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**TITLE 839 SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST, AND MENTAL HEALTH
COUNSELOR BOARD**

Proposed Rule
LSA Document #05-223

DIGEST

Amends 839 IAC 1-6-1 concerning continuing education. Amends 839 IAC 1-6-2 concerning approval of continuing education programs. Amends 839 IAC 1-6-3 concerning the continuing education requirements for social workers, clinical social workers, marriage and family therapists, and mental health counselors. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to This Rule:

NAICS 611439 Professional and Management Development Training -- Development training (Continuing education providers)

NAICS 621330 Offices of Mental Health Practitioners (except Physicians)

The Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board (Board) estimates that no small businesses will be directly affected by this rule. The Board has the authority to promulgate rules to establish standards for continuing education requirements for licensees seeking renewal of his or her license and for approval of continuing education providers, programs and courses. The proposed rule clarifies and updates existing rule language and requires licensees to obtain an ethics continuing education course in order to maintain the professional standards for the counseling profession. This proposed rule will have no cost on small businesses.

839 IAC 1-6-1

839 IAC 1-6-2

839 IAC 1-6-3

SECTION 1. 839 IAC 1-6-1 IS AMENDED TO READ AS FOLLOWS:

839 IAC 1-6-1 Continuing education

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 1. (a) As used in IC 25-23.6, “continuing education” means education provided by board-approved providers ~~which~~ **that** is obtained by a licensee in order to maintain, improve, or expand the licensee’s skills and knowledge. As used in this rule, “CEU” means one (1) continuing education hour.

(b) Continuing education shall be comprised of two (2) categories, Category I and Category II. The licensee:

- (1) shall obtain a minimum of fifty percent (50%) of the required amount of CEUs for renewal from Category I; and
- (2) may obtain a maximum of fifty percent (50%) of the required amount of CEUs for renewal from Category II.

(c) Category I is defined as continuing education that is formal programming, which includes the following:

- (1) Formally organized courses.
- (2) Workshops.
- (3) Seminars.
- (4) Symposia.
- (5) Institutes.
- (6) Home study programs, including:
 - (A) computer;
 - (B) audio; **and**

(C) video; ~~and~~

~~(D)~~ instructional programs accredited by board-approved organizations.

(7) Courses that are relevant to the license holder's professional skills, which are part of the curriculum of an accredited university, college, or educational institution, shall earn:

(A) fifteen (15) CEUs for each academic semester hour completed; or

(B) ten (10) CEUs for each academic quarter hour completed.

(8) Faculty teaching a course for the first time at an accredited university, college, or educational institution shall earn one and one-half (1½) CEUs for every **credit** hour taught. **Continuing education credit will be granted only the first time faculty teaches the course within the same semester.**

(d) CEUs obtained from Category I sponsors shall earn the amount of continuing education hours granted by the program sponsor. If the sponsor does not grant continuing education hours, then one (1) CEU will be granted for each clock hour of attendance.

(e) Category II is defined as continuing education that is self-directed, which includes the following:

(1) Journal clubs, earns one (1) CEU for each hour attended.

(2) Office inservices, earns one (1) CEU for each hour attended.

(3) Case conferences that are specifically designed for training or teaching, earns one (1) CEU for each hour attended.

(4) Services as an instructor, presenter, or supervisor in a relevant professional seminar, workshop, or training conference, earns one (1) CEU for each hour of service, but only for the initial instruction, presentation, or supervision given.

(5) Research and publication of research results in a recognized professional journal or book form, earns ten (10) CEUs, but may only be claimed for the initial publication of the information.

(6) Providing **consultation, critique, or** peer review of ~~another licensee's~~ therapy and skills ~~which includes consultation, conference, and critique, for an individual:~~

(A) pursuing a:

(i) bachelor's degree;

(ii) master's degree; or

(iii) doctoral degree; or

(B) working:

(i) to meet the experience requirement for licensure; or

(ii) for another licensee;

earns one (1) CEU for each hour spent with the ~~peer~~ **individual** for this purpose.

(7) Services on boards and commissions and holding office in professional organizations, specifically related to the licensee's profession, earns one (1) CEU for each hour of service.

(8) Faculty teaching a course at an accredited university, college, or educational institution, earns one (1) CEU for every credit hour taught. Continuing education credit will be granted only the first time faculty teaches the course within the same semester.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-1; filed Dec 29, 1998, 10:57 a.m.; 22 IR 1512; readopted filed Dec 2, 2001, 12:30 p.m.; 25 IR 1313)

SECTION 2. 839 IAC 1-6-2 IS AMENDED TO READ AS FOLLOWS:

839 IAC 1-6-2 Approval of continuing education programs

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 2. (a) The following criteria shall be used for the approval of providers of continuing education programs for licensed social workers, licensed clinical social workers, licensed marriage and family therapists, and licensed mental health counselors:

(1) The continuing education program shall have a statement of objectives, which the program should achieve for its participants relating to and enhancing the licensee's practice.

