

DEPARTMENT OF REGULATORY AGENCIES

State Board of Social Work Examiners

SOCIAL WORK PRACTICE

4 CCR 726-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

AUTHORITY

These rules are promulgated pursuant to CRS 12-43-203(3)(a).

PURPOSE AND SCOPE

These rules inform the public in general and those desiring Colorado licensure as a social worker, in particular, of the following, among other things: The Operations of the Colorado State Board of Social Work Examiners; The 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 Board; Supervision of Mental Health Practitioners; The information needed, the qualifications required, and the type and amount of supervised experience necessary for licensure; the general content of the licensure examination. These rules include licensure by endorsement (i.e., admission from another jurisdiction) and by examination and cover initial, reinstatement of, and renewal of licensure.

These rules affect every person seeking Colorado licensure as a social worker and every person who practices social work/psychotherapy, as defined in CRS 12-43-403.

EFFECTIVE DATE

These rules are effective on February 1, 2006

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) "Director" means the Board's Program Director 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) Social worker or licensee as used in these rules means Licensed Social Worker (LSW) or Licensed Clinical Social Worker (LCSW) as defined in CRS 12-43-401.
- (e) 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 psychotherapy 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 therapy in question was a part of religious practice/ministry.
2. Whether the client or guardian was seeking therapy from a religious organization to which the complainant belonged at any time.
3. Whether a written agreement or disclosure existed which stated that the therapy in question was part of religious practice/belief.
4. Whether the therapy sessions were conducted in a house of worship or on property belonging to a religious organization.
5. Whether the person conducting the therapy normally represented him or herself as a religious official who is counseling as part of a religious ministry.
6. Whether psychotherapeutic services were part of an on-going relationship, formed because the provider is spiritual counselor to the client.
7. Does the provider of psychotherapy services hold a position of trust within a religious organization?
8. Does the provider advertise psychotherapy services to the general public for a fee?
9. Does the provider collect fees for psychotherapy or religious donations, offerings, tithes, etc.?
10. Is the psychotherapy service provided based on any religious orientation or viewpoint?
11. Is the provider engaged in the practice of psychotherapy 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 psychotherapy services recognized by consumers as a religious minister or spiritual healer?

RULE 2 BOARD OPERATIONS (CRS 12-43-203)

- (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 or electronic means as necessary.
 - (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 Director 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 Director 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 Chairpersons and consultants shall make reports to the Board. Committees and consultants shall provide all written reports or other materials to the Director for distribution to the Board.
- (k) 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. No board member who previously supervised or directed a social worker who is the subject of a Board investigation or disciplinary proceeding shall participate in Board deliberations or votes with respect to that social worker.

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 Director 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 Director prior to the conclusion of the meeting.
- (4) In accordance with procedural due process of law, the Board shall 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.
- (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(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) of this Rule, an exception to the Public Records Act or an exception to the Open Meetings Act applies.

- (b) 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 (a) 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 INQUIRIES (CRS 12-43-221, 12-43-223, 12-43-224)

- (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. If a licensee who is the subject of a Board investigation or disciplinary proceeding, voluntarily surrenders her/his license, absent unusual circumstances, the Board will not discontinue the investigation or disciplinary proceeding unless the licensee 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 12-43-222, 12-43-223, 12-43-224, 12-43-226, or 12-43-227, the Director 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 Director, the complainant may be given an opportunity to review and to comment upon the social worker's response.
- (e) Requests for extension of time. The Director 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 Director shall forward the inquiry, any response, and other available information to the Board for its review. The Board shall 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
 - (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 agency, 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 agency, 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, Colorado Rules of Civil Procedures, that 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 notify the petitioner of its decision, within 120 days.

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 state, 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 agency, the Board shall refer the petition to the other agency for consideration. If the Board refers a petition to another agency, the Board shall promptly inform the petitioner of the referral. The referral ends the matter before the board.
- (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 and in its discretion, the board may 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) As used in CRS 12-43-214 and this Rule.

- (1) "Administered pursuant to court order" means contact between the social worker and the client for the purpose of psychotherapy where the contact is at the express written direction of a court of competent jurisdiction, for a particular purpose, in the context of a specific judicial proceeding or case, and with respect to an individual or individuals identified in the court's order by name or by readily-identifiable and limited classification (e.g., assessment, evaluation, or treatment of court-ordered cases). This term does not include client contact subsequent to the termination of the psychotherapy ordered by the court. (For example, a court-ordered assessment of an accused to determine her/his competence to stand trial is completed when the report and/or testimony is provided to the court. If the accused thereafter approached the social worker, the contact would come within the general scope of CRS 12-43-214(1).) Similarly, unless ordered by a court of competent jurisdiction, reassessments, reevaluations, "updates" , and similar activities are not within this definition, there must be a specific court order.
- (2) "Client" means the recipient of psychotherapy or mental health services, except as noted here. If the client is a child who is consenting to psychotherapy under CRS 27-10-103(2), 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.

