es) and telephone number(s) and, within 60 days of the change, must report to the Board any change of address or telephone number, giving both old and new addresses and telephone numbers.
- (b) Change of name. A licensee or registrant must register with the Board any change in her/his legal name within 60 days of the change, must submit documentation demonstrating the change of name, and must surrender the old license or registration issued by the Board.

RULE 11 DUPLICATE OR REPLACEMENT OF LICENSE OR REGISTRATION (CRS 12-43-203, 12-43-205 and 12-43-207)

In case of loss, destruction, or mutilation of a license or registration, or change of name, a licensee or registrant may apply to the Board for a duplicate or replacement license or registration within 60 days of the loss, destruction, mutilation, or change of name. In the case of mutilation or change of name, the licensee or registrant must surrender the old license or registration when s/he applies for a duplicate or replacement license or registration. Upon approval of the Board and payment of the fee established by the Board, the Board will furnish the licensee or registrant a duplicate or replacement license or

registration.

RULE 12 RENEWAL OF LICENSE OR REGISTRATION (CRS 12-43-212)

- (a) General. Each social worker must renew her/his license or registration by submitting a renewal application and a renewal fee on or before the date on which the license or registration expires. The Board will assess a late payment fee after the date of expiration.
- (b) Failure to receive renewal notice. Failure to receive notice and application for renewal of license or registration from the Board does not excuse a licensee or registrant from the requirement for renewal under the Act and this Rule.

RULE 13 AUTHORITY TO INVESTIGATE (CRS 12-43-203)

An application for initial license or registration, for renewal of a license or registration, or for reinstatement of a license or registration is an express grant to the Board of full authority to make any investigation or personal contact necessary to verify the authenticity of the matters and information stated in the application. If the Board so requests, the applicant must supply verification, documentation and/or complete information on any disciplinary action taken against the applicant in any jurisdiction.

RULE 14 LICENSURE OR REGISTRATION BY ENDORSEMENT (CRS 12-43-206 and 12-43-404)

- (a) General. To be considered for licensure or registration by endorsement under CRS 12-43-206, an applicant must submit a completed application form, all supporting documentation, and the appropriate fee.
- (b) Complaints, inquiries, investigations, disciplinary actions. The Board may decline to issue a license or register an applicant for licensure or registration by endorsement against whom disciplinary action has been taken or is pending, against whom an investigation is being conducted in connection with her/his practice, or who is subject of an unresolved complaint.
- (c) Criteria. The Board has established the following criteria for determining whether an applicant possesses credentials and qualifications that are substantially equivalent to CRS 12-43-404. To establish that her/his credentials and qualifications meet the statutory requirements, an applicant must submit proof satisfactory to the Board and has the burden of proof. The Board may request additional information from the applicant.

All of the following factors must be shown in order for the applicant to establish that her/his credentials and qualifications are substantially equivalent to the requirements of CRS 12-43-404:

- (1) At the time of application for a Colorado license or registration by endorsement, applicant is at least 21 years of age;
- (2) At the time of application for a Colorado license or registration by endorsement, applicant verifies that:
 - (A) Every license, certificate, or registration to practice social work held by applicant is in good standing.
 - (B) Applicant knows of no injunction entered against her/him and knows of no injunction action pending against her/him or her/his license, certificate, or registration to practice social work where the injunction or injunction action relates to her/his practice of social work.
 - (C) Applicant knows of no malpractice judgment against her/him, knows of no settlement

of a malpractice action or claim against her/him, and knows of no malpractice action or claim pending against her/him where the malpractice alleged relates to her/his practice of social work.

(D) Applicant knows of no complaint pending before, investigation being conducted by, or disciplinary proceeding pending before the licensing, grievance, or disciplinary board of any jurisdiction in which s/he is licensed, registered, or certified to practice social work where the complaint, investigation, or proceeding concerns her/his practice as a social worker.

(E) Applicant has reported any felony conviction(s).

If an applicant cannot provide the required verifications, s/he must submit complete information concerning her/his inability to verify as required.