(2) The sponsor of a continuing education program shall provide **the following:**

(A) Adequate administration, including a responsible person to coordinate and administer the program. ~~and~~

(B) Maintenance of proper records.

(3) Sponsors of a continuing education program shall provide adequate funding for the educational program undertaken.

(4) The curriculum of a continuing education program shall be thoughtfully planned and designed to explore in considerable depth:

(A) one (1) subject; or

(B) a closely related group of subjects;
related to the licensee's practice.

(5) The continuing education program shall:

(A) have qualified faculty members with demonstrated competence in the subject areas; **and**

~~(6) The continuing education program shall~~ (B) be held in adequate facilities that allow for an effective program.

~~(7) (6)~~ Continuing education programs may employ a variety of educational methods and teaching aids that enhance the learning opportunities.

~~(8) (7)~~ Appropriate methods of evaluation shall be devised and used to measure the continuing education program's effectiveness.

~~(9) (8)~~ The sponsor of the continuing education program shall provide to the participants a meaningful record of attendance stating the continuing education hours involved.

(b) Organizations applying for board approval to be a sponsor of continuing education programming must submit an application to the board for approval at least ninety (90) days ~~prior to~~ **before** the presentation of any program. The board shall act upon the application within ninety (90) days of receipt. The approval, if granted, is effective until April ~~1st~~ **1** of every even-numbered year.

(c) An approval to provide continuing education units for licensed:

(1) social workers; ~~licensed~~

(2) clinical social workers; ~~licensed~~

(3) marriage and family therapists; and ~~licensed~~

(4) mental health counselors;

will expire on April 1 of the even-numbered years.

(d) The sponsor of the program is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire program can be reliably assured.

(e) The sponsor shall maintain attendance records for a minimum of four (4) years from the date of the program. These records must include the following:

(1) The date of the program.

(2) The program title.

(3) The presenter's name.

(4) The names of all participants.

(5) The number of continuing education hours granted each participant.

(f) Continuing education programs that are sponsored, accredited, or approved by the following organizations shall be deemed approved, and no prior approval by the board shall be required:

(1) Academy for Cerebral Palsy and Developmental Medicine.

(2) Academy of Family Mediators.

(3) Accreditation Council on Continuing Medical Education (programs or seminars related to mental health).

(4) American Association for Continuity of Care.

(5) American Association for Diabetes.

(6) American Association for Social Work with Groups/Spinal Cord Injury.

(7) American Association of Marriage and Family Therapy.

(8) American Association of Sex Educators, Counselors, and Therapists.

(9) American Cancer Society.

(10) American Counseling Association.

(11) American Health Care Institute (programs or seminars related to mental health).

(12) American Hospital Association (programs or seminars related to mental health).

(13) American Medical Association (programs or seminars related to mental health).

(14) American Mental Health Counselors Association.

(15) American Psychiatric Association.

(16) American Psychological Association.

(17) American Red Cross (programs or seminars related to mental health).

(18) Arthritis Association.

(19) Association of Oncology Social Work.

(20) Association of Pediatric Oncology Social Work.

- (21) Association for Treatment of Sexual Abusers.
- (22) Association of Social Work Boards.
- (23) Chicago Center for Family Health.
- (24) Commission on Rehabilitation Counselor Certification.
- (25) Employee Assistance Professional Association.
- (26) Employee Assistance Society of North America.
- (27) Federation of Societies for Clinical Social Work.
- (28) Federation of Society of Sex Educators and Therapists.
- (29) First Steps.
- (30) Healthy Families.
- (31) Hoosier Oncology Group.
- (32) Hospice Foundation of America.
- (33) Indiana Association of Home and Hospice Care.
- (34) Indiana Commission on Continuing Legal Education (programs or seminars related to mental health).
- (35) Indiana Council of Nephrology Social Workers.
- (36) Indiana Council on Adolescent Pregnancy.
- (37) Indiana Counselors Association for Alcohol and Drug Abuse.
- (38) Indiana Healthcare Ethics Network.
- (39) Indiana Hospice Association.
- (40) Indiana Hospital and Health Association (programs or seminars related to mental health).
- (41) Indiana Organ Procurement Organization.
- (42) Indiana Perinatal Association.
- (43) International Critical Incident Stress Foundation.
- (44) Leukemia **and Lymphoma** Society. ~~of America.~~
- (45) Mediation Matters.
- (46) Mental Health Association.
- (47) Midwest Regional Network for Intervention with Sex Offenders.
- (48) National Association for Family-Based Services.
- (49) National Association of Alcoholism and Drug Abuse Counselors.
- (50) National Association of Liver Transplant Social Workers.
- (51) National Association of Perinatal Social Work.
- (52) National Association of Social Workers.
- (53) National Board for Certified Counselors.
- (54) National Board of Addiction Examiners.
- (55) National Brain Tumor Foundation.
- (56) National Committee to Prevent Child Abuse.
- (57) National Council of Community Mental Health Centers.
- (58) National Council of Sexual Addiction and Compulsivity.
- (59) National Hospice Association.
- (60) National Kidney Foundation.
- (61) National Organization for Victim Assistance.
- (62) National Resource Center for Family Centered Practice.
- (63) National Spina Bifida Association.
- (64) Society of Heart and Lung Transplant Social Workers.
- (65) Solutions Training Institute.
- (66) The Alfred Adler Institute of Chicago.
- (67) The American Professional Society on the Abuse of Children.
- (68) The Center for Family Studies, Chicago, Illinois.
- (69) The Cincinnati Psychoanalytic Institute.
- (70) The Family Institute of Chicago.
- (71) The Family Institute/Center for Family Studies.
- (72) The Gestalt Institute of Cleveland.
- (73) The Indianapolis Gestalt Institute.
- (74) The Institute for Clinical Social Work, Chicago, Illinois.
- (75) The Institute for Psychoanalysis, Chicago, Illinois.

