



**Title 22 (Examining Boards)  
Texas Administrative Code  
Part 34  
Chapter 781**

**Rules Relating to the Licensing and  
Regulation of Social Workers**

Adopted by the Texas State Board of Social Worker Examiners  
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## SUBCHAPTER A. GENERAL PROVISIONS.

**§781.102. Definitions.** The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(37) Independent non-clinical practice--The unsupervised practice of non-clinical social work outside the jurisdiction of an organizational setting, in which the social worker, after having completed all requirements for independent non-clinical practice recognition, assumes responsibility and accountability for the nature and quality of client services, pro bono or in exchange for direct payment or third party reimbursement.

(38) Independent Practice Recognition--A specialty recognition related to unsupervised non-clinical social work at the LBSW or LMSW category of licensure, which denotes that the licensee has earned the specialty recognition, commonly called IPR, by successfully completing additional supervision which enhances skills in providing independent non-clinical social work.

## SUBCHAPTER B. CODE OF CONDUCT AND PROFESSIONAL STANDARDS OF PRACTICE.

### §781.201. Code of Conduct.

(a) A social worker must observe and comply with the code of conduct and standards of practice set forth in this subchapter. Any violation of the code of conduct or standards of practice will constitute unethical conduct or conduct that discredits or tends to discredit the profession of social work and is grounds for disciplinary action.

(1) A social worker shall not refuse to perform any act or service for which the person is licensed solely on the basis of a client's age; gender; race; color; religion; national origin; disability; sexual orientation; gender identity and expression; or political affiliation.

**§781.203. General Standards of Practice.** This section establishes standards of professional conduct required of a social worker. The licensee, following applicable statutes:

(9) shall ensure that the client or a legally authorized person representing the client has signed

a consent for services, when appropriate. Prior to commencement of social work services with a minor client who is named in a Suit Affecting Parent Child Relationship (SAPCR), the licensee shall ensure that all legally authorized persons representing the client have signed a consent for services, if applicable. A licensee shall maintain these documents in the client's record.

### §781.204. Relationships with Clients.

(b) The social worker shall not give or receive a commission, rebate, or any other form of remuneration for referring clients. A licensee shall not intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, corporation, or entity for securing or soliciting clients or patronage for or from any health care professional. In accordance with the provisions of the Act, §505.451, a licensee is subject to disciplinary action if the licensee directly or indirectly offers to pay or agrees to accept remuneration to or from any person for securing or soliciting a client or patronage. Payment of credentialing or other fees to insurance companies or other third party payers to be part of an approved provider list shall not be considered as a violation of this chapter.

(f) A social worker shall keep accurate records of services to include, but not be limited to, dates of services, types of services, progress or case notes and billing information for a minimum of five years for an adult client and five years beyond the age of 18 years of age for a minor, or in compliance with applicable laws or professional standards. If the foregoing provision conflicts with the standards, requirements, or procedures for records generated in the course and scope of rendering services as a social worker, either directly or indirectly, for an educational institution, or a federal, state, or local governmental entity or political subdivision, the foregoing provision does not apply.

(h) A licensee shall not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the effectiveness of the licensee's services; the licensee's qualifications, capabilities, background, training, experience, education, professional affiliations, fees, products, or publications; the type, effectiveness, qualifications,

and products ~~of~~ or services offered by an organization or agency; or the practice or field of social work.