- (3) "Emergency" means those situations in which, on presentation, the client's condition requires immediate intervention and/or stabilization. Emergency situations include any actions taken pursuant to CRS title 19, article 3, parts 3 and 4 (the Colorado Children's Code).
 - (4) "Forensic Evaluation" means a structured, organized gathering of objective information that leads to an independent, professional opinion in reference to a matter that is directly at issue in the court system. Examples are (a) diagnosis, assessment, and/or evaluations done as part of the criminal justice system, at any stage of the criminal justice process; (b) diagnosing and/or making recommendations regarding the following: mental status, children's best interests, test validity litigation, testamentary capacity, and incapacities related to tort liability; and (c) work done while preparing to be an expert witness in civil, criminal, and/or administrative law cases. The social worker conducting the evaluation is retained by the patient or the patient's family, counsel for a party, or counsel for two or more parties or is appointed by the court. Forensic evaluations are not performed by persons providing treatment to the subject of the forensic evaluation except in unusual circumstances.
 - (5) "Guardian" means a person who has accepted a testamentary appointment, has accepted an appointment by written instrument, or has been appointed by a court of competent jurisdiction (whichever is applicable) and is responsible for a minor and unemancipated person or for an incapacitated person.
 - (6) "Incapable of Understanding" means that, at the initial client contact, the client is either an "incapacitated person" within the meaning of CRS 15-14-101(1) or physically unable to perceive and to comprehend the nature and significance of the mandatory disclosure statement. (For example, the mandatory disclosure statement is not required if, at the initial client contact, the client is drunk; is in a coma; is unconscious; is in delirium tremens; or is in delirium as a result of withdrawal from the use of any habit-forming drug, as defined by CRS 12-22-102(13), or any controlled substance, as defined in CRS 12-22-303(7).)
 - (7) "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.
 - (8) "Physical Custody" means the client is incarcerated in a correctional facility or is committed by court order to and resides in a facility operated by the department of corrections or the department of institutions. Physical custody does not include parole, probation, or release to the custody of any third party.
- (b) General. Every social worker practicing psychotherapy (practicing outside the school setting) is required to provide to her/his client the information specified in CRS 12-43-214(1) during the initial client contact except as provided in CRS 12-43-214(4).
- (c) Institutions.

- (1) An institution must provide an institutional mandatory disclosure statement to the client during the initial client contact if social work/psychotherapy occurs in a residential, institutional, or other setting where social work/psychotherapy services may be provided by multiple providers. The institutional form must provide the information listed in CRS 12-43-214(1) (c) and (d). If an institutional mandatory disclosure statement is not provided to the client the social worker shall provide the required information listed in CRS 12-43-214(1).
- (2) Where the primary therapist either is not readily ascertainable or is not subject to the jurisdiction of the Board, the institutional disclosure shall be sufficient.
- (3) 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 BOARD (CRS 12-43-224(8), 12-43-224(9))

- (a) General. Social workers are required to report violations of CRS 12-43-222 to the appropriate Board once they have direct knowledge that a licensee, certified addiction counselor, or unlicensed psychotherapist has violated a provision of CRS 12-43-222. Social workers are not required to report when reporting would violate client/therapist confidentiality (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.
- (E) Having been informed by a professional organization, agency, or any other entity, that an alleged violation occurred.

- (2) "Has violated" means a reasonable belief that a licensee, certified addiction counselor, or unlicensed psychotherapist has engaged in a prohibited activity under CRS 12-43-222.

- (c) Procedures.

- (1) Once direct knowledge is established, the social worker must report the alleged violation as soon as possible or, absent unusual circumstances, no later than 60 days.
- (2) When direct knowledge of a violation of 12-43-222 is obtained from her/his client, the social worker 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 CRS 12-43-222.

(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 FOR NON-LICENSURE
PURPOSES(CRS 12-43-221(2), 12-43-222(1)(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. This rule does not apply to the supervision required prior to licensure as a social worker.

