

DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PROFESSIONAL REGULATION
3900 Board of Clinical Social Work Examiners
24 DE Admin. Code 3900
Statutory Authority: 24 Delaware Code, Section 3906(1) (24 Del.C. §3906(1))

FINAL

ORDER

The Board of Clinical Social Work Examiners (“the Board”) held a properly noticed, public hearing on September 20, 2004 to receive comment on proposed additions, revisions, deletions and modifications to the Board Regulations 7.1 through 7.4 regarding the Definition and Scope of Continuing Education, Continuing Education Hourly Requirements and Continuing Education Reporting and Documentation. No members of the public attended. The written comments received by the Board included an August 27, 2004 memorandum from Daniese McMullin-Powell on behalf of the State Council for Persons with Disabilities and a letter from Anthony L. Horstman on behalf of the Delaware Developmental Disabilities Council dated August 30, 2004. The Board deliberated publicly on the proposed amendments on October 18, 2004.

Summary Of The Evidence And Information Submitted

The written comments submitted by Daniese McMullin-Powell on behalf of the State Council for Persons with Disabilities and from Anthony L. Horstman on behalf of the Delaware Developmental Disabilities Council (“the writers”) are substantively the same each raising four basic points. For purposes of summarizing the points the Board will follow the order of the points set forth in the memorandum submitted by Ms. McMullin-Powell:

1. The writers question the Board’s rationale for what the writers interpret to be a 50 percent increase in continuing education hours.
2. The writers note that there is a typographical error in Section 7.2.1.2 wherein a reference to Section 5.2.1.1 should refer to 7.2.1.1.
3. The third comment suggests that since the Board is proposing to discontinue the practice of pre-approving continuing education courses, the Board should consider allowing the submission of applications for credit for continuing education more frequently than at renewal.
4. Finally, the writers submit that requiring a “presenter” to sign a training event attendance form may be unmanageable and suggest substituting “presenter, course sponsor, or sponsor’s designee” for “presenter” in Section 7.4.3.

Findings Of Fact With Respect To The Evidence And Information Submitted

Based upon the evidence received, the Board finds the following facts to be supported by the evidence:

1. There was no public comment received at the hearing concerning the proposed amendments to the Regulations.
2. In response to the concern that the continuing education has been increased by 50 percent, the Board finds that no increase has been proposed by the amendments to the regulations. The Board has always required 45 credit hours. Previously licensees were required to have 30 credit hours in Category I and 15 credit hours in Category II. The proposed amendments remove the categories but do not increase the hours. The Board further finds that the number of hours is consistent with what other States require.
3. The Board find that there is a typographical error in section 7.2.1.2 and that the correct reference should be to 7.2.1.1 not to 5.2.1.1. The Board will make this non- substantive correction.
4. The Board declines to accept the recommendation that the Board consider allowing the submission of applications for credit for continuing education more frequently than at renewal. The Board recognizes that the burden is on the licensee and that the licensee may not know until the end of the renewal cycle if the continuing education courses will be accepted. However, the Board finds that there has been no comment written or verbal from the licensees it regulates in opposition to the proposed amendments. Moreover, the Board finds that the elimination of the two category classifications as discussed above really broadens what the Board will accept and specifically states what will not be accepted. The Board is persuaded that amendments as proposed give the licensees sufficient

guidance to comply at the time of renewal with the requirements.

5. The Board does find that the draft of the regulation is improved by substituting “presenter, course sponsor, or sponsor’s designee” for “presenter” in Section 7.4.3. The Board finds that the change is not a substantive change.

The Law

The Board’s rulemaking authority is provided by 24 **Del.C.** §3906(1).

§3906 Same - Powers and Duties

The Board shall have the authority to:

(1) Formulate rules and regulations with appropriate notice to those affected; all rules and regulations shall be promulgated in accordance with the procedure specified in the Administrative Procedures Act of this State. Each rule or regulation shall implement or clarify a specific section of this chapter.