- (76) The International Institute of Object Relations Therapy.
- (77) The Jungian Institute of Chicago.
- (78) The National Association of Family Mediators.
- (79) The National Center for Child Abuse and Neglect.
- (80) The National Children's Advocacy Center.
- (81) The Society of Social Work Leadership in Health Care.
- (82) A national, regional, state, district, or local organization that operates as an affiliated entity under the approval of any organization listed in subdivisions (1) through (81).
- (83) Any institute or program focused on self-psychology.
- (84) Any institute or program approved by the social worker, marriage and family therapist, and mental health counselor board of another state.**
- ~~(84)~~ **(85)** A university, college, or other teaching institution accredited by the United States Department of Education or the Council on Postsecondary Education.
- ~~(85)~~ **(86)** A federal, state, or local government agency that coordinates and presents continuing education courses and programs in conjunction with this rule.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-2; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1512; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1314)

SECTION 3. 839 IAC 1-6-3 IS AMENDED TO READ AS FOLLOWS:

839 IAC 1-6-3 Continuing education requirements

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3. (a) A renewal period is defined as the two (2) year period beginning with April 1 of even-numbered years. A licensure year is defined as April 1 through March 31 of the following year.

(b) A licensee who renews a license as a social worker, clinical social worker, marriage and family therapist, or mental health counselor shall complete not less than twenty (20) CEUs ~~in each of the two (2) licensure years of the renewal period~~ **per year, in compliance with section 1(b) of this rule, for a total of forty (40) CEUs for the two (2) year renewal period.**

(c) A minimum of one (1) CEU of the required ten (10) Category I CEUs per year shall have a content area focusing on ethics and professional conduct, including boundary issues, from a Category I provider.

~~(c)~~ **(d)** If a licensee holds more than one (1):

- (1) clinical social worker;
- (2) marriage and family therapist; or
- (3) mental health counselor;

license issued under IC 25-23.6, then CEUs obtained to meet the CEUs required for renewal of one (1) license may be applied towards the CEUs required for renewal of each license held.

~~(d)~~ **(e)** CEUs shall:

- (1)** be obtained within the biennial renewal period in which the licensee is applying; and ~~shall~~
- (2)** not be carried over from one (1) biennial renewal period to another.

~~(e)~~ **(f)** A holder of a license issued under IC 25-23.6 must retain a record of the continuing education required by section 2(a) of this rule for four (4) years following the end of the biennial renewal period in which it was obtained.

~~(f)~~ **(g)** Continuing education used to satisfy the continuing education requirements of another state, in which the licensee also holds a license to practice as a mental health professional, may be applied towards the CEUs required for renewal of a license issued under IC 25-23.6.

~~(g)~~ **(h)** A holder of a license issued under IC 25-23.6 who has been licensed for less than two (2) full years ~~prior to~~ **before** the first renewal date for that license shall meet the following continuing education requirements for the licensee's first renewal period:

- (1) A licensee who has been licensed for at least twelve (12) months, but less than twenty-four (24) months, shall complete at least

one-half (½) of the CEUs required for renewal of that license. At least fifty percent (50%) of these CEUs shall be obtained from Category I, and ~~no~~ **not** more than fifty percent (50%) shall be obtained from Category II.

(2) A licensee who has been licensed for less than twelve (12) months shall be exempt from the CEUs required for renewal of that initial license.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-3; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1514; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1316)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 27, 2006 at 9:00 a.m., at the Indiana Government Center South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board will hold a public hearing on proposed amendments concerning continuing education, approval of continuing education programs, the continuing education requirements for social workers, clinical social workers, marriage and family therapists, and mental health counselors, continuing education audits, and request for waiver of the continuing education requirements.

The Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board has the authority to promulgate rules to establish standards for continuing education requirements for licensees seeking renewal of his or her license and for approval of continuing education providers, programs, and courses. The proposed rule clarifies and updates existing rule language and requires licensees to obtain an ethics continuing education course in order to maintain the professional standards for the counseling profession. This proposed rule will have no cost on small businesses or regulated entities.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency