

**SOCIAL WORKER LICENSING AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marsha Judkins**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Social Worker Licensing Act.

**Highlighted Provisions:**

This bill:

- ▶ removes an examination requirement for licensure as a certified social worker or social service worker;
- ▶ repeals provisions creating and related to the position of certified social worker intern;
- ▶ authorizes the Division of Professional Licensing (division) to make rules creating:
  - a path to licensure as a certified social worker that includes an examination requirement;
  - a path to licensure as a social service worker that includes an examination requirement; and
  - a provisional clinical social worker license;
- ▶ provides requirements that the division must include in rule for a provisional clinical social worker who applies for licensure as a clinical social worker; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



None

**Utah Code Sections Affected:**

AMENDS:

**53E-3-524**, as enacted by Laws of Utah 2022, Chapter 329

**58-60-204**, as last amended by Laws of Utah 2003, Chapter 201

**58-60-205**, as last amended by Laws of Utah 2022, Chapters 345, 466

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53E-3-524** is amended to read:

**53E-3-524. Newcomer student and foreign exchange student transcript repository.**

(1) As used in this section:

(a) "Newcomer student" means a student who:

(i) is three through 21 years old;

(ii) was not born in any state; and

(iii) has not attended one or more schools in one or more states for more than three full academic years.

(b) "Qualified social service provider" means a social service provider that works directly with a student's family.

(c) "Repository" means the online transcript repository described in Subsection (2).

(d) "Social service provider" means:

(i) one of the following professionals, licensed to practice under Section **58-60-205**:

(A) a clinical social worker;

(B) a certified social worker; or

~~[(C) a certified social worker intern; or]~~

~~[(D)]~~ (C) a social service worker; or

(ii) staff employed to provide direct support to a professional described in Subsection (1)(d)(i).

(e) "State" means:

(i) a state of the United States;

(ii) the District of Columbia; or

(iii) the Commonwealth of Puerto Rico.

(f) "Student" means an individual who is enrolled in:

(i) a public school within the state of Utah; and

(ii) any grade from kindergarten through grade 12.

(g) (i) "Transcript" means documentation of a newcomer student's or foreign exchange student's prior educational experience.

(ii) "Transcript" includes oral representations about prior educational experience that a school or an LEA documents.

(2) On or before July 1, 2024, the state board shall establish and maintain, as part of the Utah school information management system described in Section 53E-3-518, an online repository for transcripts.

(3) The state board shall:

(a) ensure that the repository provides a central location for:

(i) an LEA to upload transcripts; and

(ii) LEAs and qualified service providers to share information regarding transcripts, including:

(A) best practices for linguistic interpretation;

(B) interpretation of educational experiences; and

(C) placement of newcomer students;

(b) ensure that use of the repository:

(i) is voluntary; and

(ii) complies with all state and federal student privacy requirements, including:

(A) Title 53E, Chapter 9, Student Privacy and Data Protection; and

(B) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;

(c) provide the repository at no cost to LEAs;

(d) provide access to the repository to qualified social service providers;

(e) establish appropriate access protocols in coordination with LEAs and qualified social service providers; and

(f) annually, before the school enrollment period begins, provide notice of the repository to interested parties that the state board designates in state board rule.

(4) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act, to implement this section, including rules:

(a) establishing procedures:

(i) to protect student data related to the repository in compliance with Title 53E, Chapter 9, Student Privacy and Data Protection; and

(ii) for the use of the repository by the state board, LEAs, and qualified social service providers;

(b) requiring repository users to enter into a data sharing agreement; and

(c) designating the interested parties described in Subsection (3)(f).

Section 2. Section **58-60-204** is amended to read:

**58-60-204. License classifications.**

The division shall issue licenses and certifications to individuals qualified under this part in the classifications:

(1) clinical social worker;

(2) certified social worker; and

~~[(3) certified social worker intern; and]~~

~~[(4)]~~ (3) social service worker.