Decision And Effective Date

The Board hereby adopts the changes to Regulations 7.1 through 7.4 regarding the Definition and Scope of Continuing Education, Continuing Education Hourly Requirements and Continuing Education Reporting and Documentation to be effective 10 days following publication of this order in the **Register of Regulations**. The Board adopts the Regulations as published on August 1, 2004 in 8 **DE Reg** 218 with the alterations noted in this Order, and a copy of the Regulations as adopted is attached to this Order as Exhibit 1.

IT IS SO ORDERED this 15th day of November 2004.

Dr. Maria Carroll, Professional Member, President
Gloria Ho-Ruggiero, Professional Member, Vice Pres.
Winnie Lewis, Public Member
Traci McDowell, Public Member
Timothy J. Toole, Professional Member

EXHIBIT 1

7.0 Continuing Education

7.1 Required Continuing Education Hours:

7.1.1 Hours Required. All licensees must complete forty-five (45) hours of continuing education during each biennial license period. For license periods beginning January 1, ~~1999~~ 2005 and thereafter, documentation, as required by Rule ~~5-4~~ 7.4 of all continuing education hours must be submitted to the Board for approval by October 31 of each biennial license period.

7.1.2 Proration. At the time of the initial license renewal, some individuals will have been licensed for less than two (2) years. Therefore, for these individuals only, the continuing education hours will be prorated as follows:

License Granted During First Credit Hours
Year Of Licensing Period Required

January 1 - June 30 35 hours

July 1 - December 31 25 hours

License Granted During Second Credit Hours

Year Of Licensing Period Required

January 1 - June 30 15 hours

July 1 - December 31 5 hours

7.1.3 Hardship. A candidate for license renewal may be granted an extension of time in which to complete continuing education hours upon a showing of good cause. "Good Cause" may include, but is not limited to, disability, illness, extended absence from the jurisdiction and exceptional family responsibilities. Requests for

hardship consideration must be submitted to the Board in writing prior to the end of the licensing period, along with payment of the appropriate renewal fee. No extension shall be granted for more than 120 days after the end of the licensing period. If the Board does not have sufficient time to consider and approve a request for hardship extension prior to the expiration of the license, the license will lapse upon the expiration date and be reinstated upon completion of continuing education pursuant to the hardship exception.

2 DE Reg 775 (11/1/98)

7.2 Definition and Scope of Continuing Education:

7.2.1 Continuing Education is defined to mean ~~approved~~ acceptable courses offered by colleges and universities, televised and ~~extension~~ internet courses, independent study courses which have a final exam or paper, workshops, seminars, conferences and lectures oriented toward the enhancement of clinical social work practice, values, skills and knowledge, including self-directed activities and preparation of a first-time clinical course as described herein. The following types of courses are NOT acceptable for credit: business, computer, financial, administrative or practice development courses or portions of courses.

~~7.2.1.1 Approved Courses shall be those courses which: increase the clinical social worker (CSW)'s knowledge about, skill in diagnosing and assessing, skill in treating, and/or skill in preventing mental and emotional disorders, developmental disabilities and substance abuse; AND are instructed or presented by persons who have received specialized graduate-level training in the subject, or who have no less than two (2) years of practical application or research experience pertaining to the subject.~~

~~7.2.1.2 Mental and Emotional Disorders, Developmental Disabilities and Substance Abuse are those disorders enumerated and described in the most current Diagnostic and Statistical Manual including, but not limited to, the V Codes and the Criteria Sets and Axes provided for further study.~~

~~7.2.1.1 The Board will accept for continuing education credit all courses designated for clinical social workers which are offered by the Association of Social Work Boards (ASWB), the National Association of Social Work (NASW) and the American Psychological Association (APA) approved providers. Other courses will be evaluated for acceptability at the time they are submitted for license renewal. The Board will no longer "pre-approve" continuing education courses.~~

