

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF SOCIAL WORK

TITLE OF REGULATIONS: 18 VAC 140-20-10 et seq.

REGULATIONS GOVERNING THE PRACTICE OF SOCIAL WORK

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CHAPTER 20.
REGULATIONS GOVERNING THE PRACTICE OF SOCIAL WORK

PART I
GENERAL PROVISIONS

18 VAC 140-20-10. Definitions.

In addition to those defined in § 54.1-3700 of the Code of Virginia, words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Accredited school of social work" means a school of social work accredited by the Council on Social Work Education.

"Applicant" means a person who has submitted a completed application for licensure as a social worker with the appropriate fees.

"Board" means the Virginia Board of Social Work.

"Candidate for licensure" means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for the required examinations.

"Clinical course of study" means graduate course work which includes courses in human behavior and social environment, social policy, research, clinical practice with individuals, families, groups and a clinical practicum which focuses on diagnostic, prevention and treatment services.

"Exempt practice" is that which meets the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Non-exempt practice" is that which does not meet the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Supervision" means the relationship between a supervisor and supervisee which is designed to promote the development of responsibility and skill in the provision of social work services. Supervision is the inspection, critical evaluation, and direction over the services of the supervisee. Supervision shall include, without being limited to, the review of case presentations, audio tapes, video tapes, and direct observation.

18 VAC 140-20-20 (REPEALED.)

18 VAC 140-20-30. Fees.

A. The board has established fees for the following:

1. Registration of supervision \$25
2. Application processing 65
3. Initial license prorated portion of
biennial license fee
4. Biennial license
 - a. Registered social worker 35
 - b. Associate social worker 35
 - c. Licensed social worker 125
 - d. Licensed clinical social worker 125
5. Penalty for late renewal 10
6. Endorsement to another jurisdiction 10
7. Additional or replacement licenses 10
8. Additional or replacement wall certificates 15
9. Returned check 15
10. Reinstatement following disciplinary action 200

B. Examination fees shall be paid directly to the examination service according to its requirements.

PART II
REQUIREMENTS FOR LICENSURE

18 VAC 140-20-40. General requirements.

A. No person shall practice as a social worker or clinical social worker in the Commonwealth of Virginia except as provided for in the Code of Virginia and this chapter.

B. The individual obtaining the two years of required experience shall not call himself a licensed clinical social worker, solicit clients, bill for his services, or in any way represent himself as a licensed clinical social worker until such time that a license has been issued.

C. Licensure by this board to practice as a social worker or clinical social worker shall be determined by examination.

D. Every applicant for examination for licensure by the board shall:

1. Meet the education and experience requirements prescribed in 18 VAC 140-20-50 or 18 VAC 140-20-60 for the category of practice in which licensure is sought.

2. Submit in one package, the following items to the board office, not less than 90 days prior to the date of the written examination:

a. A completed notarized application;

b. Documentation, on the appropriate forms, of the successful completion of the supervised experience requirements of 18 VAC 140-20-50 or 18 VAC 140-20-60 along with documentation of the supervisor's out-of-state license where applicable;

c. The application fee prescribed in 18 VAC 140-20-30;

d. Official transcript or transcripts in the original sealed envelope submitted from the appropriate institutions of higher education directly to the applicant; and

e. Documentation of applicant's out-of-state licensure where applicable.

18 VAC 140-20-50. Education and experience requirements for licensed clinical social worker.

A. Education. The applicant shall hold a minimum of a master's degree from an accredited school of social work. Graduates of foreign institutions must establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

1. The degree program shall have included a graduate clinical course of study; or
2. The applicant shall provide documentation of having completed specialized experience, coursework or training acceptable to the board as equivalent to a clinical course of study.

B. Experience. The applicant shall have had two years of full-time post-master's degree experience in the delivery of clinical services or the equivalent in part-time experience. The post-master's degree experience, whether full- or part-time, shall be under supervision satisfactory to the board as prescribed in these regulations.

1. Full-time experience in the delivery of clinical services is defined as a minimum of 3,000 hours of work experience acquired in no less than two years.
 - a. Of these 3,000 hours, trainees shall average no less than 15 hours per week in face-to-face client contact, for a minimum of 1,380 hours in the two-year period.
 - b. The remaining hours may be spent in ancillary duties and activities supporting the delivery of clinical services.
2. Part-time equivalent experience in the delivery of clinical services for a total of 3,000 hours of work experience.
 - a. Of the 3,000 hours, 1,380 hours shall be spent in face-to-face client contact.
 - b. The remaining hours may be spent in ancillary duties and activities supporting the delivery of clinical services.
3. Supervision and experience obtained prior to the effective date of these regulations may be accepted towards licensure if this supervision met the requirements of the board which were in effect at the time the supervision was rendered.