(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 s/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 s/he knew or should have known of a violation of generally accepted standards of practice or any prohibited activity and when s/he had responsibility for corrective administrative action and failed to act.

(4) Modes of Supervision. Includes but not be limited to individual, group, telephone, electronic mail, 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, including whether every case is supervised 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. 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.

(B) 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.

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

- (1) Monitoring the supervisee's activities to verify s/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 clinical experience and competence adequate to perform and direct the services provided by the supervisee.

(e) Exceptions.

- (1) An administrative supervisor shall not be deemed to have engaged in a conflictual dual relationship so long as s/he conforms to the specific personnel policies and procedures of the agency and is not engaged in clinical supervision involving the conflicted relationship.
- (2) Any supervisor or supervisee claiming an exception to the prohibition against conflictual dual relationships due to practice in a rural location or accredited training institution of formal

learning, or special needs to the clinical population being served shall have the following burden:

(A) S/he shall show by a preponderance of the evidence:

- (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 mental health practitioner have not benefited from the relationship over and above a reasonable fee for service (i.e., that the power in the therapeutic relationship has not been used to influence the therapeutic relationship for personal gain);
- (4) The therapeutic and supervisory relationships have not been compromised and the best interests of the client are served by the relationship.

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

Change of address, social security number, telephone number, or name. Licensees shall inform the Division of any name or address change within 30 days of such change. Staff shall not change licensees' information without written notification from the licensee. Notification via mail, fax, email and the online system is acceptable. Verbal notification is not acceptable.

Any of the following documentation is required to change a licensee's name or social security number: marriage license, divorce decree, or court order. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director of Support Services.

RULE 11 DUPLICATE OR REPLACEMENT LICENSE (CRS 12-43-205, 12-43-207)

Upon licensure and at renewal, the Division will issue only one license to a licensee. The Division may issue a duplicate license if the licensee submits a written request along with the required fee.

Justification for issuance of a duplicate license may be requested if the original was lost, stolen, damaged, never received, printed with the incorrect information, or the address or name has changed.

A duplicate license may also be issued for those licensees that require multiple licenses.

RULE 12 RENEWAL OF LICENSE (CRS 12-43-204(3))

- (a) Failure to Receive Renewal Notice. Failure to receive notice for renewal of license from the Board does not excuse a licensee from the requirement for renewal under the Act and this Rule.
- (b) Grace period. Licensees shall have a sixty-day grace period after the expiration of his or her license to renew such license without the imposition of a disciplinary sanction for practicing on an expired license. During this grace period a delinquency fee will be charged for late renewals. A licensee who does not renew his or her license within the sixty-day grace period shall be treated as having an expired license and shall be ineligible to practice until such a license is reinstated.

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

An application for initial license, for renewal of a license, or for reinstatement of a license 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 BY ENDORSEMENT (CRS 12-43-206)

- (a) General. To be considered for licensure 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 to an applicant for licensure 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 the 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 by endorsement, applicant is at least 21 years of age;
- (2) At the time of application for a Colorado license by endorsement, applicant must certify that:
 - (A) Applicant knows of no injunction entered against her/him and knows of no injunctive action pending against her/him or her/his license, certificate, or registration to practice social work where the injunction or injunctive action relates to her/his practice of social work.
 - (B) 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.
 - (C) 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 as a social worker.
 - (D) Applicant has reported any misdemeanor or felony conviction(s).
- (3) Submit verification of licensure from each jurisdiction(s) in which applicant has ever been licensed.
- (4) At the time of application for a Colorado license by endorsement, the applicant holds a master's or a doctoral degree in social work from an accredited Council on Social Work Education (CSWE) program;
- (5) At the time of application for a Colorado license by endorsement:

- (A) The applicant demonstrates having passed an examination, which covers the general areas of knowledge in social work, and is administered under contract as approved by the Board. Social work endorsement applicants must have taken and passed the appropriate examination required for the level of licensure sought: OR
- (B) The applicant demonstrates that one (or more) of the jurisdictions in which s/he has been licensed, registered, or certified required a written examination, the content of which tested competence to practice independent social work (including the areas outlined in Rule 14(c)(5)(A)) and the applicant demonstrates that s/he has engaged in the active practice of social work as defined in Rule 14(c)(6) for at least two years. The applicant may rely on an examination given and passed in a jurisdiction other than the jurisdiction from which s/he seeks licensure by endorsement: OR
- (C) If a written examination was not required by the jurisdiction at the time the applicant was originally licensed, the Board will accept as substantially equivalent to this qualification proof that the applicant has a record of actively practicing social work as defined in Rule 14(c)(6) at the independent level for at least five (5) out of the last ten (10) years without discipline.