Section 3. Section **58-60-205** is amended to read:

**58-60-205. Qualifications for licensure or certification as a clinical social worker, certified social worker, and social service worker.**

(1) An applicant for licensure as a clinical social worker shall:

(a) submit an application on a form provided by the division;

(b) pay a fee determined by the department under Section [63J-1-504](#);

(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:

(i) a master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or

(ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section [58-1-203](#);

(d) have completed a minimum of 3,000 hours of clinical social work training as

defined by division rule under Section 58-1-203:

(i) in not less than two years;

(ii) under the supervision of a supervisor approved by the division in collaboration with the board who is a:

(A) clinical mental health counselor;

(B) psychiatrist;

(C) psychologist;

(D) registered psychiatric mental health nurse practitioner;

(E) marriage and family therapist; or

(F) clinical social worker; and

(iii) including a minimum of two hours of training in suicide prevention via a course that the division designates as approved;

(e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement in Subsection (1)(c), which training may be included as part of the 3,000 hours of training in Subsection (1)(d), and of which documented evidence demonstrates not less than 100 of the hours were obtained under the direct supervision, as defined by rule, of a supervisor described in Subsection (1)(d)(ii);

(f) have completed a case work, group work, or family treatment course sequence with a clinical practicum in content as defined by rule under Section 58-1-203;

(g) except as provided in Subsection (6), pass the examination requirement established by rule under Section 58-1-203; and

(h) if the applicant is applying to participate in the Counseling Compact under Chapter 60a, Counseling Compact, consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) An applicant for licensure as a certified social worker shall:

(a) submit an application on a form provided by the division;

(b) pay a fee determined by the department under Section 63J-1-504; and

(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of

an education and an earned degree as follows:

(i) a master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or

(ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203~~[; and]~~.

~~[(d) pass the examination requirement established by rule under Section 58-1-203.]~~

~~[(3)(a) An applicant for certification as a certified social worker intern shall meet the requirements of Subsections (2)(a), (b), and (c).]~~

~~[(b) Certification under Subsection (3)(a) is limited to the time necessary to pass the examination required under Subsection (2)(d) or six months, whichever occurs first.]~~

~~[(c) A certified social worker intern may provide mental health therapy under the general supervision, as defined by rule, of a supervisor described in Subsection (1)(d)(ii).]~~

~~[(4)]~~ (3) An applicant for licensure as a social service worker shall:

(a) submit an application on a form provided by the division;

(b) pay a fee determined by the department under Section 63J-1-504; and

(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:

(i) a bachelor's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work;

(ii) a master's degree in a field approved by the division in collaboration with the board;

(iii) a bachelor's degree in any field if the applicant:

(A) has completed at least three semester hours, or the equivalent, in each of the following areas:

(I) social welfare policy;

(II) human growth and development; and

(III) social work practice methods, as defined by rule; and

(B) provides documentation that the applicant has completed at least 2,000 hours of qualifying experience under the supervision of a mental health therapist, which experience is

approved by the division in collaboration with the board, and which is performed after completion of the requirements to obtain the bachelor's degree required under this Subsection (4); or

(iv) successful completion of the first academic year of a Council on Social Work Education approved master's of social work curriculum and practicum~~[-and]~~.

~~[(d) pass the examination requirement established by rule under Section 58-1-203:]~~

~~[(5)]~~ (4) The division shall ensure that the rules for an examination described under ~~[Subsections (1)(g), (2)(d), and (4)(d)]~~ Subsection (1)(g) allow additional time to complete the examination if requested by an applicant who is:

(a) a foreign born legal resident of the United States for whom English is a second language; or

(b) an enrolled member of a federally recognized Native American tribe.

(5) By rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to Section 58-1-203, the division may:

(a) create a path to licensure as a social service worker that includes, in addition to the requirements in Subsection (2), an examination requirement;

(b) create a path to licensure as a certified social worker that includes, in addition to the requirements in Subsection (3), an examination requirement; or

(c) create a provisional clinical social worker license that may be issued to an applicant who:

(i) has applied for licensure as a clinical social worker;

(ii) speaks English as a second language;

(iii) has not obtained a passing score on the examination described in Subsection (1)(g); and

(iv) otherwise meets all the requirements for licensure as a clinical social worker.

(6) If the division creates a provisional clinical social worker license pursuant to Subsection (5)(c), the division shall also make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to Section 58-1-203, creating a path to licensure as a clinical social worker for an individual:

(a) who is issued a provisional clinical social worker license;

(b) who demonstrates competence by completing a minimum of 2,000 hours of

214 supervised clinical social work practice, as defined by division rule; and  
215 (c) whose ability to practice competently and ethically is attested to by a supervisor  
216 who supervised the individual's clinical social work practice under Subsection (6)(b).