

2015 Annual Meeting of the Delegate Assembly

Regulation and Standards Committee Report

The Regulation and Standards Committee met on July 11, 2015, at the Hotel Monaco in Alexandria, Virginia.

Charge to Committee

The Regulation and Standards Committee reviews and recommends policies and actions pertaining to the association's role in providing regulatory information, developing relevant disciplinary and regulatory data banks, facilitating the exchange of information relative to the movement of practitioners from jurisdiction to jurisdiction, and working toward uniformity of law and practice while respecting jurisdictional rights. The committee works closely with the President and CEO, and reports to the Board of Directors. The Committee's work will be guided by the ASWB Strategic Plan whenever applicable.

Ongoing charge

The Regulation and Standards Committee is charged with the following on an ongoing basis:

1. Developing and considering proposals for additions or changes to the *ASWB Model Social Work Practice Act*.
2. Conducting regular reviews of the *ASWB Model Social Work Practice Act*.
3. Monitoring policies and developing procedures regarding operation and maintenance of the Public Protection Database (PPD).
4. Monitoring and encouraging regulatory board participation in the Public Protection Database.
5. Developing model procedures, requirements, and forms to facilitate greater uniformity among jurisdictions.
6. Monitoring emerging issues regarding social work practice.

Charge for 2015

During 2015, the ASWB Regulation and Standards Committee is also charged with:

- Completion of full review of the *ASWB Model Social Work Practice Act*
- Continue to consider possible changes to the *ASWB Model Social Work Practice Act* based on findings contained in the ASWB resource document titled *An Analysis of Supervision for Social Work Licensure* and integration of recommendations from the International Technology Task Force



Names of Committee Members

Lisa Crockwell, NL
Chairperson

Renée Cardone, PA

Spencer Blalock, MS

Robert Showers, LA

Laura Thiesen, AK

Steven Pharris, TN
ASWB Board Liaison

Also present

Dale Atkinson,
ASWB legal counsel

Dwight Hymans,
ASWB staff

Jennifer Henkel,
ASWB staff

Not present

Brock Greek, WY

Report prepared by

Jennifer Henkel

Recommendations/Actions

Staff distributed a survey to ASWB members during the months of June and July requesting input on each of the sections in Articles VI and VII of the *ASWB Model Social Work Practice Act*, as well as incorporation of the Model Regulatory Standards for Technology and Social Work Practice. The survey was sent to more than 500 individuals, including all board administrators and individual members of member boards. Only four responses were received from member jurisdictions. A summary of the survey was compiled and shared with the committee.

The committee reviewed and evaluated comments from the membership regarding the remaining third of the *ASWB Model Social Work Practice Act*. This was year three of a three-year cycle to review the model act in its entirety. All recommended changes over the past three years were reviewed, including minor edits to grammar and language, and incorporation of language from the Model Regulatory Standards for Technology and Social Work Practice.

Because this is a full review of the model act, all changes made during the time period were presented to the Board of Directors at the Board's meeting in August.

- The review has been completed and the proposed changes are supported by the Board of Directors.

PPD Reporting

- Since the database was initiated in 1995-96, a total of 52 jurisdictions have reported 8,390 actions for 5,931 social workers. Over the last year, the number of actions increased by 4.7% and the number of social workers reported increased by 4.9%.
- Since January 2012, a total of 39 jurisdictions have reported a minimum of one action. This does not indicate that other jurisdictions aren't participating with the database; it is possible that many jurisdictions have not had an action since that time. However, lack of detailed reporting and participation by members jurisdictions can be a challenge. Therefore, the goal of the database is to simply flag an individual who has experienced a disciplinary action.
- ASWB acts as the designated reporting agent to the National Practitioner Data Bank (NPDB) for 17 jurisdictions.

Future Discussion Topics and/or Suggestions for 2016 Charge

- Focus on PPD
- Explore possibility of creating a Canadian supplement to the *Model Social Work Practice Act*

Recommended changes to the *Model Social Work Practice Act* for adoption by vote of the Delegate Assembly are listed on the following pages.

Recommended changes to the model act (deletions indicated by strikethrough; additions in red)**Article I.**