(6) "Active practice of social work" means the applicant engaged in the practice of social work at least 20 hours per week, averaged over the entire time s/he has been in practice.

- (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 submit their educational credentials for evaluation and satisfy the requirements of this Rule.
- (e) Jurisprudence Examination. Each applicant shall pass a Board-developed jurisprudence examination.

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

- (a) General. A license that has expired is subject to the following reinstatement provisions.
- (b) Application requirements. To be considered for license reinstatement, an applicant must submit a completed reinstatement application form and the reinstatement fee.
- (c) Required statements.
 - (1) Each applicant for reinstatement shall certify the following:
 - (A) Every license, certificate, or registration to practice social work held by applicant is in good standing;
 - (B) Applicant knows of no injunction or disciplinary action completed or pending against her/his license, certificate, registration, or listing to practice social work or psychotherapy;
 - (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 or psychotherapy.
 - (D) Applicant knows of no inquiry/complaint pending, 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 or psychotherapy.

- (2) The Board may not issue a license to an applicant for reinstatement if disciplinary action is pending or if there is an unresolved complaint.
- (d) Criteria. 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(3). An applicant must meet all applicable criteria to establish her/his continued professional competence.
- (1) License expired more than two years. An applicant whose license has been expired more than two years shall pass a Board developed jurisprudence examination and demonstrate her/his continued professional competence by either :
- (A) A written statement detailing work experience related to the practice of social work during the time the license has been expired. If work experience was in other jurisdiction(s), verification of licensure from each jurisdiction(s) is required; or
- (B) Documenting that the applicant has 10 hours of continuing education acceptable to the Board for each year or portion thereof the license has been expired; or
- (C) Retaking and passing the appropriate examination which covers the general areas of knowledge in social work which shall be administered under contract as approved by the Board. Social work reinstatement applicants shall take the appropriate examination required for the level of licensure sought.

RULE 16 QUALIFIED INDIVIDUALS WITH DISABILITIES (CRS 12-43-212, 1243-404)

- (a) General. The Board recognizes that qualified individuals with disabilities applying for licensure may encounter certain requirements 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 complete the exam accommodation form approved by the Board; 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 accordance with the Americans with Disabilities Act, the Board will either grant or deny the request. The burden of demonstrating a qualified disability rests with the applicant.

Rule 17 License by Examination

- (a) Criteria for application.
- 1) The applicant must submit to the Board a completed application for licensure, all fees, official transcript(s), and all supporting documentation required by the Board in order for the Board to review the application for licensure.
- (2) An applicant for licensure must pass the required examination, meet the experience requirements, and become licensed within five years of the date of initial application for

licensure. If the applicant fails to become licensed 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 applicants have a continuing obligation to update their application with information of changes from the original application at any time prior to licensure.

(b) Education and Training Requirements.

- (1) Accredited Program. The applicant obtained a masters degree in social work from a program that was approved by the Council on Social Work Education (CSWE) or a doctoral degree in social work from a doctoral program within a social work education program accredited by the Council on Social Work Education (CSWE).
- (2) Foreign-trained applicants. Foreign-trained applicants must submit educational credentials to a credentialing agency utilized by the Board for evaluation of equivalency. After course equivalency is established, the Board will evaluate the educational credentials to determine whether or not the program is equivalent by the Council on Social Work Education.

(c) Post-Graduate Experience Requirements.

The Board will approve post-master's or post-doctoral supervised practice as meeting the requirements for licensure set out in CRS 12-43-404(2)(c) when that practice satisfies the requirements of this subsection.

- (1) Definitions. As used in CRS 12-43-404(2)(c) and in this rule, unless the context indicates otherwise:
 - (A) "Individual supervision" means supervision rendered to one individual at a time.
 - (B) "Group supervision" means supervision rendered to not more than four individuals at one time.
 - (C) "Post-master's experience" or "post-doctoral 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.
 - (D) "Practice in social work" means all services included within the definition of social work practice as defined in C.R.S. 12-43-403.
 - (E) "Clinical Supervision" means personal direction and responsible direction provided by a supervisor who meets the criteria defined by the Board.
 - (1) "Personal direction" means direction actually rendered by the approved supervisor.
 - (2) "Responsible direction" or "direction" means the supervisor has sufficient knowledge of all clients 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 plan. Further, all decisions requiring the special skill, knowledge, and/or training of a social worker are 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 social work services

provided; fees and billing procedures; approval of cases; and personal observation, evaluation, oversight, review, and correction of services provided by the supervisee.