**§781.209. Client Records and Record Keeping.**  
Following applicable statutes, the licensee shall:

(4) keep client records for five years for adult clients and five years beyond the age of 18 for minor clients unless the record keeping provision of §781.204(f) of this title (relating to Relationships with Clients) conflicts with the standards, requirements, or procedures for records generated in the course and scope of rendering services as a social worker, either directly or indirectly, for an educational institution, or a federal, state, or local governmental entity or political subdivision, the foregoing provision in §781.204(f) of this title does not apply;

**§781.210. Billing and Financial Relationships.**

~~(a) In accordance with the provisions of the Act, §505.451, a licensee is subject to disciplinary action if the licensee directly or indirectly, overtly or covertly, in cash or in kind, offers to pay or agrees to accept remuneration to or from any person or entity for securing or soliciting a client or patronage. A licensee shall not intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, corporation, or entity for securing or soliciting clients or patronage for or from any health care professional. In accordance with the provisions of the Act, §505.451, a licensee is subject to disciplinary action if the licensee directly or indirectly offers to pay or agrees to accept remuneration to or from any person for securing or soliciting a client or patronage. Payment of credentialing or other fees to insurance companies or other third party payers to be part of an approved provider list shall not be considered as a violation of this chapter.~~

**SUBCHAPTER C. THE BOARD.**

**§781.304. Transaction of Official Board Business.**

(b) The board shall not be bound by any board member's or staff member's statement or action except when such statement or action results from the board's specific instructions. Board member

or staff member opinions, except when a statement or action is in pursuance of specific instructions of the board, about ethical dilemmas or practice issues should never be substituted for appropriate professional consultation.

**§781.312. Impartiality and Non-discrimination.**

(a) The board shall make all decisions in the discharge of its statutory authority without regard to any person's age; gender; race; color; religion; national origin; disability; sexual orientation; gender identity and expression; or political affiliation.

**§781.316. Fees.**

(a) The following are the board's fees:

(2) license fee for LBSW, or LMSW-\$60 ~~biennially;~~

(4) license fee for LCSW-\$100 biennially;

**SUBCHAPTER D. LICENSES AND LICENSING PROCESS.**

**§781.401. Qualifications for Licensure.**

(b) Specialty Recognition. The following education and experience is required for specialty recognitions.

(1) Licensed Master Social Worker-Advanced Practitioner (LMSW-AP).

(C) Has had a minimum of 100 hours of board-approved supervision, over the course of the 3000 hours of experience, with a board-approved supervisor. Supervised experience must have occurred within the five calendar years immediately preceding the date of ~~LCSW~~ LMSW-AP application. If supervision was completed in another jurisdiction, the social worker must have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the board accept alternate verification of supervision.

(2) Independent Non-clinical Practice.

(B) While fully licensed as a social worker has had 3000 hours of board-approved supervised full-time social work experience over a minimum two-year period, but within a maximum ~~four-year~~ five-year period or its equivalent if the experience was completed in another state. Board-approved supervised professional experience must comply with §781.404 of this title and all other applicable laws and rules.

**§781.404. Recognition as a Board-approved Supervisor and the Supervision Process.**

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

(1) A board-approved supervisor must be actively licensed in good standing by the board 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. An individual whose licensure status is emeritus may not serve as a board-approved supervisor. The person applying for board-approved status must have practiced at his/her category of licensure for two years. The board-approved supervisor shall supervise only those supervisees who provide services that fall within the supervisor's own competency.

(12) A board-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.

(C) Supervision shall occur in proportion to the number of actual hours worked, with a base line of one hour of supervision for every 40 hours worked. If the supervisee works full-time, supervision shall occur on average at least twice a month and for no less than four hours per month; if the supervisee works part-time (at least 20 hours per week), supervision shall occur on average at least once a month and no less than two hours per month.

Supervisory sessions shall last at least one hour and no more than two hours per session. 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.

(E) Supervision toward licensure or specialty recognition must extend over a full 3000 hours over a period of not less than 24 to full months and a period of not more than 48 full months for LCSW or LMSW-AP or not more than 60 full months for 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 board's minimum requirements shall extend to a minimum of 24 full months. A month is a 30-day period or the length of the actual calendar month, whichever is longer.

