Rule: 781.404. Supervision Process

Action: Proposed New Rule

Comment: The proposed new rule consolidates existing rule language regarding the supervision process and requirements supervisors must perform. The new language clarifies the type of records a supervisor must keep, including a detailed log of supervision sessions and a plan for the custody of records in the event a supervisor ceases practice. The new language requires a supervisee to notify supervisors of any pending complaints against the supervisee, and to share a copy of any remediation plan with all current and future supervisors. The new language also makes non-substantive edits to use more plain, direct language.

§781.404. Supervision Process.

(a) A supervisor providing any form of supervision, other than administrative or work-related supervision described in §781.403(a)(1) of this title, must comply with the following:

(1) The supervisor is obligated to keep legible, accurate, complete, signed supervision notes and must be able to produce such documentation for the Council if requested. The notes shall document the content, duration, and date of each supervision session.

(2) A social worker may only provide supervision to a supervisee employed in another setting with written approval of the employer. A copy of the approval must be kept in the supervisor’s files.

(3) A supervisor who is otherwise compensated for supervisory duties may not charge or collect a fee or anything of value from the supervisee for the supervision services provided to the supervisee.

(4) The supervisor shall ensure that the supervisee knows and adheres to the laws and rules governing the practice of social work.

(5) A supervisor shall not be employed by or under the employment supervision of the person who he or she is supervising.

(6) A supervisor shall not be a family member of the person being supervised.

(7) The supervisor and supervisee shall avoid forming any relationship with each other that impairs the objective, professional judgment and prudent, ethical behavior of either.

(b) All supervision toward licensure or specialty recognition must meet the following conditions.

(1) The supervisor shall keep a supervision file on each supervisee that includes:

(A) a supervision plan;

(B) a clearly defined job description and list of responsibilities for each of the supervisee’s positions held during the supervised experience, including a discussion of any position or duties not subject to supervision;

(C) a list of locations where the supervisee provides supervised services;

(D) a log of experience and supervision earned by the supervisee that reflects the date and duration of each supervision meeting, the accumulated hours of non-clinical experience, and the accumulated hours of clinical supervised experience, if any;

(E) an established plan for the custody and control of the records of supervision for the supervisee in the event of the supervisor’s death or incapacity or termination of the supervisor’s practice,

(F) copy of written approval from the supervisee’s employing agency agreeing to outside supervision, and

(G) a copy of any written plan for remediation of the supervisee described in 781.404(d) of this chapter.

(2) A supervisor is responsible for developing a well-conceptualized supervision plan with the supervisee, and for updating that plan whenever there is a change in agency of employment, job function, goals for supervision, or method by which supervision is provided.

(3) Before entering into a supervisory plan, the supervisor shall be aware of actual or intended service terms and conditions between a supervisee and their clients. The supervisor shall not provide supervision if the supervisee is practicing outside the authorized scope of the license. If the supervisor believes that a social worker is practicing outside the scope of the license, the supervisor shall make a report to the Council.

(4) Supervision toward licensure or specialty recognition may occur in one-on-one sessions, in group sessions, or in a combination of one-on-one and group sessions. Sessions may transpire in the same geographic location, or via audio, web technology or other electronic supervision techniques that comply with HIPAA and Texas Health and Safety Code, Chapter 611, and/or other applicable state or federal statutes or rules.

(5) Supervision groups shall have no fewer than two supervisees and no more than six.

(6) The Council considers supervision toward licensure or specialty recognition to be supervision which promotes professional growth. Therefore, all supervision formats must encourage clear, accurate communication between the supervisor and the supervisee, including case-based communication that meets standards for confidentiality. Though the Council favors supervision formats in which the supervisor and supervisee are in the same geographical place for a substantial part of the supervised experience, the Council also recognizes that some current and future technology, such as using reliable, technologically-secure computer cameras and microphones, can allow personal face-to-face, though remote, interaction, and can support professional growth. Supervision formats must be clearly described in the supervision plan, explaining how the supervision strategies and methods of delivery meet the supervisee's professional growth needs and ensure that confidentiality is protected.

(7) Supervision toward licensure or specialty recognition must extend over a full 3000 hours over a period of not less than 24 full months for Licensed Clinical Social Worker (LCSW) or Independent Practice Recognition (IPR). Even if the individual completes the minimum of 3000 hours of supervised experience and minimum of 100 hours of supervision prior to 24 months from the start date of supervision, supervision which meets the Council's minimum requirements shall extend to a minimum of 24 full months.

(8) Supervision shall occur in proportion to the number of actual hours worked for the 3,000 hours of supervised experience. No more than 10 hours of supervision may be counted in any one month, or 30-day period, as appropriate, towards satisfying minimum requirements for licensure or specialty recognition.

(c) A supervisor who agrees to provide Council-ordered supervision of a licensee must understand the Council order and follow the supervision stipulations outlined in the order. The supervisor must address with the licensee those professional behaviors that led to Council discipline, and must help to remediate those concerns while assisting the licensee to develop strategies to avoid repeating illegal, substandard, or unethical behaviors.

(d) If the supervisor determines that the supervisee lacks the professional skills and competence to practice social work under an independent license, the supervisor shall develop and implement a written remediation plan for the supervisee. If a supervisee receives a remediation plan, the supervisee must provide a copy of the remediation plan to any other current or future supervisors, as well as any relevant documentation regarding successful completion of the plan.

(e) The supervisor and the supervisee bear professional responsibility for the supervisee's professional activities. If a supervisee is informed of a pending complaint against them, the supervisee must notify each of their supervisors of the complaint.

(f) A supervisee who provides client services for payment or reimbursement shall submit billing to the client or third-party payers which clearly indicates the services provided and who provided the services, and specifying the supervisee's licensure category and the fact that the licensee is under supervision.

(g) If either the supervisor’s or supervisee’s license is revoked, suspended, placed on probated suspension, or becomes delinquent or expired during supervision, supervision hours accumulated during that time will not be accepted unless approved by the Council.