4. An individual who does not become a candidate for licensure after four years of supervised training in a non exempt practice shall submit evidence to the board showing why the training should be allowed to continue.

C. Supervision requirement for applicants in non-exempt practices.

1. An individual who proposes to obtain supervised post-graduate experience in a non-exempt practice in Virginia shall, prior to the onset of such supervision:

- a. Be registered on a form provided by the board and completed by the supervisor and the supervised individual; and
- b. Pay the registration-of-supervision fee prescribed by the board.

2. The supervisor providing supervision under subdivision 1 of this subsection shall:

- a. Be a licensed clinical social worker with at least five (5) years post-Master of Social Work (MSW) clinical experience, or an individual who the board finds is qualified to supervise after a finding that the requirement for a supervisor who is a licensed clinical social worker with at least five years post-MSW clinical experience constitutes an undue burden on the applicant. Undue burden shall include issues such as geography or disability which limits supervisee's access to licensed clinical social worker supervision.
- b. Be responsible for the casework activities of the prospective applicant as set forth in subdivisions 2 c and 2 d of this subsection once the supervisory arrangement is accepted.
- c. Review and approve the diagnostic assessment and treatment plan of a representative sample of the clients assigned to the applicant during the course of supervision. The sample should be representative of the variables of gender, age, diagnosis, length of treatment and treatment method within the client population seen by the applicant. It is the applicant's responsibility to assure the representativeness of the sample that is presented to the supervisor. The supervisor shall be available to the applicant on a regularly scheduled basis for supervision. The supervisor will maintain documentation, for five (5) years post supervision, of which clients were the subject of supervision.
- d. Provide supervision only for those casework activities for which the supervisor has determined the applicant is competent to provide to clients.

- e. Provide supervision only for those activities for which the supervisor is qualified.
 - f. The supervisor shall evaluate the supervisee's knowledge in the areas of an identified theory base, application of a differential diagnosis, establishing and monitoring a treatment plan, development and appropriate use of the professional relationship, assessing the client for risk of imminent danger, and implementing a professional and ethical relationship with clients.
 - g. Provide documentation, at the time of application for licensure, on forms provided by the board, that the supervisee is at least minimally competent in the areas listed in subdivision 2 f of this subsection before the supervisee will be eligible to take the written examination.
- 3. The experience shall include at least 100 hours of face-to-face supervision during the period of supervision. A minimum of one hour of individual face-to-face supervision per week shall be provided for the period of supervision.
 - 4. Supervision between members of the immediate family (to include spouses, parents, and siblings) will not be approved.

D. Documentation of supervised experience. At the time of application for licensure, applicants shall provide to the board documentation of the supervised experience from all supervisors or, if a supervisor is unavailable, shall provide a satisfactory explanation of such circumstances to the board.

- 1. Applicants for licensure who have worked full-time for a minimum of two years in the delivery of clinical social work services need document only their full-time employment provided the experience requirement has been met.
- 2. Applicants for licensure who have worked part-time in the delivery of clinical services will need to document the experience as prescribed in subdivision B 2 of this section.
- 3. Applicants whose former supervisor is deceased, or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation or partnership in which the applicant was supervised.
- 4. The affidavit shall specify dates of employment, job responsibilities, supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision.

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E. Supervision requirements for applicants in exempt practices. Individuals may obtain the required supervision and experience without registration of supervision provided such experience:

1. Is obtained in an exempt practice.
2. Meets all other requirements of the board for supervised experience as set forth in these regulations.

§ 18 VAC 140-20-60. Education and experience requirements for licensed social worker.

A. Education. The applicant shall hold a bachelor's or a master's degree from an accredited school of social work. Graduates of foreign institutions must establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

B. Experience - master's degree applicants. Master's degree applicants are not required to have professional experience in the field.

C. Experience - bachelor's degree applicants. Bachelor's degree applicants shall have had two years of full-time post-bachelor's degree experience or the equivalent in part-time experience in casework management and supportive services under supervision satisfactory to the board.

1. Full-time experience in casework management and supportive services is defined as a minimum of 3,000 hours of work experience acquired in no less than two years.

2. Part-time equivalent experience in casework management and supportive services is defined as at least 3,000 hours of work experience acquired in no less than four years.

D. Supervision requirement for bachelor's degree applicant in non-exempt practices.

1. An individual who proposes to obtain supervised post-bachelor's degree experience in Virginia shall, prior to the onset of such supervision:

- a. Be registered on a form provided by the board and completed by the supervisor and supervised individual; and

- b. Pay the registration-of-supervision fee as prescribed by the board.