(c) A licensee who submits one of the following: a Clinical Supervision Plan, a Non-Clinical Supervision Plan, or a Board-Ordered Supervision Plan, to the board for approval, shall receive a written response from the board of either approval or deficiency related to the plan. If no written response is received by the licensee within four weeks of submission of the plan, it is the responsibility of the licensee who has submitted the plan to follow-up with the board office related to receipt and/or status of the plan within 60 days of submission. If written approval or deficiency is sent to the last known address of the licensee, a board response related to acceptance of the plan shall be considered to have been sent. Supervision and supervised experience hours are not acceptable to meet minimum requirements towards licensure or specialty recognition or to satisfy the terms of a board order if not accrued under a board-approved plan without explicit authorization from the board.

**§781.411. Temporary License.**

(h) A temporary license will not be granted to an applicant who has held a temporary license for the same license category within the previous five years previously within his/her lifetime.

**§781.412. Examination Requirement.**

(c) If an applicant fails the first examination on the first attempt of his/her lifetime, the individual may retake the examination no more than two additional times. An applicant who has failed the examination three times on the first, second, and third attempts must request in writing to the board to retake the examination a fourth time. The board may order the applicant to complete one or more social work educational courses as a prerequisite to retaking the examination.

(e) If an applicant fails the examination on the fourth attempt, the person's application will be voided. The applicant will not be permitted to reapply for licensure for one year. Each subsequent attempt must be approved by the appropriate committee of the board.

**§781.419. Military Spouse.**

(a) This section sets out the alternative license procedure for military spouse required under Texas Occupations Code, Chapter 55 (relating to License While on Military Duty and for Military Spouse).

(b) The spouse of a person serving on active duty as a member of the armed forces of the United States who holds a current license issued by another state that has substantially equivalent licensing requirements shall complete and submit an application form and fee. In accordance with Texas Occupations Code, §55.004(c), the executive director may waive any prerequisite to obtaining a license after reviewing the applicant's credentials and determining that the applicant holds a license issued by another jurisdiction that has licensing requirements substantially equivalent to those of this state.

(c) The spouse of a person serving on active duty as a member of the armed forces of the United States who within the five years preceding the application date held the license in this state that expired while the applicant lived in another state for at least six months is qualified for licensure based on the previously held license, if there are no unresolved complaints against the applicant and if there is no other bar to licensure, such as criminal background or

non-compliance with a board order. Board approval of a new application, including submission of all required fees and attachments, is required prior to issuance of a license.

**SUBCHAPTER E. LICENSE RENEWAL AND CONTINUING EDUCATION.**

**§781.502. Renewal Cycles.** Licenses The license renewal date is the last day of the month of the licensee's birth month. The first renewal of licensure following issuance of the license will be valid for a period of 13 to 24 months, depending on the licensee's birth month. Subsequent to the first renewal period, licenses must be renewed every two years, and the renewal extends for two years. The license renewal date is the last day of the licensee's birth month.

**§781.505. Inactive Status.**

(a) A licensee who does not wish to practice social work in the State of Texas and whose license has not expired may request the board to grant inactive status anytime before the license expires. If a licensee requests conversion to inactive status within 45 days of the expiration date for the license, the individual must provide verification of completion of all continuing education requirements for the renewal.

(c) The inactive status conversion fee and any applicable renewal fee and penalty fee for late renewal must be paid prior to the date the license expires.

(d) A licensee on inactive status must renew the inactive license and pay all applicable inactive renewal fees throughout the duration of the inactive status. A licensee on inactive status who fails to remit the biennial inactive status renewal fee or who otherwise fails to renew the inactive license timely ceases to be licensed and must reapply for licensure and meet all current minimum requirements for licensure in place at the time of submission of the new application for licensure.

(e) A license, if appropriately converted and renewed as inactive, may be on inactive status for no more than 48 consecutive months or for no more than 96 months total in a lifetime. There must be a

minimum of 48 months of active licensure before subsequent inactive status may be requested and granted.