Section 103.	Statement of Purpose.
	It is the purpose of this Act to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of social work; the licensure of social workers; the licensure, control and regulation of persons, in or out of this state, that practice social work within this state.
Section 104.	Practice of Baccalaureate Social Work.
	Subject to the limitations set forth in Article III, Section 306, the practice of Baccalaureate Social Work means the application of social work theory, knowledge, methods, ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. Baccalaureate Social Work is basic generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, counseling, supervision, consultation, education, advocacy, community organization, research , and the development, implementation, and administration of policies, programs and activities.
Section 105.	Practice of Master's Social Work.
	Subject to the limitations set forth in Article III, Section 306, the practice of Master's Social Work means the application of social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. Master's Social Work practice <u>includes</u> the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, counseling, supervision, consultation, education, research, advocacy, community organization and the development, implementation, and administration of policies, programs and activities. Under supervision as provided in this act, the practice of Master's Social Work may include the practices reserved to Clinical Social Workers.
Section 107.*	Electronic Practice Social Work Services
*The changes in this section reflect recommendations from the Model Regulatory Standards for Technology and Social Work.	<p>(a) The practice of Baccalaureate Social Work, Master's Social Work, or Clinical Social Work to an individual in this jurisdiction through telephonic, electronic social work services, or other means, regardless of the location of the practitioner, shall constitute the practice of social work and shall be subject to regulation under this Act.</p> <p>(b) The practice of Baccalaureate Social Work, Master's Social Work, or Clinical Social Work by a practitioner in this jurisdiction through telephonic, electronic social work services, or other means, regardless of the location of the client(s), shall constitute the practice of social work and shall be subject to regulation under this act.</p> <p>(c) Social workers providing electronic social work services shall take all necessary measures to ensure compliance with relevant practice standards.</p>

Section 109.	Definitions.
These definitions adjusted to reflect recommendations from the Technology Standards.	<p>(d) Approved supervisor means an Approved Clinical Supervisor or licensed social worker who has met the qualifications to be a supervisor as determined by the Board.</p> <p>(i) Clinical supervision means an interactional professional relationship between an Approved Clinical Supervisor a supervisor and a social worker that provides evaluation and direction over the supervisee's practice of clinical social work and promotes continued development of the social worker's knowledge, skills, and abilities to engage in the practice of clinical social work in an ethical and competent manner.</p> <p>(k) Continuing Education means education and training which are oriented to maintain, improve or enhance competent social work practice.</p> <p>(m) Consultation means a problem solving process in which expertise is offered to an individual, group, organization, or community an advisory professional relationship between a social worker and a person with particular expertise, with the social worker legally and ethically maintaining responsibility for all judgments and decisions regarding service to the Client.</p> <p>(p) Electronic social work services mean the use of computers (including the Internet, social media, online chat, text, and email) and other electronic means (such as smartphones, landline telephones, and video technology) to (a) provide information to the public, (b) deliver social work services to clients, (c) communicate with clients, (d) manage confidential information and case records, (e) store and access information about clients, and (f) arrange payment for professional services.</p> <p>(t) Licensee means a person duly licensed or registered under this Act.</p> <p>(y) Supervision for licensure means the professional relationship between a supervisor-supervisee and a social worker an Approved Supervisor who provides oversight, direction and that provides evaluation and direction over the services provided by the supervisee and promotes continued development of the supervisee knowledge, skills and abilities to provide social work services in an ethical and competent manner.</p>

Article II.

Section 202.	Membership.
	The Board shall consist of _____ members, [_____ of whom shall be a representative of the public, and the remainder] [each] of whom shall be social workers, who possess the qualifications specified in Section 203. The Board shall at all times be comprised of at least one Baccalaureate Social Worker, Master's Social Worker and Clinical Social Worker.

Section 213.	Powers and Responsibilities.
	(7) (ix) Approval of providers or programs for continuing education.

Article III.

Section 306.	Independent Practice.
	No Baccalaureate or Master's Social Worker licensed under Section 302 or Section 303 shall engage in Independent Practice until such time that the social worker shall have worked in a supervised setting under a plan for supervision for a specified period of time and under terms and conditions set by the Board.

Regulations-Independent Practice.	
	<p>(8) <i>Setting of supervision. If supervision is not provided within the agency of employment, the supervisee must obtain a written release from the agency administrator to obtain supervision of agency clients outside the agency setting.</i></p> <p>(11) <i>Supervision records must be submitted to centralized social work credential databank</i></p>

Regulations-Practice of Clinical Social Work.*	
*Section (2) being removed due to improvements and increased use of technology.	<p>(2) <i>Type of clinical supervision required. Clinical supervision must be in face to face meetings between the supervisor and the supervisee unless the Board has granted an exception allowing for an alternate form of supervision.</i></p> <p>(9) (ii) <i>Process to be used in supervision, i.e., timing, skills, electronic or in person</i></p> <p>(11) <i>Supervision records must be submitted to centralized social work credential databank</i></p>

Section 307.	Examinations.
	<p>(b) The examination shall be prepared to measure the competence of the applicant document that the applicant meets the standard for minimum competence to engage in the relevant practice of social work. The Board may employ, cooperate, and contract with any organization or consultant in the preparation, administration and grading of an examination, but shall retain the sole discretion and responsibility for determining which applicants have successfully passed such an examination.</p>

Section 308.	Qualifications for License Transfer.
	<p>(8) Has presented to the Board proof that any social work or any other professional license or other credential granted to the applicant by any other state has not been suspended, revoked, has action pending, or otherwise restricted for any reason except non-renewal or for the failure to obtain the required continuing education credits in any state where the applicant is or has been licensed; and</p>

Regulations – Continuing Social Work Competence	
	<p>(c) (1) (iv) Correspondence work, televised courses delivered through electronic media or technology, audio/visual, video tapes, electronic media, and other forms of self-study upon approval of the Board, shown to update or enhance social work competence. Under no circumstances shall more than five (5) hours from this category be acceptable as continuing education for each renewal cycle.</p> <p>(d) Final approval of the content areas for designating a program as a Program of Continuing Education lies with the Board. The Board may determine an Approved Provider of Continuing Education, or confer with and rely upon the expertise of an entity in making such determination, after receipt of an application as set forth by the Board, accompanied by an applicable fee, which demonstrates the following:</p>

Article IV.