- (3) At the time of application for a Colorado license or registration by endorsement, the applicant holds either a bachelor's, a master's or a doctoral degree in social work from an accredited Council on Social Work Education (CSWE) program;
 - (4) At the time of application for a Colorado license or registration by endorsement, the applicant must have successfully completed the appropriate examination owned by the American Association of State Social Work Boards or its equivalent for the level of licensure or registration sought (see Rule 17(c)(1)). If another examination was taken, the candidate must present evidence to the Board demonstrating that the examination is equivalent to the appropriate examination. If the applicant cannot verify successful completion of an examination under this subsection, s/he must provide information satisfactory to the Board demonstrating her/his active practice of social work for five years (as defined below).
 - (5) At the time of application for a Colorado license or registration by endorsement, the applicant demonstrates that s/he had at least two years of post-master's or postdoctoral practice in social work practice under supervision prior to licensure, certification, or registration or provides information satisfactory to the Board demonstrating her/his active practice of social work for five years (as defined below).
 - (6) As used in subsections (4) and (5), "active practice of social work" means the applicant has engaged in the practice of social work at least 20 hours per week, averaged over the entire time s/he has been in practice, with no more than a six month absence from the practice of social work. If the applicant has taught social work, the applicant may count the hours spent teaching social work (including time spent in preparation, in meeting with students, and in related activities) as hours of active practice of social work provided such teaching was in courses in the same or similar field of social work as the competence area claimed by the applicant; teaching of social work shall not count more than one-third (1/3) of the number of active practice hours claimed by applicant.
 - (7) As used in subsections (4) and (5), "information satisfactory to the Board" includes, but is not limited to, letters from three licensed health care providers who have observed the applicant's active practice of social work and who attest to the applicant's professional competence.
- (d) Licenses certifications, or registrations from outside the United States. Applicants who are licensed, certified, or registered social workers in a jurisdiction outside the United States must both submit their educational credentials for evaluation (see Rule 17(a)(4)) and satisfy the requirements of this Rule.

- (e) Jurisprudence Examination or Jurisprudence Workshop. Each applicant shall pass a Board-developed jurisprudence examination or complete a Board-approved jurisprudence workshop designed to increase the applicant's knowledge of the statutes relevant to the practice of social work and psychotherapy in Colorado including the code of ethics for social work. This is to be completed in addition to all other licensing requirements.

RULE 15 REINSTATEMENT OF LICENSE OR REGISTRATION (CRS 12-43-204)

- (a) General. To reinstate a license or registration to practice social work which license or registration has not been renewed for a period of time greater than two years, an applicant must demonstrate to the Board her/his continued professional competence. To demonstrate continued professional competence, a reinstatement applicant must produce evidence, satisfactory to the Board, that s/he meets the requirements of this Rule.
- (b) Burden. The applicant for reinstatement bears the burden of demonstrating her/his continued professional competence and must furnish to the Board evidence in support of the asserted continued professional competence. The Board may request additional information from an applicant for reinstatement.
- (c) Application requirements. To be considered for license or registration reinstatement, an applicant must submit a completed application form, a written statement detailing what s/he has done during the time since the license or registration expired, a current curriculum vitae or resume, and the appropriate fee.
- (d) Required statements.
 - (1) Each applicant for reinstatement shall provide:
 - (A) Verification that every professional license, certificate, or registration to practice social work held by the applicant is in good standing;
 - (B) Information regarding any injunction or disciplinary action completed or pending against her/him or her/his license, certificate, registration, or listing to practice social work or psychotherapy.
 - (C) Information regarding any malpractice judgment against her/him, any settlement of a malpractice action or claim against her/him, and any malpractice action or claim pending against her/him, where the malpractice alleged relates to her/his practice of social work.
 - (D) Information regarding any inquiry/complaint pending before, investigation being conducted by, or disciplinary proceeding pending before the licensing, grievance, or disciplinary board of any jurisdiction in which s/he is licensed, certified, registered, or listed to practice social work or psychotherapy where the complaint, investigation, or proceeding concerns her/his practice of social work.
 - (2) The Board may decline to issue a license or registration to an applicant for reinstatement if disciplinary action is pending or has been taken, if an investigation concerning her/his practice is being conducted, or if there is an unresolved complaint.
- (e) The Board has established the following criteria for determining whether an applicant for reinstatement has demonstrated her/his continued professional competence as required by CRS 12-43-204(4). An applicant must meet all applicable criteria to establish her/his continued professional competence.