~~(d)~~ (f) A licensee on inactive status must notify the board in writing to reactivate the license, provide proof of completion of the Jurisprudence Exam completed within six months of the date of requesting reactivation of the license, and pay the conversion fee for inactive to active status. The reactivated license status shall begin seven days after the board receives the licensee's reactivation fee.

#### **§781.506. Emeritus Status.**

(b) The emeritus licensee may only use his or her emeritus title while providing social work services as a volunteer without compensation. The emeritus licensee who volunteers social worker services is under the board's jurisdiction and must comply with the Code of Conduct and Professional Standards of Practice, as well as the Act and the rule requirements in this chapter.

(c) ~~An emeritus licensee whose license is in good standing can be reinstated to an active license without being subject to the additional penalty for late renewal within 48 months of conversion to emeritus status.~~ To be eligible for a new an active license through reinstatement of an emeritus license, the emeritus licensee shall submit an updated application for licensure at the appropriate category, as well as proof of completion of the Jurisprudence Exam within six months prior to requesting reactivation, and payment of the licensing and license fee. Verification of education, supervision, and examination score is not required.

(d) An emeritus licensee who reactivates his/her license within 48 months of conversion to emeritus status may not regain board-approved supervisor status upon activation without verification of completion of minimum requirements as a board-approved supervisor in place at the time of reactivation. An emeritus licensee who reactivates his/her license within 48 months may regain other specialty recognition(s) without demonstration of meeting current minimum requirements for that specialty recognition.

(e) An emeritus licensee who does not reactivate his/her license within 48 months of conversion to emeritus status may not convert the license to active status except as follows. An emeritus licensee who did not reactivate his/her license within 48 months of conversion must reapply for active licensure and meet all current minimum requirements for licensure, specialty recognition, and board-approved supervisor status in place at the time of application. If all current minimum requirements for licensure are met, upon issuance of a new license and license number, the emeritus license will be null and void.

(f) A licensee who converts to emeritus status may only reactivate the license to active status once per lifetime.

#### **§781.508. Hour Requirements for Continuing Education.**

(a) A licensee must complete a total of 30 clock-hours biennially of continuing education obtained from board-approved continuing education providers. A licensee must complete a total of 30 clock-hours of continuing education obtained from a board-approved continuing education provider including the first renewal of the licensure following issuance of the license, which is valid for a period of 13 to 24 months, depending on the licensee's birth month.

#### **§781.511. Requirements for Continuing Education Providers.**

(c) Entities that receive automatic status as approved providers without applying or paying fees include accredited colleges and universities; a national or statewide association, board or organization representing members of the social work profession; nationally accredited health or mental health facilities; or a person or agency approved by any state or national organization in a related field such as medicine, law, psychiatry, psychology, sociology, marriage and family therapy, professional counseling, and similar fields of human service practice. Regarding entities that receive automatic status as approved providers under this section, the board will not provide documentation of board-

approved status nor will the board include such entities in its roster of board-approved providers.

(k) It is the provider's responsibility to provide each program participant with a legible certificate of attendance after the program ends. The certificate shall include the provider's name, approval number, and expiration date of the provider's approved status; the participant's name; the program title, date, and place; the credit hours earned, including the ethics hours credited; the provider's signature or that of the provider's representative; and the board contact information, which shall at a minimum, include the board's name and web address.

**§781.514. Credit Hours Granted.** The board will grant the following credit hours toward the continuing education requirements for license renewal.

~~(6) Credit hours may be earned by successful completion of an independent study program directly related to social work offered or approved by an approved provider. With the exception of persons residing outside the United States, a maximum of 20 credit hours for independent study programs will be accepted per renewal period.~~

~~(7) (6)~~ A licensee may carry over to the next renewal period up to 10 credit hours earned in excess of the continuing education renewal requirements. Continuing education earned during the licensee's birth month may be used for the current renewal or for the following year.

~~(8) (7)~~ Completing the jurisprudence examination shall count as three hours of the continuing education requirement in ethics and social work values, as referenced in §781.508(b) of this title.