Section 401.	Grounds, Penalties, and Reinstatement.
	<p>(5) Conviction of a Felony (as defined under state, provincial, or federal law);</p> <p>(7) Violations of the laws of this state this jurisdiction, or rules and regulations pertaining thereto, or of laws, rules and regulations of any other state, or of the federal government;</p> <p>(9) Fraud by a licensee in connection with the practice of social work including engaging in improper or fraudulent billing practices or violating Medicare and Medicaid-related laws;</p> <p>(15) Being adjudicated by a court of competent jurisdiction, within or without this state, as incapacitated, mentally incompetent or mentally ill, chemically dependent, mentally ill and dangerous to the public, or a psychopathic personality;</p> <p>(c) Subject to an order duly entered by the Board, any person whose license to practice social work in this state has been suspended or restricted pursuant to this Act, whether voluntarily or by action of the Board, shall have the right, at reasonable intervals, to petition the Board for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the Board. Upon investigation and hearing, the Board may, in its discretion, grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications. The Board, also at its discretion, may require such person to complete other requirements including but not limited to passing an examination(s).</p>

Article V.

Section 501.	Privileged Communications and Exceptions.
	<p>(a) No social worker shall disclose any information acquired from or provided by a client or from persons consulting with the social worker in a professional capacity, except that which may be voluntarily disclosed under the following circumstances:</p>

Part 2. General Practice Parameters.

Subpart 4.	Professional Disclosure Statement.
	<p><i>A social worker shall effectively communicate through handout or other means as appropriate for all clients and may display at the social worker's primary place of practice and make easily accessible a statement that the client has the right to the following:</i></p> <p>A. <i>To expect that the social worker has met the minimal qualifications of education, training, and experience required by the law in that jurisdiction and in all jurisdictions where licensed.</i></p>

Part 4. Practice Requirements.

Subpart 6.	Records.
	<p>B.</p> <p>2. <i>Publication, at least weekly for one month, newspaper whose circulation in a manner whose circulation encompasses the major area of a practitioner's former practice, advising clients of the right to retrieve their records for a six (6) month period; and</i></p>

Part 5. Relationships with Clients and Former Clients.

Subpart 5.	Sexual contact defined.
	Sexual contact includes but is not limited to <i>electronic exploitation</i> , sexual intercourse, either genital or anal, cunnilingus, fellatio, or the handling of the breasts, genital areas, buttocks, or thighs, whether clothed or unclothed, by either the social worker or the client.

Part 6. Client Confidentiality.

Subpart 2.	Release of client information without written consent.
	B. The social worker determines that there is a clear and imminent risk that the client will inflict serious harm on either the client or another identified individual(s), <i>or to forestall a serious threat to public safety</i> . The social worker shall release only the information that is necessary to avoid the infliction of serious harm. The social worker may release this information to the appropriate authorities and the potential victim;

Part 7. Conduct.

Subpart 2.	Giving drugs to a client.
	Unless permissible by state law, a social worker shall not offer medication or controlled substances to a client. or accept these substances from a client for personal use or gain. The social worker may accept medication or controlled substances from a client for purposes of disposal or to monitor use. Under no circumstances shall a social worker offer alcoholic beverages to a client or accept such from a client.

Part 8. Representation to the Public. Advertising.

Subpart 5 (addition)	
	<p><i>Client bill of rights including:</i></p> <ul style="list-style-type: none"> • <i>Professional profile and contact info</i> • <i>Terms of use, privacy policy, and informed consent</i> • <i>Guidelines to assist clients who require crisis services</i> • <i>Risks of interruption in services</i> • <i>Consumer information: license / registration number; governmental regulatory body's name and contact information</i> • <i>right and contact information to report alleged violations to governmental body</i>

Part 10. Research.

Subpart 1.	Informed consent.
	When undertaking research activities, the social worker shall abide by accepted protocols for protection of human subjects. A social worker must obtain a client's or a client's legal guardian's written informed consent for the client to participate in a study or research project and explain in writing the purpose of the study or research as well as the activities to be undertaken by the client should the client agree to participate in the study or research project. The social worker must inform the client of the client's right to withdraw from the project at any time <i>without impact on receipt of social work services</i> .