~~7.2.1.2 Acceptable Courses, other than those approved pursuant to Rule [57].2.1.1, shall be courses which: increase the licensed clinical social worker's knowledge about skill in diagnosing and assessing, skill in treating, and/or skill in preventing mental and emotional disorders, developmental disabilities and substance abuse; AND are instructed or presented by persons who have received specialized graduate-level training in the subject, or who have no less than two (2) years of practical application or research experience pertaining to the subject.~~

~~7.2.1.2.1 Mental and Emotional Disorders, Developmental Disabilities and Substance Abuse are those disorders enumerated and described in the most current Diagnostic and Statistical Manual including, but not limited to, the V Codes and the Criteria Sets and Axes provided for further study.~~

~~7.2.2 7.2.4 The Board may, upon request, review and approve credit for self-directed activities, to a maximum of ~~45~~ 10 hours per biennial licensing period. A licensee must obtain pre-approval of the Board prior to undertaking the self-directed activity in order to assure continuing education credit for the activity. Any self-directed activity submitted for approval must include a written proposal outlining the scope of the activity, the number of continuing education hours requested, the anticipated completion date(s), the role of the licensee in the case of multiple participants (e.g. research) and whether any part of the self-directed activity has ever been previously approved or submitted for credit by the same licensee.~~

~~7.2.2.1 7.2.1.3 Self-Directed Activity shall include teaching, research, preparation and/or presentation of professional papers and articles, and other activities specifically approved by the Board, which may include one or more of the following. The Board shall require documentation of each activity as noted below:~~

~~7.2.2.1.1 Publication of a professional clinical social work-related book, or initial preparation/presentation of a clinical social work-related college or university course (maximum of 10 hours);~~

~~7.2.2.1.1.1 Required documentation shall be proof of publication, or syllabus of course and verification that the course was presented.~~

~~7.2.2.1.2 Publication of a professional clinical social work-related article or chapter of a book (maximum of 5 hours);~~

~~7.2.2.1.2.1 Required documentation shall be reprint of publication(s).~~

~~7.2.2.1.3 Initial preparation/presentation of a professional clinical social work-related continuing education course/program (maximum of 2 hours, in addition to number of hours actually attended at the course/program) (Will only be accepted one time for any specific program);~~

~~7.2.2.1.3.1 Required documentation shall be outline, syllabus agenda and objectives for course and verification that the course was presented.~~

~~7.2.2.1.4 One year of Field instruction of graduate students in a Council on Social Work~~

Education-accredited school program, in a clinical setting (maximum of 2 hours);

7.2.2.1.4.1 Required documentation shall be a letter of verification from school of social work.

7.2.2.1.5 Participation in formal clinical staffings at federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals (maximum of 5 hours);

7.2.2.1.5.1 Required documentation shall be a signed statement from the agency, school system, facility or hospital, from a supervisor other than the licensee, including date and length of staffing.

~~7.2.2~~ 7.2.3 Any program submitted for continuing education hours must have been attended during the biennial licensing period for which it is submitted. Excess credits may not be carried over to the next licensing period.

~~7.2.3~~ 7.2.4 An "hour" for purposes of continuing education credit shall mean ~~60~~ 50 (fifty) minutes of instruction or participation in an appropriate course or program. Meals and breaks shall be excluded from credit.

~~7.2.5~~ 7.2.5 ~~The Board may award a maximum of 5 continuing education hours for the first-time preparation and presentation of a clinical social work course, in-service training, workshop, or seminar. A copy of the course syllabus and verification that the course was presented is required for Board approval.~~

7.3 Continuing Education ~~Content~~ Hourly Requirements:

During each biennial licensing period, licensees shall complete a minimum of ~~thirty (30)~~ forty-five (45) hours of continuing education. ~~in Category I courses. The remaining fifteen (15) continuing education hours may be taken in Category II courses.~~ At least three (3) of the ~~30~~ Category I 45 hours shall consist of courses acceptable to the Board in the area of ethics for mental health professionals.