(F) "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 s/he deems appropriate in her/his professional judgment. Consultation is not supervision. Experience under contract for consultation will not be credited toward fulfillment of supervision requirements.

(2) Certification of Completion. Each applicant shall file with the Board, upon 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 work experience and supervision hours towards licensure as defined in Rule 17(c)(4) under supervision and attesting to the applicant's having met the generally accepted standards of practice during the supervised practice.

(3) Clinical Supervision.

(A) The Board will accept any of the following as a supervisor:

(1) A licensed clinical social worker (LCSW) who, at the time of supervision, was licensed by the Board in the jurisdiction in which the applicant's services were performed.

(2) 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.

(B) The approved supervisor shall keep records that will enable her/him to effectively train, evaluate, and credit the applicant for licensure with the exact number of hours of acceptable post-degree practice of social work and the exact number of hours of supervision completed in compliance with this Rule. The approved supervisor shall keep and make available the records for 5 years from the date of supervision.

(C) The Board will not approve a conflictual dual relationship, as defined below:

(1) Conflictual Dual Relationship.

(i) 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 therapist/client, supervisor/supervisee or supervisor/client relationship.

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

(i) The client was fully informed of the dual relationship and the possibilities for conflicts of interest;

(ii) The client's access to quality care has not been compromised;

(iii) 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);

(iv) The client and supervisory relationships have not been compromised and the best interests of the client are served by the relationship.

(4) Number of hours of post-degree experience practicing social work under supervision.

(A) The post-degree experience practicing social work under supervision cannot be completed in fewer than 24 months and may involve supervision by more than one approved supervisor as defined in these rules.

(B) The two years of post-degree experience practicing social work under supervision required by CRS 12-43-404(2)(c) must have at least 3,360 hours of applied social work practice obtained in such a manner that they are reasonably uniformly distributed over a minimum of 24 months.

(C) The post degree hours required under 17(c)(4)(B) above must meet the following requirements;

(1) Clinical social work practice for LCSW licensure (as noted in 12-43-409):

a) At minimum, half of the work experience hours (1,680) must include a professional relationship that involves treatment, diagnosis, testing, assessment, or counseling. One or more may occur during any of the following activities:

- Assisting individuals or groups to alleviate mental disorders;
- understanding unconscious or conscious motivation;
- resolving emotional, relationship, or attitudinal conflicts; or
- modifying behaviors that interfere with effective emotional, biopsychosocial or intellectual functioning.

(2) The required post-degree work experience and supervision hours noted in 17(c)(4)(C)(1) will only count towards licensure if the applicant is licensed, registered or certified in another profession that is authorized to practice those activities stated in C.R.S. 12-43-201(9) or listed in the

State Grievance Board Database of Unlicensed Psychotherapists as required in C.R.S. 12 -43-702.5. This requirement must be met prior to accumulating post-degree work experience and supervision hours.

- (D) Teaching hours are not acceptable for those hours accumulated under Rule 17(c)(4)(C)(1).

(5) Number of hours of post-degree supervision.

- (A) Applicants must receive a minimum of 96 hours of supervision, at least 48 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 (see Rules 17(c)(4)(D), the supervision hours must be reasonably distributed over the teaching experience in a manner consistent with an accrual of the hours of teaching experience.

- (d) Examination. In accordance with CRS 12-43-203(3)(b), CRS 12-43-404(1)(c), CRS 12-43-404(2)(d), the Board establishes these requirements for the licensing examination to demonstrate professional competence in social work. The Board shall admit applicants to the examination once the educational requirements have been met.

- (1) Jurisprudence Examination. Applicants shall also be required to pass a Board developed jurisprudence examination.

- (2) National Examination. Social work applicants shall take the appropriate examination required for the level of licensure sought, and as approved by the Board.

- (A) Reexamination. In the event an applicant fails to receive a passing grade on the examination, s/he may apply to the testing service, as contracted with the Board, for reexamination and is subject to the requirements of testing service.

- (3) Application. An applicant for licensure shall apply directly to the testing service the Colorado State Board of Social Work Examiners may contract with at the time, to sit for the appropriate examination.

- (4) Exam Scores. Passing scores on examinations will be valid for up to five (5) years after the date of the examination.

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

Editor's Notes**History**

Rule 17(c) eff. 12/01/2009.