- (1) License or registration expired two to five years. An applicant whose license or registration has been expired two to five years must pass a Board-developed jurisprudence examination or complete a Board-approved jurisprudence workshop designed to increase the applicant's knowledge of the statutes relevant to the practice of social work and psychotherapy in Colorado including the code of ethics for social work and must demonstrate her/his continued professional competence by either:
- (A) Documenting a current and active license, registration, or certificate to practice social work in another jurisdiction provided that license, certificate, or registration has been in effect and current since at least one year from the date the Colorado license or registration expired; documenting an active practice of social work in the jurisdiction that issued the documented current license, registration, or certificate; documenting the applicant engaged in the active practice of social work during the time since the Colorado license or registration expired; and submitting letters of endorsement from three licensed health care providers who have observed the applicant's practice and who attest to the applicant's professional competence; or
 - (B) Documenting that the applicant has 10 hours of continuing education acceptable to the Board for each year or portion thereof the license or registration has been lapsed; or
 - (C) Passing the appropriate level of examination demonstrating profession; competence in social work, including special knowledge and skill in social work practice, required to Rule 17(c).
- (2) License or registration expired more than five years. An applicant whose license or registration has been expired more than five years must pass a Board-developed jurisprudence examination or complete a Board-approved jurisprudence workshop designed to increase the applicant's knowledge of the statutes relevant to the practice of social work and psychotherapy in Colorado including the code of ethics for social work and must demonstrate her/his continued professional competence by either:
- (A) Documenting a current license, registration, or certificate to practice social work in another jurisdiction provided that license, registration, or certificate has been in effect and current since at least one year from the date the Colorado license or registration expired; documenting an active practice in social work in the jurisdiction that issued the documented current license, registration, or certificate; documenting the applicant engaged in the active practice of social work during the time since the Colorado license or registration expired; and submitting letters of endorsement by three licensed health care providers who have observed the applicant's practice and who attest to the applicant's professional competence; or
 - (B) Passing the appropriate level of examination demonstrating professional competence in social work, including special knowledge and skill in social work practice, required in Rule 17(c).
- (3) As used in this subsection, "active practice of social work" means the applicant has engaged in the practice of social work at least 20 hours per week, averaged over the entire time since the Colorado license or registration expired, with no more than a six month absence from the practice of social work. If the applicant has taught social work practice in the years since her/his Colorado license or registration to practice social work expired, the applicant may count the hours spent in such teaching (including time spent in preparation, in meeting with students, and in related activities) as hours of active practice of social work. Teaching social work shall not count more than one-third (1/3) of the number of active practice hours claimed by applicant.

RULE 16 QUALIFIED INDIVIDUALS WITH DISABILITIES (CRS 12-43-212 and 12-43-404)

- (a) General. The Board recognizes that qualified individuals with disabilities applying for licensure or registration may encounter unusual problems and will make efforts to provide reasonable accommodations for these applicants. The Board, on a case-by-case basis, will consider requests for accommodations by qualified individuals with disabilities.
- (b) Written request for special accommodation. A qualified individual with disabilities who requests reasonable accommodations must make the request in writing; must support the request with a medical statement and/or other professional reports confirming the need for the reasonable accommodation and the basis of the need; history of disability and any accommodations previously provided; and must state with specificity the nature and rationale of the requested accommodation. In its sole discretion, the Board will either grant or deny the request.

