

Testimony
North Dakota Administrative Code
Legislative Management's Administrative Rules Committee
Thursday, June 14, 2012
North Dakota Board of Social Work Examiners

Chapter 75.5-02-01

75.5-02-01-03 Definitions

Chapter 75.5-02-03

75.5-02-03-04.1 Supervision of Applicants for Licensure as a Licensed Independent Clinical Social Worker

75.5-02-03-07 Continuing Education Requirements

1. The rules did not result from statutory changes made by the Legislative Assembly.
2. The rules are not related to any federal statute or regulation.
3. The Board followed the procedure set out in the ND Legislative Council's Administrative Rules Drafting Manual. Public notice was filed with the Legislative Council, ND Newspaper Association posted notice in all North Dakota newspapers, and the notice was posted on the Board's website. A public hearing was held in Bismarck on October 27, 2011.
4. No oral comment was received. Two written comments were received. One had concerns regarding the deletion of language defining parameters of clinical social work practice. The other was concerned about the limit of ten hours of self-study/distance learning continuing education. The Board carefully considered these comments and decided not to make changes to the proposed rules.
5. Approximate cost of public notice was \$1500.00
6. The rule changes relate to two areas: a) definition of clinical social work and related clinical supervision requirements for applicants for Licensed Independent Clinical Social Worker, and b) continuing education requirements relating to ethics, self-study and distance learning, and requirements related to Board Approved Providers of continuing education.
 - a) The Board reviews and approves Clinical Supervision Plans submitted by social workers working toward licensure at the Licensed Independent Clinical Social Work level. In so doing, it became clear to the Board there was significant confusion regarding the definition of clinical social work. As a result of considerable research, the Board decided to adopt the definition of the Practice of Clinical Social Work-Section 106 of the

Association of Social Work Boards Model Social Work Practice Act. Clarification of the definition of clinical social work made it unnecessary to further define clinical social work activities in the section relating to clinical supervision in 75.5-02-03-04.1.

b) Licensed social workers in North Dakota must complete thirty approved continuing education contact hours for the two-year licensing period. There has been a recent proliferation of self-study and distance learning educational opportunities, particularly those offered over the internet. While the Board believes that there is value to these types of educational formats, it does not believe that distance learning can or should replace education that involves face-to-face dialogue and networking with other social work professionals. Therefore, the Board chose to allow ten of the thirty continuing educational contact hours to be completed via self-study or distance learning.

The Board frequently receives complaints alleging unethical behavior on the part of licensed social workers. As a result, the Board proactively adopted a rule change requiring two hours of education related to ethics each licensure period.

Considerable continuing education for North Dakota licensed social workers is offered by Board Approved Providers. All educational programs offered by these providers are automatically accepted by the Board. Because of the privileged status of Approved Providers, it is imperative that their educational offerings comply with the Board approved continuing education course content outlined in 75.5-02-03-07.

7. A regulatory analysis was not issued or required.
8. No regulatory analysis or economic impact statement of impact on small entities were required.
9. These rules have no fiscal effect on state revenues and expenditures.
10. A constitutional takings assessment was not prepared.
11. The rules were not adopted as emergency rules.

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