~~Category I: Courses which have as their primary focus and content the assessment, diagnosis, and biopsychosocial (biological, psychological and social) treatment of mental and emotional disorders, developmental disabilities, and/or substance abuse; courses which have as their primary focus and content the ethical practice of social work.~~

~~Category II: Courses in any of the following areas which are related to and increase the CSW's knowledge of mental and emotional disorders, developmental disabilities, and/or substance abuse~~

~~research methods and findings;
psychology and sociology;
human growth and development;
child and family constructs;
physical illness and health;
social action;
advocacy;
human creativity;
spirituality
HIV~~

7.4 Continuing Education Reporting and Documentation

7.4.1 Continuing Education Reporting Periods.

Licenses are valid for 2 year periods, renewing on January 31 of odd numbered years (e.g. January 31, 2004~~5~~, 2003~~7~~). Continuing education (CE) reporting periods run from ~~October 31~~ November 1 to October 31 of the preceding two even-numbered years. (e.g. credits for the January 2001 license renewal may be obtained between ~~October 31, 1998 and October 31, 2000~~). ~~The Board will allow credits obtained between October 31 and January 31 to apply to either (but not both) of the biennial licensing periods, at the licensee's discretion.~~ Beginning with the January 2003~~5~~ license renewal, all required continuing education ~~shall~~ should be completed within the previous two year ~~October~~ November to October period (e.g. between ~~October 31~~ November 1, 2000~~2~~ and October 31, 2002~~4~~ for January 2003~~5~~ renewal). The Board shall continue to have the discretion, however, to grant extensions of time in which to complete continuing education in cases of hardship, pursuant to 24 **Del.C.** §3912 and Rule 7.1.3.

7.4.2 In order to assure receipt of continuing education credits, a licensee must complete and submit the appropriate continuing education form provided by the Division of Professional Regulation no later than October 31st preceding the start of the next biennial licensing period.

7.4.3 In addition to the form, each licensee must submit the following documentation as to each course attended: a certificate of attendance or completion signed by the presenter and attesting to the number of hours the licensee attended and ~~documentation~~ identifying the date and location of the course. ~~, the total number of CE hours~~

~~attended and the agenda, outline or brochure describing the course. Originals or photocopies will be accepted and retained by the Board. The Board reserves its right to request additional documentation, such as copies of program materials, to verify CE compliance. Statutory Authority: **24 Del.C. §§3906(7), 3912.**~~

7.4.4 Prior to the end of each renewal period, the Board shall conduct a random audit of licensees to verify compliance with continuing education for that renewal period. Upon request from the Board, an audited licensee will be required to submit, in addition to the documents noted above, copies of agenda, outline and brochure, for each course submitted for credit. Originals or photocopies will be accepted and retained by the Board. The Board reserves its right to request additional documentation to verify CE compliance.

7.4.5 In addition to licensees selected for random audit, the Board also may request additional supporting documentation from any licensee whose renewal materials, as required by Rules 7.4.2 and 7.4.3, raise questions as to the completion or acceptable content of the course(s).

2 DE Reg 1680 (6/1/00)

4 DE Reg 1815 (5/1/01)

7 DE Reg 1667 (6/1/04)

*** PLEASE NOTE: AS THE REST OF THE SECTIONS WERE NOT AMENDED THEY ARE NOT BEING PUBLISHED. A COMPLETE SET OF THE RULES AND REGULATIONS FOR THE BOARD OF CLINICAL SOCIAL WORK EXAMINERS IS AVAILABLE AT: <http://www.state.de.us/research/AdminCode/title24/3900%20Board%20of%20Clinical%20Social%20Work%20Examiners.shtml#TopOfPage>**

8 DE Reg. 880 (12/01/04)