RULE 17 LICENSURE OR REGISTRATION BY EXAMINATION (CRS 12-43-404)

- (a) Accredited Educational Program. The applicant obtained a bachelor, a master, or a doctoral degree in social work from a program that was approved by the Council on Social Work Education (CSWE).
 - (1) Foreign-trained applicants. Foreign-trained applicants must submit educational credentials to the foreign equivalency determination service of the Council on Social Work Education.
- (b) Approved post-degree supervised experience in social work practice. The Board will approve post master's or post doctoral supervised experience as meeting the requirements for licensure set out in CRS 12-43-404(2)(c) when that experience satisfies the requirements of this subsection.
 - (1) Definitions. As used in CRS 12-43-404(2)(c) and Rule 17(b), unless the context indicates otherwise:
 - (A) "Experience" means knowledge, skill, and judgment derived from direct observations of, and participation in social work practice as defined in CRS 12-43-403(1).
 - (B) "Individual supervision" means supervision rendered to one individual at a time.
 - (C) "Group supervision" means supervision rendered to not more than four individuals at one time.
 - (D) "Post-master's experience" or "postdoctoral experience" means experience under approved supervision acquired subsequent to the date certified by the degree-granting institution as that on which all requirements for the master's or doctoral degree (whichever is applicable) have been completed.
 - (E) "Experience in social work practice" means all services included within the definition of social work practice in CRS 12-43-403(1).
 - (2) Supervision.
 - (A) In accordance with CRS 12-43-406(3) a licensed clinical social worker (LCSW) or a licensed independent social worker (LISW) are approved to serve as acceptable supervisors for licensure. Only a licensed clinical social worker (LCSW) is approved to supervise applicants for LCSW licensure. In cases where no LCSW or LISW is available, the applicant may petition the Board for approval to obtain the post-degree supervised experience required for licensure by a licensed mental health professional with equivalent experience. Such requests shall be considered on a case by case basis.

- (B) A social worker may be approved as a supervisor, who, at the time of the supervision, was licensed at the highest possible level in another jurisdiction in which the applicant's services were performed. The Board will consider post-degree supervised experience obtained in another jurisdiction by an individual who is not certified or licensed as a social worker in the other jurisdiction, if the jurisdiction in which such person was practicing did not provide for such certification, licensure or registration. The applicant's supervisor shall document to the satisfaction of the Board her/his competence in the same field of social work as that in which the applicant is seeking licensure or registration.
 - (C) The Board will not approve any of the following as a supervisor unless an exception is granted by the Board:
 - (i) The spouse or former spouse of the supervisee.
 - (ii) A close relative of the supervisee.
 - (iii) The "significant other" or former "significant other" of the supervisee.
 - (iv) The current or former therapist of the supervisee.
 - (v) Any other person who is in a conflictual dual relationship with the supervisee during the supervisory relationship.
 - (D) A Board member cannot participate in deliberations or votes on any applicant who was previously supervised or directed by that Board member or the applicant supervised the Board member.
- (3) Number of hours of post-degree experience in social work practice under supervision.
- (A) The post-degree experience in social work practice under supervision required to obtain licensure as an independent social worker (LISW) or licensure as a clinical social worker (LCSW) cannot be completed in fewer than 24 months and may involve supervision by more than one approved supervisor.
 - (B) The two years of post-degree experience in social work practice under supervision required by CRS 12-43-404(2)(c) must include at least 3,360 hours of social work practice obtained in such a manner that they are reasonably uniformly distributed over a minimum of 24 months.
 - (C) The teaching of the practice of social work practice may count up to 1120 hours of post-degree experience in social work practice under supervision and up to 32 hours of supervision, provided this teaching experience was individual supervision and was supervised by an approved supervisor.
- (4) Number of hours of post-degree supervision.
- (A) Applicants must receive a minimum of 96 hours of supervision, at least 48 hours of which must be face-to-face individual supervision.
 - (B) The post-degree supervision hours must be reasonably distributed over the hours of supervised experience in social work practice in a manner consistent with the accrual of the hours of supervised post-degree experience.
 - (C) With respect to supervision of the teaching of the practice of social work practice

(see Rules 17(b)(3)(C)), the supervision hours must be reasonably distributed over the teaching experience in a manner consistent with the accrual of the hours of teaching experience.

