

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	<b>Agency No.</b>	<b>Rule No.</b>	<b>Section No.</b>
<b>Utah Admin. Code Ref (R no.):</b>	<b>R</b> 156	-	60a
<b>Changed to Admin. Code Ref. (R no.):</b>	<b>R</b>	-	-

<b>1.</b>	<b>Agency:</b>	Commerce/Division of Occupational and Professional Licensing		
	<b>Room no.:</b>			
	<b>Building:</b>	Heber M. Wells Building		
	<b>Street address 1:</b>	160 East 300 South		
	<b>Street address 2:</b>			
	<b>City, state, zip:</b>	Salt Lake City UT 84111-2316		
	<b>Mailing address 1:</b>	PO Box 146741		
	<b>Mailing address 2:</b>			
	<b>City, state, zip:</b>	Salt Lake City UT 84114-6741		
	<b>Contact person(s):</b>			
	<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>
	Rich Oborn	801-530-6767	801-530-6511	roborn@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

<b>2.</b>	<b>Title of rule or section (catchline):</b>
	Social Worker Licensing Act Rule
<b>3.</b>	<b>Type of notice:</b>
	New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___
<b>4.</b>	<b>Purpose of the rule or reason for the change:</b>
	The Division and the Social Worker Licensing Board reviewed the rule and determined it was necessary to modify the social worker examination and licensed clinical social worker (LCSW) training requirements.
<b>5.</b>	<b>This change is a response to comments from the Administrative Rules Review Committee.</b>
	No XXX; Yes ___
<b>6.</b>	<b>Summary of the rule or change:</b>

Section 302c: The current rule requires applicants for the LCSW license to hold a certified social worker (CSW) license while they gather 4,000 hours of training. The proposed amendment creates two exceptions to this requirement. The first exception is for an individual who is not licensed as a CSW in Utah because the individual is under an exemption established in Subsection 58-1-307(1)(a) for an individual who works at a federal agency and who is licensed in another state. The second exception is for an individual who gathers training hours outside Utah in a jurisdiction where the individual holds either a license equivalent to the CSW or is trained without a license under the laws of that jurisdiction. Section 302d: Paragraph (4) is removed because the Division is removing itself from the exam pre-approval process. Under the new process, the Association of Social Work Boards (ASWB) determines who takes the ASWB exam. The new process will dramatically decrease the number of days that a social worker license application is pending with the Division.

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**

**Affected:** No \_\_\_; Yes XXX

Administering the pre-approval process for the ASWB exams distracts Division staff from their primary responsibility of processing social worker license applications. As a result, the Division will experience savings impact due to removing itself from the exam pre-approval processes under amendments to Section 302c. The Division is unable to estimate the extent of savings impact cause by this amendment. The Division will incur minimal costs of approximately \$100.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. No other cost impact to the Division is anticipated.

**B) Local government:**

**Affected:** No XXX; Yes \_\_\_

The proposed amendments apply only to social worker license applicants. As a result, the proposed amendments do not apply to local governments.

**C) Small businesses ("small business" means a business employing fewer than 50 persons):**

**Affected:** No \_\_\_; Yes XXX

The proposed amendments impact social worker license applicants, who may own a small business. Removing the Division from the ASWB exam pre-approval process has cost impact on applicants in Utah seeking to register for the ASWB exam. ASWB charges candidates a \$60.00 fee to perform services related to the exam pre-approval process. The Division is unable to determine an aggregate cost to social worker applicants since the Division does not know how many new applicants will be applying to take the ASWB exam and will thus be subject to the \$60.00 fee. Creation of the two exceptions to the requirement for individuals to hold a CSW license while they fulfill the LCSW training requirement will have savings impact on individuals who fall under the exceptions. The Division is unable to estimate the extent of savings impact caused by this amendment.

**D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):**

**Affected:** No \_\_\_; Yes XXX

The proposed amendments impact social worker license applicants. Removing the Division from the ASWB exam pre-approval process has cost impact on applicants in Utah seeking to register for the ASWB exam. ASWB charges candidates a \$60.00 fee to perform services related to the exam pre-approval process. The Division is unable to determine an aggregate cost to social worker applicants since the Division does not know how many new applicants will be applying to take the ASWB exam and will thus be subject to the \$60.00 fee. Creation of the two exceptions to the requirement for individuals to hold a CSW license while they fulfill the LCSW training requirement will have savings impact on individuals who fall under the exceptions. The Division is unable to estimate the extent of savings impact caused by this amendment.

**8. Compliance costs for affected persons:**

The proposed amendments impact social worker license applicants. Removing the Division from the ASWB exam pre-approval process has cost impact on applicants in Utah seeking to register for the ASWB exam. ASWB charges candidates a \$60.00 fee to perform services related to the exam pre-approval process. Creation of the two exceptions to the requirement for individuals to hold a CSW license while they fulfill the LCSW training requirement will have savings impact on individuals who fall under the exceptions. The Division is unable to estimate the extent of savings impact caused by this amendment.

