Professional Licensure and Disciplinary Issues

Presented by
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What is the Purpose of the State Licensure Boards?

- To ensure that the public will have access to competent, safe, and ethical practitioners in the profession.
- Allows master-level professionals to become legally recognized as responsible professionals, capable of practicing within professional standards that carry the force of the law.
Where Do Boards Come From?

- The Behavioral Health and Human Services Licensing Board was established by IC 25-23.6 in 1990 by the legislature to serve as a Regulatory Board.

- Members are appointed by the Governor.
Who is on the Behavioral Health and Human Services Licensing Board?

- 11 Members
  - 2 Clinical Social Workers
  - 2 Marriage and Family Therapists
  - 2 Mental Health Counselors
  - 2 Clinical Addiction Counselors
  - 1 Licensed Physician w/ training in psychiatric medicine
  - 2 Consumer Members
Who are the current members?

- **Andrew Harner, L.C.S.W. – President**
- Geneva Osawe, L.M.F.T., L.C.S.W., - Vice President
- Kimble Richardson, L.M.H.C., L.C.S.W., L.M.F.T.
- Michael Aemmer, MA, L.S.W., L.M.F.T.
- Dr. Rex Stockton, Ed.D., L.M.H.C., L.C.S.W., L.M.F.T., Psychologist
- Ruth Hallett, Consumer Member, Retired School Teacher
- Vacant, Social Work Board Member
- 2 Clinical Addiction Counselors
- Vacant, Consumer Member
- Vacant, Psychiatrist
Types of Licenses Available (Now)

- LSW – Licensed Social Worker
- LCSW – Licensed Clinical Social Worker
- LMFT – Licensed Marriage and Family Therapist
- LMFTA – Licensed Marriage and Family Therapist Associate
- LMHC – Licensed Mental Health Counselor
How Many People are Currently Licensed in Indiana?

2009

- LSW – 2061
- LCSW – 3734
- LMFT – 969
- LMFTA – 9
- LMHC – 1557
Legislative Changes
Effective July 1, 2009

- IC 25-23.6-5-3.5
- 2 Years of Clinical Social Work Experience after receiving a MSW needed.
- Applicants must now hold a LSW prior to obtaining clinical social work experience.
- Addition of term “Qualified Supervisor”
- All other requirements will remain the same.
Licensed Social Worker (LSW) Requirements

- Application
- Affidavit
- Application Fee ($50.00)
- Photograph
- Education
- Experience
- Supervision
- Examination/Endorsement
LSW Education Requirement

- Applicants must possess at least a Baccalaureate degree in Social Work (BSW) from an institution of higher education that has been accredited or approved for candidacy by the Council of Social Work Education (CSWE)
LSW Experience Requirement

- **BSW Applicant**
  - Two years of experience in the practice of Social Work (3000 hrs)
  - Post-Baccalaureate
  - Paid
  - Full-time and Part-time hours accepted at the discretion of the Board

- **MSW Applicant**
  - Exempt from experience requirement
Licensed Clinical
Social Worker Requirements

- Application
- Affidavit
- Application Fees ($50.00)
- Photographs
- Education
- Experience
- Supervision
- Examination /Endorsement
LCSW Education Requirement

- Applicants must possess at least a Master’s degree in Social Work (MSW) from any institution of higher education accredited or approved for candidacy by the Council on Social Work Education.

- Course in Psychopathology
LCSW Experience Requirement

- Two (2) years of post graduate experience in the practice of Clinical Social Work
- 3,000 hours
- Paid
- Full-time (Board may consider part-time experience)
LCSW Supervision Requirement

Prior to November 1, 2003

- At least four (4) hours of face to face supervision per each month of experience
- Supervision by LCSW or “equivalent supervisor”
  - Equivalent Supervisor – Psychologist, Psychiatrists, LMFT or LMHC
LCSW Supervision Requirement

After November 1, 2003

- Supervision by only a LCSW
- 96 total face-to-face hours
Temporary Permits

- Complete application for licensure as a Social Worker or Clinical Social Worker including all supporting documentation
- Pay additional application fee of $25
- Valid for 180 days
- Permit expires:
  - Date license is issued
  - Board disapproves application (failure of exam)
Process for Obtaining LSW or LCSW

- Download the application and instructions from the Indiana Professional Licensing Agency website at http://www.in.gov/pla/social.htm.
- Thoroughly read and follow directions before filling out the application.
- Board will review application and approve to take the exam.
- Pass the exam
- License Issued
LSW or LCSW Endorsement Candidates

- Education/Experience/Supervision
- Current/Active Licensure or Certification
- Equivalent Examination
- Years of Practice (3 out of 5 years)
- Jurisprudence Examination
Legislative Changes
Effective July 1, 2009

What is Senate Bill 96?