#### SUBCHAPTER F. COMPLAINTS AND VIOLATIONS.

**§781.603. Complaint Procedures.**

(g) The executive director initially reviews the complaint to determine jurisdiction. If a complaint appears to be within the board's jurisdiction, the executive director shall decide whether to authorize sending a copy of the complaint to the respondent

and requesting a response, which may include but not be limited to requesting that a copy of the client's records be attached to the response. If the executive director does not authorize written notification of the respondent, the complaint will be referred for an investigation and the assigned investigator will determine whether the respondent will be notified by letter, phone call, site visit, or some other appropriate means. If the complaint is against a person licensed by another board, the department staff will forward the complaint to that board not later than the 15th day after the date the agency determines that the information shall be referred to the appropriate agency as provided in Government Code, Chapter 774, relating to exchange of information between regulatory agencies.

(h) If the allegations clearly do not fall within the board's jurisdiction, the executive director may consult with both the attorney for the board as well as the board chair or his/her designee, and if all agree, the executive director may close the complaint and will present the case to the Ethics Committee at the committee's next meeting. The Ethics Committee retains the right to request full disclosure of any case closed and order a comprehensive hearing of the complaint.

~~(e) If a violation is found but it does not seriously affect the health and safety of clients or other persons, the committee may resolve the complaint by informal methods such as a cease and desist letter or an informal agreement with the violator to correct the violation.~~

(o) The Ethics Committee may resolve pending complaints in which no violation is found or substantiated, or in which a violation is found, but the violation does not seriously affect the health and safety of clients or other persons, with actions which are not considered formal disciplinary actions. These include: issuance of an advisory notice, warning letter; or informal reminder; issuance of a "Conditional Letter of Agreement;" and/or other actions as deemed appropriate by the Ethics Committee. The licensee is not entitled to a hearing on the matters set forth in the notice, letter, reminder, "Conditional Letter of Agreement," or other action but may submit a written response to be included in the complaint record. Such actions by the Ethics Committee may be

introduced as evidence in any subsequent disciplinary action involving acts or omissions after receipt of the notice, letter, reminder, "Conditional Letter of Agreement," a cease and desist letter, or other action which does not involve a formal disciplinary action.

(1) An advisory notice, warning letter or informal reminder. The Ethics Committee may resolve pending complaints by issuance of a formal advisory notice, warning letter, or informal reminder informing licensees of their duties under the Act or this chapter, whether the conduct or omission complained of appears to violate such duties, and whether the board has a concern about the circumstances surrounding the complaint.

(2) A "Conditional Letter of Agreement." The Ethics Committee may resolve pending complaints by issuance of a "Conditional Letter of Agreement" informing licensees of their duties under the Act or this chapter, whether the conduct or omission complained of appears to violate such duties, and creating board-ordered conditions for the long-term resolution of the issues in the complaint. This "Conditional Letter of Agreement" specifies the immediate disposition of the complaint. The licensee is issued the "Conditional Letter of Agreement" by the Ethics Committee, executive director, or designee; a signature of agreement by the licensee is not required. If the licensee fails to comply with all the board-ordered conditions in the specified time frame outlined in the "Conditional Letter of Agreement," the licensee will not have a right to a subsequent review of the issues in the original complaint by the Ethics Committee, but rather, a new complaint will be opened for the original violation(s), and notice of the violation(s) will be issued to the licensee, proposing to impose a formal disciplinary action as the resolution. The disciplinary action proposed for failure to comply with a "Conditional Letter of Agreement" will be a reprimand, unless otherwise specified by the Ethics Committee. "Procedures for Revoking, Suspending, Probating or Denying a License, or Reprimanding a Licensee" shall apply when a formal disciplinary action is proposed.

(3) Other actions. The Ethics Committee may resolve pending complaints with other actions, including issuance of a cease and

desist letter, which are not considered formal disciplinary actions.