2. The supervisor providing supervision shall:
 - a. Be a licensed social worker with a master's degree, or a licensed clinical social worker, or an individual who the board finds is qualified to supervise after a finding that the requirement for a supervisor who is a licensed social worker with a master's degree or a licensed clinical social worker constitutes an undue burden on the applicant. Undue burden shall include issues such as geography or disability which limits supervisee's access to supervision listed above;
 - b. Be responsible for the social work practice of the prospective applicant once the supervisory arrangement is accepted by the board;
 - c. Review and approve the diagnostic assessment and treatment plan of a representative sample of cases assigned to the applicant during the course of supervision. The sample should be representative of the variables of gender, age, diagnosis, length of treatment and treatment method within the client population seen by the applicant. It is the applicant's responsibility to assure the representativeness of the sample that is presented to the supervisor. The supervisor shall be available to the applicant on a regularly scheduled basis for supervision. The supervisor will maintain documentation, for five (5) years post supervision, of which clients were the subject of supervision;
 - d. Provide supervision only for those casework management and support services activities for which the supervisor has determined the applicant is competent to provide clients;
 - e. Provide supervision only for those activities for which the supervisor is qualified; and
 - f. The supervisor shall evaluate the supervisee in the areas of professional ethics and professional competency.
3. Supervision and experience obtained prior to the implementation of these regulations may be accepted towards licensure if this supervision met the requirements of the board which were in effect at the time the supervision was rendered.
4. The supervised experience shall include at least 100 hours of weekly face-to-face supervision during the two-year period.
5. Supervision between members of the immediate family (to include spouses,

parents, and siblings) will not be approved.

E. Documentation of supervised experience.

1. At the time of application, applicants shall provide to the board documentation of the supervised experience from all supervisors or, if a supervisor is unavailable, shall provide a satisfactory explanation of such circumstances to the board.

2. Applicants whose former supervisor is deceased or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive office of the agency, corporation, or partnership in which the applicant was supervised.

3. The affidavit shall specify dates of employment, job responsibilities, the supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision.

F. Supervision requirements for applicant in exempt practice. Individuals may obtain the required supervised experience without registration of supervision provided such experience:

1. Is obtained in an exempt practice.

2. Meets all other requirements of the board for supervised experience as set forth in these regulations.

PART III EXAMINATIONS

18 VAC 140-20-70. General examination requirements.

A. The board may waive the written examination if the applicant has been certified or licensed in another jurisdiction by standards and procedures equivalent to those of the board.

B. An applicant for licensure by the board as a social worker or clinical social worker shall pass a written examination at times prescribed by the board.

C. A written examination shall be administered at least twice each year. The board may schedule such additional examinations as it deems necessary.

1. The Executive Director of the board shall notify all candidates in writing of the time and place of the examinations for which they have been approved to sit and of

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the fees for these examinations.

2. The candidate shall submit the applicable fees following the instructions under 18 VAC 140-20-30 B.

18 VAC 140-20-80. Written examination.

A. The written examination comprises an examination consisting of standardized multiple-choice questions. These questions may cover all or some of the following areas: human growth and development, social work practice with individuals, families, couples and groups, supervision, social policy, administration, social work research, community organization and planning, and ethical principles of social work practice in addition to other areas deemed relevant to the board.

- B. The board will establish passing scores on the written examination.

**PART IV
ADDITIONAL DOCUMENTATION OF COMPETENCE**

18 VAC 140-20-90. Candidates who took and failed an oral examination.

Candidates who have previously taken and failed an oral examination administered by the Board of Social Work shall reapply and submit the appropriate form from their supervisor stating that the candidate meets the minimum competency levels in the six skill areas as follows:

1. Skill in the application of an identified theory base.
2. Skill in the application of a differential diagnosis.
3. Skill in establishing and monitoring a treatment plan.
4. Skill in the development and appropriate use of the professional relationship.
5. Skill in assessing the client for risk of eminent danger and taking appropriate and necessary action to protect the safety of the client, the public, and the social worker when necessary.
6. Skill in implementing a professional and ethical relationship with clients.

**PART V
LICENSURE RENEWAL; REINSTATEMENT**

18 VAC 140-20-100. Biennial renewal of licensure.

A. All licensees shall renew their licenses on or before June 30 of each odd-numbered year and pay the renewal fee prescribed by the board.

B. Failure to receive a renewal notice from the board shall not relieve the licensee from the renewal requirement.

18 VAC 140-20-110. Renewal of expired license.

A. A social worker or clinical social worker whose license has expired may renew that license within four years after its expiration date by:

1. Providing evidence of having met all applicable requirements.

2. Paying the penalty for late renewal and the biennial license fee as prescribed in 10 VAC 140-20-30.

B. A social worker or clinical social worker who fails to renew the license for four years or more and who wishes to resume practice shall reapply on forms provided by the board, submit evidence satisfactory to the board that he is prepared to resume practice in a competent manner, and pay the fees prescribed in 10 VAC 140-20-30.

