Rule: 781.404. Recognition as a Council-approved Supervisor and the Supervision Process.

Action: Proposed Repeal

Comment: The proposed repeal removes the current rule in conjunction with proposed new rules that restructure and consolidate existing rule language. The requirements related to Council-ordered supervision are no longer used by the Council and have been removed from the proposed new rules.

~~§781.404. Recognition as a Council-approved Supervisor and the Supervision Process.~~

~~(a) Types of supervision include:~~

~~(1) administrative or work-related supervision of an employee, contractor or volunteer that is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure;~~

~~(2) clinical supervision of a Licensed Master Social Worker in a setting in which the LMSW is providing clinical services; the supervision may be provided by a Licensed Professional Counselor, Licensed Psychologist, Licensed Marriage and Family Therapist, Licensed Clinical Social Worker or Psychiatrist. This supervision is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure;~~

~~(3) clinical supervision of a Licensed Master Social Worker, who is providing clinical services and is under a supervision plan to fulfill supervision requirements for achieving the LCSW; a Licensed Clinical Social Worker who holds is a Council-approved supervisor status delivers this supervision;~~

~~(4) non-clinical supervision of a Licensed Master Social Worker or Licensed Baccalaureate Social Worker who is providing non-clinical social work service toward qualifications for independent non-clinical practice recognition; this supervision is delivered by a licensee who holds supervisor status Council-approved supervisor; or~~

~~(5) Council-ordered supervision of a licensee by a Council-approved supervisor pursuant to a disciplinary order or as a condition of new or continued licensure.~~

~~(b) A person who wishes to be a Council-approved supervisor must file an application and pay the applicable fee.~~

~~(1) A Council-approved supervisor must be actively licensed in good standing by the Council as an LBSW, an LMSW, an LCSW, or be recognized as an Advanced Practitioner (LMSW-AP), or hold the equivalent social work license in another jurisdiction. The person applying for supervisor Council-approved status must have practiced at his/her category of licensure for two years. The Council-approved supervisor shall supervise only those supervisees who provide services that fall within the supervisor's own competency.~~

~~(2) The Council-approved supervisor is responsible for the social work services provided within the supervisory plan.~~

~~(3) The Council-approved supervisor must have completed a 40-hour supervisor's training program acceptable to the Council.~~

~~(A) At a minimum, the 40-hour supervisor's training program must meet each of the following requirements:~~

~~(i) the course must be taught by a licensed social worker holding both the appropriate license classification, and supervisor status issued by the Council;~~

~~(ii) all related coursework and assignments must be completed over a time period not to exceed 90 days; and~~

~~(iii) the 40-hour supervision training must include at least:~~

~~(I) three (3) hours for defining and conceptualizing supervision and models of supervision;~~

~~(II) three (3) hours for supervisory relationship and social worker development;~~

~~(III) twelve (12) hours for supervision methods and techniques, covering roles, focus (process, conceptualization, and personalization), group supervision, multi-cultural supervision (race, ethnic, and gender issues), and evaluation methods;~~

~~(IV) twelve (12) hours for supervision and standards of practice, codes of ethics, and legal and professional issues; and~~

~~(V) three (3) hours for executive and administrative tasks, covering supervision plan, supervision contract, time for supervision, record keeping, and reporting.~~

~~(B) Subparagraph (A) of this paragraph is effective September 1, 2023.~~

~~(4) The Council-approved supervisor must submit required documentation and fees to the Council.~~

~~(5) When a licensee is designated Council-approved supervisor, he or she may perform the following supervisory functions.~~

~~(A) An LCSW may supervise clinical experience toward the LCSW license, non-clinical experience toward the Independent Practice Recognition (non-clinical), and Council-ordered probated suspension;~~

~~(B) An LMSW-AP may supervise non-clinical experience toward the non-clinical Independent Practice Recognition; and Council-ordered probated suspension for non-clinical practitioners;~~

~~(C) An LMSW with the Independent Practice Recognition (non-clinical) who holds is a Council-approved supervisor status may supervise an LBSW's or LMSW's non-clinical experience toward the non-clinical Independent Practice Recognition; and an LBSW or LMSW (non-clinical) under Council-ordered probated suspension;~~

~~(D) An LBSW with the non-clinical Independent Practice Recognition who holds is a Council-approved supervisor status may supervise an LBSW's non-clinical experience toward the non-clinical Independent Practice Recognition; and an LBSW under Council-ordered probated suspension.~~

~~(6) The approved supervisor must renew the approved supervisor status in conjunction with the biennial license renewal. The approved supervisor may surrender supervisory status by documenting the choice on the appropriate Council renewal form and subtracting the supervisory renewal fee from the renewal payment. If a licensee who has surrendered supervisory status desires to regain supervisory status, the licensee must reapply and meet the current requirements for approved supervisor status.~~