- **New Board Name**
  - Behavioral Health and Human Services Licensing Board

- **New Board Members**
  - 2 Licensed Clinical Addiction Counselors

- **New License Types**
  - Licensed Addiction Counselor (LAC)
  - Licensed Clinical Addiction Counselor (LCAC)
"Practice of addiction counseling" means the providing of professional services that are delivered by a licensed addiction counselor, that are designed to change substance use or addictive behavior, and that involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice, and professional readiness. The term includes:
Practice of Addiction Counseling
(IC 25-23.6-1-5.7)

- (1) gathering information through structured interview screens using routine protocols;
- (2) reviewing assessment findings to assist in the development of a plan individualized for treatment services and to coordinate services;
- (3) referring for assessment, diagnosis, evaluation, and mental health therapy;
- (4) providing client and family education related to addictions;
- (5) providing information on social networks and community systems for referrals and discharge planning;
Practice of Addiction Counseling
(IC 25-23.6-1-5.7)

- (6) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals;
- (7) counseling, through individual and group counseling, as well as group and family education, to treat addiction and substance abuse in a variety of settings, including:
  - (A) mental and physical health facilities; and
  - (B) child and family service agencies; and
- (8) maintaining the highest level of professionalism and ethical responsibility.
Practice of Addiction Counseling (IC 25-23.6-1-5.7)

(b) The term does not include the use of psychotherapy or diagnosis (as defined in IC 25-22.5-1-1.1(c) or as defined as the practice of psychology under IC 25-33-1-2(a)).

Private Practice Requirements:

- Holding a valid level II or higher certification or certification that is approved by the board;
- At least ten (10) years of experience in addiction counseling;
- Conviction
  - NO Crime of violence or conviction within past 2 years with a direct bearing on the individual's ability to practice competently; and
- Applies before July 1, 2010.
LAC Licensure Requirements

- Bachelors Degree in Addiction Counseling or related area.
- Pass Licensure Examination
- 2 Years of supervised addiction counseling experience
  - 150 hours of supervision
    - 100 must be individual supervision
    - 50 must be group supervision
LAC Education Requirements

- 40 Semester hours or 60 quarter hours
  - Coursework Requirements:
    - Addictions Theory
    - Psychoactive drugs
    - Addictions counseling skills
    - Theories of personality
    - Developmental psychology
    - Abnormal psychology
    - Treatment planning
    - Cultural competency
    - Ethics and professional development
    - 350 hour supervised practicum, internship, or field experience
"Practice of clinical addiction counseling" means the providing of professional services that are delivered by a licensed clinical addiction counselor, that are designed to change substance use or addictive behavior, and that involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice, and professional readiness. The term includes:
Practice of Clinical Addiction Counseling (IC 25-23.6-1-5.9)

- (1) gathering information through structured interview screens using routine protocols and standardized clinical instruments;
- (2) using appraisal instruments as an aid in individualized treatment planning that the licensed clinical addiction counselor is qualified to employ because of:
  - (A) education;
  - (B) training; and
  - (C) experience;
- (3) providing psychosocial evaluations using accepted classifications, including classifications from the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, as amended and supplemented, to the extent of the licensed clinical addiction counselor's education, training, experience, and scope of practice as established by this article;
Practice of Clinical Addiction Counseling (IC 25-23.6-1-5.9)

- (4) reviewing assessment findings to:
  - (A) develop a plan for individualized addiction treatment;
  - (B) coordinate services; and
  - (C) provide subsequent assessment updates;

- (5) using counseling and psychotherapeutic techniques through individual, group, and family counseling to treat addiction and other substance related problems and conditions in a variety of settings, including:
  - (A) mental and physical health facilities;
  - (B) child and family service agencies; and
  - (C) private practice;
Practice of Clinical Addiction Counseling (IC 25-23.6-1-5.9)

- (6) providing client and family education related to addictions;
- (7) providing information on social networks and community systems for referrals and discharge planning;
- (8) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals; and
- (9) maintaining the highest level of professionalism and ethical responsibility.
Practice of Clinical Addiction Counseling (IC 25-23.6-1-5.9)

- The term does not include diagnosis
LCAC Licensure Requirements

- Master’s or Doctorate Degree in Addiction Counseling/Therapy or related area.
- Pass Licensure Examination
- 2 Years of supervised addiction counseling experience
  - 200 hours of supervision
    - 100 must be individual supervision
    - 100 must be group supervision
LCAC Education Requirements

- 27 Semester hours or 41 quarter hours
  - Coursework Requirements:
    - Addictions counseling theories and techniques
    - Clinical problems
    - Psychopharmacology
    - Psychopathology
    - Clinical appraisal and assessment
    - Theory and practice of group addiction counseling
    - Multicultural counseling
    - Research methods in addictions
    - Legal, ethical and professional standards (2 hours)
    - Appraisal and assessment for individual or interpersonal disorder or dysfunction (2 hours)
  - 700 hour supervised practicum, internship, or field experience
    - 280 face to face client contact hours by a LCAC with 5 years of experience
    - 105 hours of supervision by a LCAC with 5 years of experience
When can I apply for my LAC or LCAC?