(5) Elements of supervision of the post-degree experience in social work practice under supervision.

- (A) General. To assure uniformity and consistency in the post-degree experience in social work practice under supervision, the Board has determined that the supervision must meet the criteria of this subsection in order to be approved by the Board under CRS 12-43-404(2)(c).
 - (B) Supervision shall include sufficient knowledge of all social work contacts for whom supervision is provided, including face-to-face contact with the client when necessary, to develop and to monitor effective service delivery procedures and the supervisee's treatment or service plan. Further, all decisions by the supervisee which require the special skill, knowledge, and/or training of a social worker shall be made in collaboration with, and with the approval of the supervisor. Such decisions include, but are not limited to: type, duration, effectiveness, and method of services provided; fees and billing procedures; approval of cases; and personal observation, evaluation, oversight, review, and correction of services provided by the supervisee.
 - (C) The supervisor must possess adequate training, knowledge, and skill to render competent supervision. The supervisor shall provide training to the supervisee to perform functions for which the supervisee lacks appropriate knowledge or training.
 - (D) Consultation as defined in rule 9 will not be credited as supervision. Experience under contract for consultation will not be credited toward fulfillment of supervision requirements for licensure.
 - (F) The approved supervisor shall keep records that will enable her/him effectively to train, to evaluate, and to credit the applicant for licensure with the exact number of hours of acceptable post-degree experience in social work practice and the exact number of hours of supervision completed in compliance with this Rule.
- (6) Certification of Completion. Each LISW or LCSW applicant shall file with the Board, on forms supplied by the Board, a verified statement signed under penalty of law by their approved supervisor(s) attesting to the applicant's satisfactory completion of the required post-degree experience in social work practice under supervision and attesting to the applicant's having met the generally-accepted standards of practice during the supervised experience.

(c) Examination. In accordance with CRS 12-43-203(3)(b), CRS 12-43-404(1)(c), CRS 12-43-404(2)(d) or CRS 12-43-404(3)(c), the Board establishes these requirements for the licensing examination to demonstrate professional competence in social work by passage of the appropriate examination for the level of licensure or registration sought by the applicant.

- (1) Content of the examination. The Board utilizes the 4 levels of the national written examinations owned by the Association of Social Work Boards (ASWB). Social work applicants shall take the appropriate examination required for the level of licensure or registration sought. Registered social worker (RSW) applicants are required to pass the basic examination. Licensed social worker (LSW) applicants are required to pass either the intermediate, advanced or clinical examination. Licensed independent social worker

(LISW) applicants are required to pass either the advanced or clinical examination. Licensed clinical social worker (LCSW) applicants are required to pass either the advanced or clinical examination. All applicants shall be required to pass a Board-developed jurisprudence examination or complete a Board-approved jurisprudence workshop designed to increase the applicant's knowledge of the statutes relevant to the practice of social work and the standards of practice in Colorado including the code of ethics for social work. This is to be completed in addition to all other licensing requirements.

(2) Grading. The Board shall determine the criterion-referenced passing score for each administration of the examination based on a level of minimum competency to engage in the practice of social work.

(3) Fees for reexamination. In the event an applicant fails to receive a passing grade on the examination, s/he may apply for reexamination and may take a subsequent examination upon payment of the established fee, subject to the restriction set out in Rule 17(d) and subject to any limitation(s) imposed by the contract between the Board and the Association of Social Work Boards (aswb).

(d) Criteria for Application for Licensure or Registration and Examination.

1) The applicant must submit to the Board a completed application for licensure or registration, all fees, official transcript(s) sent directly from the educational institution(s), verification of passage of the appropriate examination, and all supporting documentation required by the Board in order for the Board to review the application for licensure or registration. The Board will not consider an application that is not complete (including fees, transcript, and all supporting documentation).