18 VAC 140-20-120. Repealed.

18 VAC 140-20-130. Renewal of registration for associate social workers and registered social workers.

The registration of every associate social worker and registered social worker with the former Virginia Board of Registration of Social Workers under former § 54-775.4 of the Code of Virginia shall expire on June 30 of each odd-numbered year.

1. Each registrant shall return the completed application before the expiration date, accompanied by the payment of the renewal fee prescribed by the board.

2. Failure to receive the renewal notice shall not relieve the registrant from the renewal requirement.

**PART VI
COMMITTEES**

18 VAC 140-20-140. Examining and advisory committees.

The board may establish advisory and examining committees to assist it in carrying out statutory responsibilities.

1. The committees may assist in evaluating the professional qualifications of applicants and candidates for licensure and renewal of licenses and in other matters the board deems necessary.
2. The committees may assist in the evaluation of the mental or emotional competency, or both, of any licensee or applicant for licensure when such competence is an issue before the board.

**PART VII
STANDARDS OF PRACTICE**

18 VAC 140-20-150. Professional conduct.

Persons whose activities are regulated by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.
2. Be able to justify all service rendered to clients as necessary for diagnostic or therapeutic purposes.
3. Practice only within the competency areas for which they are qualified by education or experience, or both.
4. Report to the board known or suspected violations of the laws and regulations governing the practice of social work.
5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.
6. Ensure that clients are aware of fees and billing arrangements before rendering services.
7. Keep confidential their counseling relationships with clients and disclose client

records to others only with written consent of the client, with the following exceptions: (1) when the client is a danger to self or others; or (2) as required by law.

8. When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading.

9. Not engage in dual relationships with clients, former clients, supervisees, and supervisors that might compromise the client's, former client's, or supervisee's well-being, impair the social worker's or supervisor's objectivity and professional judgment or increase the risk of exploitation. This includes but is not limited to, such activities as counseling close friends, sexual partners, employees or relatives, and engaging in business relationships with clients. Engaging in sexual intimacies with current clients or supervisees is prohibited.

10. Maintain clinical records on each client. The record shall include identifying information to substantiate diagnosis and treatment plan, client progress, and termination. The clinical record shall be preserved for at least five years post termination.

11. Ensure that clients have provided informed consent to treatment.

18 VAC 140-20-160. Grounds for denial, revocation, suspension, or denial of renewal of license.

Action by the board to deny, revoke, suspend or decline to renew a license shall be in accordance with the following:

1. Conviction of a felony or of a misdemeanor involving moral turpitude;
2. Procurement of license by fraud or misrepresentation;
3. Conducting one's practice in such a manner so as to make the practice a danger to the health and welfare of one's clients or to the public. In the event a question arises concerning the continued competence of a licensee, the board will consider evidence of continuing education in one or more of the following categories as a demonstration of effort to maintain minimum competence to engage in practice:
 - a. Academic social work courses taken for credit or audited.
 - b. Continuing education offered by accredited social work education programs, other accredited educational programs, and other providers, including professional associations, agencies and private entrepreneurs:

- (1) Seminars, institutes, workshops, or mini-courses oriented to the enhancement of social work practice, values, skills and knowledge; and
 - (2) Cross-disciplinary offering from medicine, law, and the behavioral sciences if they are clearly related to the enhancement of social work practice, values, skills and knowledge.
- c. Planned self-directed study in collaboration with other professionals;
- (1) Independent study in a social work curriculum area or a closely related field. Examples include a planned reading program, individual supervision or consultation; and
 - (2) The content and plan of instruction developed by the licensee.
- d. Publication of books, papers, or presentations given for the first time at a professional meeting;
- e. Other professional activities, including:
- (1) Preparation for the first time of an academic social work course, in-service training workshop or seminar, or other professional seminar; and
 - (2) Research not resulting in publication.
- f. Social work-related academic courses such as mental health, health and social work research, psychology, human growth and development, and child and family development.
4. Being unable to practice social work with reasonable skill and safety to clients by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition;
5. Conducting one's practice in a manner contrary to the standards of ethics of social work or in violation of 18 VAC 140-20-150, standards of practice;
6. Performing functions outside the board-licensed area of competency;
7. Violating or aiding and abetting another to violate any statute applicable to the practice of social work or any provision of these regulations.

18 VAC 140-20-170. Reinstatement following disciplinary action.

Any person whose license has been suspended, revoked, or denied renewal by the board under the provisions of 18 VAC 140-20-160 shall, in order to be eligible for reinstatement, (i) submit a new application to the board for a license, (ii) pay the appropriate reinstatement fee, and (iii) submit any other credentials as prescribed by the board. After a hearing, the board may, at its discretion, grant the reinstatement.