- Not Yet 😞
- Administrative and Board Action Needed
  - Create Rules
  - Application & Instructions
  - Contract for an Exam
- Keep Checking the Website for Updates
  - January 2010 is our Goal!
What happens when you become a licensed professional?

- Practicing within your scope of expertise
- Continuing Education
- Renewal
- Discipline
- Remain Professional at all times
Continuing Education

- Education provided by Board-approved providers obtained by a licensee in order to maintain, improve, or expand the licensee’s skills and knowledge.
- 20 CEUs per year, 40 per renewal cycle (honor system, 1-10% audit)
- 1 hour of ethics per year, 2 per renewal cycle
- Minimum of 50% from Category I
  - Formally organized courses
  - Workshops
  - Seminars, Symposia or Institutes
  - Home study programs
  - Faculty teaching a course for the first time
  - College or graduate courses
- Maximum of 50% from Category II
  - Journal clubs
  - Case conferences for training or teaching
  - Services as an instructor, presenter or supervisor
  - Research or publication
  - Peer Review
  - Services on Boards, commissions, or professional organizations
Continuing Education Discipline

- When failure to do CE leads to Discipline?
  - Audit Letter
  - Non-compliance
  - Fine ($100-$1000)
  - Suspension
  - Reported to National Data Bank
Continuing Education Issues

- **Waiver Request**
  - Submit a letter or Email
  - 45 days prior to license renewal
  - Extreme hardship
  - Board will consider waiver requests outside of the renewal period, but they have full discretion as to whether a waiver will be granted.
Renewal Process

- Renew prior to April 1\textsuperscript{st} of every even numbered year. (April 1, 2010)
- Complete your CE prior to renewing
- Pay $50 renewal fee (on-line or request a renewal form)
- Notice given 60 prior to expiration date
- Keep Address updated with the Board
How do I renew an expired license?

- Contact the agency for a renewal application
- Expired less than 3-years
  - Submit renewal application
  - $50 renewal fee and $50 late fee
  - Show proof of 40 hours of CE
- Expired more than 3-years
  - Submit a renewal application
  - $50 renewal fee and $50 late fee
  - Show proof of 40 hours of CE
  - Submit a letter explaining “Why you allowed your license to lapse and what you have been doing since it expired.”
  - Reviewed at next available board meeting.
Should I allow my license to expire?

- Should always retire your license over allowing it to expire.
- $50 to reinstate a retired license
- Amount of CE is based on years Retired
  - 0-3 – 20 hours
  - 3-6 – 40 hours
  - 6-10 – 60 hours
  - 10 years – appear before the board for determination
Board Action

- **Personal Appearances**
  - Positive responses on applications or renewal applications
  - Expired Renewals
  - Failed exam attempts
  - Coursework Issues
Potential Violations

Violation Examples

- Sex with Clients
- Loaning money to clients
- Borrowing money from clients
- Poor record keeping
- Addictions
- Criminal Activity
- Practicing with an expired license
- Practicing outside of your scope of expertise
Discipline Process

- File a complaint with consumer complaint division of the Office of the Attorney General (OAG) at [www.indianaconsumer.com](http://www.indianaconsumer.com).
- OAG investigates complaints and contacts a board designee to review information.
- Official Complaint is filed with the Board.
- Hearing before the Board is scheduled.
- Board deliberates and dismisses action or issues a discipline.
Sanctions

- Upon finding a licensure violation, the Board may impose a sanction.
- Revocation of license – can reapply after 7-years
- Suspension of license.
- Probation upon the license.
- Reprimand
- Censure

- Once discipline is issued in a final order, the National Practitioners Databank is notified. Status is also changed to reflect the Board decision.
Remain Professional

- All aspects of your personal life can effect your professional life
- i.e. actions as a private citizen can lead to discipline
  - Drinking and driving
  - Domestic Violence
  - Unprofessional treatment of patients
  - Any and all addictions
Contact Information

- Valerie L. Jones, Esq.
- Indiana Professional Licensing Agency
- ATTN: Behavior Health and Human Services Licensing Board
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- Email: pla5@pla.in.gov
- www.pla.in.gov
Questions?