

**102-2-1a. Definitions.** Each of the following terms, as used in this article of the board's regulations, shall have the meaning specified in this regulation:

(a) "Approved-provider status" means that the provider has been approved by the board to provide any continuing education program. Approved-provider status may be granted for a one-year probationary period to new applicants. After completion of the probationary year, any approved providers provider may reapply for approval every three years.

(b) "Client" means an individual, a family, or a group that receives social work services.

(c) "Client-therapist relationship" means a professional relationship in which an LMSW or LSCSW is engaged in the diagnosis and treatment of a mental disorder of the client.

(d) "Clinical practicum" means a formal component of the academic curriculum in a graduate-level social work educational program that engages the student in supervised clinical social work practice including direct client contact and that provides opportunities to apply classroom learning to actual practice situations in the field setting.

(e) "Clinical social work practice" means the professional application of social work theory and methods to the treatment and prevention of psychosocial problems, disability, or impairment, including emotional and mental disorders.

Clinical social work practice shall include the following:

(1) Assessment;

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- (2) diagnosis;
- (3) treatment, including psychotherapy and counseling;
- (4) client-centered advocacy;
- (5) consultation;
- (6) evaluation; and
- (7) interventions directed to interpersonal interactions, intrapsychic dynamics, and life support and management issues.

(f) "Clinical supervision training plan" means a formal, written contract between a supervisor and a supervisee that establishes the supervisory framework for postgraduate clinical experience and the expectations and responsibilities of the supervisor and the supervisee.

(g) "Consult," as used in K.S.A. 65-6306 and K.S.A. 65-6319, and amendments thereto, means a contact made by the licensee with the appropriate medical professional for the purpose of promoting a collaborative approach to the client's care and informing the medical professional of the client's symptoms, but not for the purpose of confirming the diagnosis. The timing of any consult by the licensee shall be managed in a way that enhances the progress of assessment, diagnosis, and treatment, and shall not be required to be completed in the initial session of service delivery.

(h) "Continuing education" means a formally organized learning experience that has education as its explicit, principal intent and that is oriented toward the enhancement of social work practice, values, skills, knowledge, and

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ethics.

(i) "Direct client contact" means ~~a service to a client system that utilizes individual, family, or group interventions through face-to-face interaction or the use of electronic mediums of face-to-face interaction in which confidentiality is protected~~ the provision of social work services to a client or clients in an individual, family, or group format with interaction being conducted in person or remotely with real-time, two-way interactive audio, visual, or audiovisual communications, including the application of videoconferencing, in which confidentiality is protected. Interaction that includes electronic mail, instant messaging, texting, or facsimile shall not be considered direct client contact.

(j) "Dual relationship" means a professional relationship with a client, student, or supervisee in which the objectivity of the licensee is impaired or compromised because of any of the following present or previous relationships:

- (1) Familial;
- (2) sexual;
- (3) social;
- (4) emotional;
- (5) financial;
- (6) supervisory; or
- (7) administrative.

(k) "Extenuating circumstances" means ~~conditions caused by unexpected events beyond the person's control~~ any condition or situation caused by events

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beyond a person's control that is sufficiently extreme in nature to result in either of the following:

(1) The person's inability to comply with the requirements of this regulation; or

(2) the inadvisability of requiring the person to comply with the requirements of this regulation.

(l) "LBSW" means a licensed baccalaureate social worker.

(m) "LMSW" means a licensed master social worker.

(n) "LSCSW" means a licensed specialist clinical social worker.

(o) "Malfeasance" means the performance of an act that a licensee should not perform.

(p) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness required to practice social work as demonstrated by the following personal qualities:

(1) Good judgement;

(2) integrity;

(3) honesty;

(4) fairness;

(5) credibility;

(6) reliability;

(7) respect for others;

(8) respect for the laws of the state and the nation;

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(9) self-discipline;

(10) self-evaluation;

(11) initiative; and

(12) commitment to the social work profession values and ethics.

(q) "Misfeasance" means the improper performance of a lawful act by a licensee.