~~(7) A supervisor must maintain the qualifications described in this section while they are he or she is providing supervision.~~

~~(8) A Council-approved supervisor who wishes to provide any form of supervision or Council-ordered supervision must comply with the following:~~

~~(A) 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.~~

~~(B) A social worker may contract for supervision with written approval of the employing agency. A copy of the approval must accompany the supervisory plan submitted to the Council.~~

~~(C) A Council-approved 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.~~

~~(D) Before entering into a supervisory plan, the supervisor shall be aware of all conditions of exchange with the clients served by her or his supervisee. 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.~~

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

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

~~(G) A supervisee must have a clearly defined job description and responsibilities.~~

~~(H) 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.~~

~~(I) If either the supervisor or supervisee has an expired license or a license that is revoked or suspended during supervision, supervision hours accumulated during that time will be accepted only if the licensee appeals to and receives approval from the Council.~~

~~(J) A licensee must hold be a current Council-approved supervisor status in order to provide professional development supervision toward licensure or specialty recognition, or to provide Council-ordered supervision to a licensee. Providing supervision without having current met all requirements for current, valid Council-approved supervisor status is may be grounds for disciplinary action against the supervisor.~~

~~(K) The supervisor shall ensure that the supervisee knows and adheres to Subchapter B, Rules of Practice, of this Chapter.~~

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

~~(M) Should a supervisor become subject to a Council disciplinary order, other than a reprimand, supervision status is revoked and that person is no longer a Council-approved supervisor and must so inform all supervisees, helping them to find alternate supervision. The person may reapply for Council-approved supervisor status by meeting the terms of the disciplinary order and having their license in good standing, in addition to submitting an application for Council-approved supervisor, and proof of completion of a 40-hour Council-approved supervisor training course, taken no earlier than the date of execution of the Council order.~~

~~(N) Providing supervision without Council-approved supervisor status is grounds for disciplinary action.~~

~~(O) A supervisor shall refund all supervisory fees the supervisee paid after the date the supervisor ceased to hold valid supervisor status be Council-approved.~~

~~(P) 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.~~

~~(9) A Council-approved supervisor who wishes to provide supervision towards licensure as an LCSW or towards specialty recognition in Independent Practice (IPR) or Advanced Practitioner (LMSW-AP), which is supervision for professional growth, must comply with the following:~~

~~(A) 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. Session 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.~~

~~(B) Supervision groups shall have no fewer than two members and no more than six.~~

~~(C) 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.~~

~~(D) 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 supervision time, 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.~~

~~(E) Supervision toward licensure or specialty recognition must extend over a full 3000 hours over a period of not less than 24 full months for 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.~~

~~(F) 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, they must notify each of their supervisors of the complaint.~~

~~(G) If the supervisor determines that the supervisee lacks the professional skills and competence to practice social work under a regular 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.~~

~~(H) Supervised professional experience required for licensure must comply with §781.401 of this title and §781.402 of this title and all other applicable laws and rules.~~

~~(10) A Council-approved supervisor who wishes to provide supervision required as a result of a Council order must comply with this title, all other applicable laws and rules, and/or the following.~~

~~(A) A licensee who is required to be supervised as a condition of initial licensure, continued licensure, or disciplinary action must:~~

~~(i) submit one supervisory plan for each practice location to the Council for approval by the Council or its designee within 30 days of initiating supervision;~~

~~(ii) submit a current job description from the agency in which the social worker is employed with a verification of authenticity from the agency director or his or her designee on agency letterhead or submit a copy of the contract or appointment under which the licensee intends to work, along with a statement from the potential supervisor that the supervisor has reviewed the contract and is qualified to supervise the licensee in the setting;~~

~~(iii) ensure that the supervisor submits reports to the Council on a schedule determined by the Council. In each report, the supervisor must address the supervisee's performance, how closely the supervisee adheres to statutes and rules, any special circumstances that led to the imposition of supervision, and recommend whether the supervisee should continue licensure. If the supervisor does not recommend the supervisee for continued licensure, the supervisor must provide specific reasons for not recommending the supervisee. The Council may consider the supervisor's reservations as it evaluates the supervision verification the supervisee submits; and~~

~~(iv) notify the Council immediately if there is a disruption in the supervisory relationship or change in practice location and submit a new supervisory plan within 30 days of the break or change in practice location.~~

~~(B) The supervisor who agrees to provide Council-ordered supervision of a licensee who is under Council disciplinary action 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.~~

~~(C) Council-ordered and mandated supervision timeframes are specified in the Council order.~~