**9. A) Comments by the department head on the fiscal impact the rule may have on businesses:**

	This filing eliminates existing examination requirements that the Division will no longer seek to enforce. In addition, it allows individuals who have not obtained a Utah certified social worker license to submit an application for a clinical social worker license if they have been approved by another state to work as a certified social worker. It is anticipated that these amendments will affect individuals seeking licensure, with no fiscal impact to businesses.	
	<b>B) Name and title of department head commenting on the fiscal impacts:</b>	
	Francine A. Giani, Executive Director	
10.	<b>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</b>	
	<b>State code or constitution citations (required)</b> (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :	
	Section 58-60-201	Subsection 58-1-106(1)(a)
	Subsection 58-1-202(1)(a)	
11.	<b>This rule adds, updates, or removes the following title of materials incorporated by references</b> (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i> ):	
	<b>First Incorporation</b>	<b>Second Incorporation</b>
	<b>Official Title of Materials Incorporated (from title page)</b>	
	<b>Publisher</b>	
	<b>Date Issued</b>	
	<b>Issue, or version</b>	
	<b>ISBN Number (optional)</b>	
	<b>ISSN Number (optional)</b>	
	<b>Cost of Incorporated Reference</b>	
	<b>Action: Adds, updates, or removes</b>	
	(If this rule incorporates more than two items by reference, please attach additional pages)	
12.	<b>The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
	<b>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</b>	01/14/2015
	<b>B) A public hearing (optional) will be held:</b>	
	<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>
	01/07/2015	8:30 AM
		<b>At (place):</b>
		160 East 300 South, Hearing Room 403 (4th floor), Salt Lake City, Utah
13.	<b>This rule change may become effective on (mm/dd/yyyy):</b>	01/21/2015
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	
14.	<b>Indexing information -- keywords</b> (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:	
	licensing	social workers

15.	<b>Attach an RTF document containing the text of this rule change (filename):</b>	R156-60a.pro
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**To the agency:** Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

**AGENCY AUTHORIZATION**

<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Director	<b>Date (mm/dd/yyyy):</b>	11/25/2014
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**R156. Commerce, Occupational and Professional Licensing.**

**R156-60a. Social Worker Licensing Act Rule.**

**R156-60a-302c. Training Requirements for Licensure as an LCSW.**

(1) In accordance with Subsections 58-60-205(1) (e), (f) and (g), and 58-60-202(4) (a), the 4,000 hours of clinical social work and mental health therapy training qualifying an applicant for licensure as an LCSW shall:

(~~1~~)a) be obtained after completion of the education requirement set forth in Subsections 58-60-205(1) (d) and (g) and shall not include any clinical practicum hours obtained as part of the education program;

(~~2~~)b) be completed over a ~~[duration]~~period of not less than two years;

(~~3~~)c) unless this Subsection (2) applies, be completed while the applicant is licensed as a CSW;

(~~4~~)d) be completed while the ~~[CSW is an employee of]~~applicant is employed by a public or private agency engaged in mental health therapy;

(~~5~~)e) be completed under a program of general supervision by an LCSW meeting the requirements of Sections R156-60a-302e and R156-60a-601; and

(~~6~~)f) include the following training requirements:

(~~a~~)i) individual, family, and group therapy;

(~~b~~)ii) crisis intervention;

(~~e~~)iii) intermediate treatment; and

(~~d~~)iv) long term treatment.

(2) An applicant may apply to the Division for an LCSW license without complying with this Subsection (1) (c) if:

(a) the applicant qualifies for a license exemption under Subsection 58-1-307(1) (a); or

(b) the applicant completed training in another jurisdiction, which training is completed:

(i) while the applicant is licensed as the equivalent of a CSW; or

(ii) while the applicant is not required to be licensed while engaged in the practice of certified social work.

**R156-60a-302d. Examination Requirements.**

(1) In accordance with Subsection 58-60-205(1) (h), the examination requirements for licensure as an LCSW include passing the Clinical Examination of the ASWB or the Clinical Social Workers Examination of the State of California.

(2) In accordance with Subsection 58-60-205(2) (e), the examination requirements for licensure as a CSW shall include passing the Masters, Advanced Generalist, or Clinical Examination of the ASWB.

(3) In accordance with Subsection 58-60-205(4) (e), the examination requirements for licensure as an SSW shall include passing the Bachelors Examination of the ASWB.

(4) ~~[Applicants for any ASWB exam must pass the exam within one year from date of the Division's approval for the applicant to take the exam. If the applicant does not pass the required exam within one year, the~~

~~pending license application shall be denied.~~

~~(5)~~]Applicants requesting additional time to complete any ASWB exam in accordance with Subsection 58-60-205(5) shall complete an ASWB application for special arrangements approved by the Division.

**KEY: licensing, social workers**

**Date of Enactment or Last Substantive Amendment: [~~July 9, 2012~~]2015**

**Notice of Continuation: August 4, 2014**

**Authorizing, and Implemented or Interpreted Law: 58-60-201; 58-1-106(1) (a); 58-1-202(1) (a)**