(r) "Nonfeasance" means the omission of an act that a licensee should perform.

(s) "Practice setting" means the public or private social work delivery system within which social work is practiced or social work services are delivered.

(t) "One hour" means either of the following:

(1) One period of 50-60 continuous minutes; or

(2) two periods of 25-30 continuous minutes each.

~~(t)~~ (u) "Practicum" means a formal component of the academic curriculum in the social work educational program that engages the student in supervised social work practice and provides opportunities to apply classroom learning to actual practice situations in the field setting.

~~(u)~~ (v) "Prior-approved continuing education" means any of the following forms of continuing education:

(1) Any single-program material that has been submitted by a provider to the board, approved by the board, and assigned a continuing education number;

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- (2) any program offered by a provider with approved-provider status; or
- (3) academic social work courses audited or taken for credit.

~~(v)~~ (w) "Private, independent practice of social work" means the unsupervised provision of social work services as a self-employed person, a member of a partnership, a member of a professional corporation, or a member of a group, and not as a salaried employee of a person or a public or private agency, organization, institution, or other entity.

~~(w)~~ (x) "Retroactively approved continuing education" means material submitted for continuing education credit by the licensee after attending the workshop, conference, seminar, or other offering and that is reviewed and subsequently approved by the board.

~~(x)~~ (y) "Single-program provider status" means that the provider has been granted approval to offer a specific continuing education program.

~~(y)~~ (z) "Social work consultation" means a voluntary professional relationship in which the consultant offers advice and expertise that the consultee can either accept or reject and in which the objectives and requirements of social work supervision as defined in ~~K.A.R. 102-2-1a(aa)~~ subsection (bb) and K.A.R. 102-2-8 are lacking. Social work consultation shall not be substituted for supervision.

~~(z)~~ (aa) "Social work practice specialty" means a postgraduate practice with emphasis upon a specific, identifiable field of practice.

~~(aa)~~ (bb) "Social work supervision" means a formal professional

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relationship between the supervisor and supervisee that promotes the development of responsibility, skill, knowledge, attitudes, and ethical standards in the practice of social work.

~~(bb)~~ (cc) "Termination of a client relationship" means the end of the professional relationship resulting from any of the following:

- (1) The mutual consent of the social worker and the client;
- (2) the completion of therapeutic or casework services;
- (3) dismissal of the social worker by the client;
- (4) dismissal of the client by the social worker; or
- (5) the transfer of the client to another professional for active therapy or casework services with the belief that services will continue.

~~(ee)~~ (dd) (1) "Under the direction" means the formal relationship between the individual providing direction and the licensee in which both of the following conditions are met:

(A) The directing individual provides the licensee, commensurate with the welfare of the client and the education, training, and experience of the licensee with the following:

- (i) Professional monitoring and oversight of the social work services provided by the licensee;
- (ii) regular and periodic evaluation of treatment provided to clients by the licensee; and
- (iii) verification that direction was provided to the licensee.

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(B) The licensee receiving direction provides the following to the board, with each license renewal:

(i) The name, identifying information, and type of licensee of the directing individual;

(ii) a description of the work setting and the social work services provided under direction; and

(iii) documentation that direction was provided, including dates, location, and length of time as verified by the directing individual.

(2) A licensed master social worker who is practicing clinical social work under supervision as specified in K.A.R. 102-2-8(d) shall be deemed to be practicing under direction.

~~(dd)~~ (ee) "Undue influence" means ~~misusing~~ the misuse of one's professional position of confidence, trust, or authority; or the taking advantage of the vulnerability, weakness, infirmity, or distress of a client, supervisee, or student for either of the following purposes:

(1) To improperly influence or change the actions or decisions of a client, supervisee, or student; or

(2) to exploit a client, supervisee, or student for the financial gain, personal gratification, or advantage of the social worker or a third party. (Authorized by and implementing K.S.A. 4999-Supp. 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended

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April 3, 1989; amended Feb. 25, 1991; amended Aug. 4, 2000; amended P-  
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