(2) An applicant for licensure or registration must pass the required examination and become licensed or registered within five years of the date of initial application for licensure or registration. If the applicant fails to become licensed or registered within this time period, s/he must submit a new application and fee and must meet the educational, experience and examination requirements in effect at the time of the new application. Licensure or registration applicants have a continuing obligation to update their application with information of changes from the original application at any time prior to licensure or registration.

(3) An applicant for licensure or registration shall apply directly to the Association of Social Work Boards (ASWB), or any other testing service the Colorado State Board of Social Work Examiners may contract with at the time, to sit for the appropriate examination.

(4) Exam Score. Passing scores on the ASWB licensing examination(s) will be valid for up to five (5) years after the date of the examination. If all requirements for licensure or registration are not met within the five (5) year time frame, the applicant must submit a new application, retake and pass the examination, and complete requirements for licensure or registration under the rules in effect at that time.

RULE 18 RECORDS REQUIRED TO BE KEPT AND RECORD RETENTION (CRS 12-43-203(3)), CRS 12-43-222(1)(U)

(A) General. Except as provided in subsection (g) of this rule, every social worker shall create and shall maintain records on each of her/his social work/psychotherapy clients. Every social worker shall retain a "full record," as defined in subsection (b) of this rule, on each social work/psychotherapy client for a period of five (5) years, commencing on the termination of social work/psychotherapy services or on the date of last contact with the client, whichever is later. Every social worker shall

retain at least a “summary record,” as defined in subsection (c) of the rule, on each social work/psychotherapy client for five (5) years, commencing on the expiration of the period for retention of the full record. The total client record retention period is 10 years.

(B) Full Record. Every social worker shall create and shall maintain a full record for each social work/psychotherapy client. Every social worker shall retain a full record on each social work/psychotherapy client for a period of five (5) years. A full record shall contain at least the following information:

- (1) Identifying data, to include social worker's name, client's name, client's address and date of birth for minors.
- (2) Reason(s) for the social work/psychotherapy services.
- (3) Date of each social work/psychotherapy contact with client, to include the date on which social work/psychotherapy services began, and the date of last contact with client.
- (4) Information on each referral made to and each consultation with another social worker or other health care provider. This information shall include the date of the referral or consultation, the name of the person to whom the client was referred, the name of the person with whom consultation was sought, the outcome (if known) of the referral, and the outcome (if known) of the consultation.
- (5) Name of any test administered, each date on which the test was administered, and the name(s) of the person(s) administering the test.
- (6) Information on each report made pursuant to a statutory duty (e.g., report of suspected child abuse, report to Colorado State Board of Social Work Examiners. This information shall include the date of the report, the name and address of the person to whom the report was made, and the substance of the report.
- (7) Fee information.

(C) Summary Record. Every social worker shall retain at least a summary record for each social work/psychotherapy client for a period of five (5) years, commencing on the expiration of the period for retention of the full record. A social worker may elect to retain the full record for the entire 10 year retention period. A summary record must contain at least the following information:

- (1) Identifying data, to include social worker's name, client's name, client's address, and date of birth for minors.
- (2) Reason(s) for the social work/psychotherapy services.
- (3) Dates of first and last social work/psychotherapy contact with client (whether face-to-face or by telephone).

(D) Record Storage. Every social worker shall keep and store client records in a secure place and in a manner that both assures that only authorized persons have access to the records and protects the confidentiality of the records and of the information contained in the records.

(E) Transfer of Records. Whenever a social worker deems it necessary to transfer her/his client records to another social worker or other health care provider, the social worker making the transfer shall obtain the client's consent to the transfer (where possible).

(F) Record Disposal. Every social worker shall dispose of client records in a manner or by a process that

destroys or obliterates all client identifying data.

(G) Exemptions. A social worker need not maintain client records if:

- (1) The social worker works in an agency or any institution, sees the client in the course of that agency or institutional work, and prepares records concerning that client as required by the agency or the institution; and the agency or the institution maintains the client records.