Things That Make You Say, “Hmm…”
Promoting Ethical Practice

NASW-NC Fall Conference
Asheville, NC
November 22, 2014

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During this hour we will cover…

1. Overview of the NASW Code of Ethics (15 min)
2. Apply the Code of ethics to Practice Situations- Utilizing Video scenarios- Discussion (35 min)
3. Wrap Up (10 min)
Ethical Principles

Value: Service
- Ethical Principle: Social workers’ primary goal is to help people in need and to address social problems

Value: Social Justice
- Ethical Principle: Social workers challenge social injustice.

Value: Dignity and Worth of the Person
- Ethical Principle: Social workers respect the inherent dignity and worth of the person.

Value: Importance of Human Relationships
- Ethical Principle: Social workers recognize the central importance of human relationships

Value: Integrity
- Ethical Principle: Social workers behave in a trustworthy manner.

Value: Competence
- Ethical Principle: Social workers practice within their areas of competence and develop and enhance their professional expertise
Code of Ethics

Ethical Responsibilities to Colleagues

* 2.01 Respect
* 2.02 Confidentiality
* 2.03 Interdisciplinary Collaboration
* 2.04 Disputes Involving Colleagues
* 2.05 Consultation
* 2.06 Referral for Services
* 2.07 Sexual Relationships
* 2.08 Sexual Harassment
* 2.09 Impairment of Colleagues
* 2.10 Incompetence of Colleagues
* 2.11 Unethical Conduct of Colleagues
Code of Ethics

Ethical Responsibilities in Practice Settings

* 3.01 Supervision and Consultation
* 3.02 Education and Training
* 3.03 Performance Evaluation
* 3.04 Client Records
* 3.05 Billing
* 3.06 Client Transfer
* 3.07 Administration
* 3.08 Continuing Education and Staff Development
* 3.09 Commitments to Employers
* 3.10 Labor-Management Dispute
Code of Ethics
Ethical Responsibilities as Professionals

- 4.01 Competence
- 4.02 Discrimination
- 4.03 Private Conduct
- 4.04 Dishonesty, Fraud, and Deception
- 4.05 Impairment
- 4.06 Misrepresentation
- 4.07 Solicitations
- 4.08 Acknowledging Credit
Code of Ethics
Ethical Responsibilities to Social work Profession and to the Broader Society

* 5.01 Integrity of the Profession
* 5.02 Evaluation and Research

* 6.01 Social Welfare
* 6.02 Public Participation
* 6.03 Public Emergencies
* 6.04 Social and Political Action
Today’s focus will be on...

- Ethical responsibilities to clients
- Ethical responsibilities to colleagues
Application of Ethical Responsibilities to Clients
Code of Ethics

Ethical Responsibilities to Clients

* 1.01 Commitment to Clients
* 1.02 Self-Determination
* 1.03 Informed Consent
* 1.04 Competence
* 1.06 Conflicts of Interest
* 1.07 Privacy and Confidentiality
* 1.08 Access to Records
* 1.09 Sexual Relationships
* 1.10 Physical Contact
* 1.11 Sexual Harassment
* 1.12 Derogatory Language
* 1.13 Payment for Services
* 1.14 Clients Who Lack Decision-Making Capacity
* 1.15 Interruption of Services
* 1.16 Termination of Services
Application of Ethical Responsibilities to Clients

*What do you think?
1.01 Commitment to Clients

Social workers’ primary responsibility is to promote the well-being of clients. In general, clients’ interests are primary. However, social workers’ responsibility to the larger society or specific legal obligations may on limited occasions supersede the loyalty owed clients, and clients should be so advised. (Examples include when a social worker is required by law to report that a client has abused a child or has threatened to harm self or others.)
1.06 Conflicts of Interest

(a) Social workers should be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Social workers should inform clients when a real or potential conflict of interest arises and take reasonable steps to resolve the issue in a manner that makes the clients’ interests primary and protects clients’ interests to the greatest extent possible. In some cases, protecting clients’ interests may require termination of the professional relationship with proper referral of the client.

(c) Social workers should not engage in dual or multiple relationships with clients or former clients in which there is a risk of exploitation or potential harm to the client. In instances when dual or multiple relationships are unavoidable, social workers should take steps to protect clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries. (Dual or multiple relationships occur when social workers relate to clients in more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively.)
1.07 Privacy and Confidentiality

(a) Social workers should respect clients’ right to privacy. Social workers should not solicit private information from clients unless it is essential to providing services or conducting social work evaluation or research. Once private information is shared, standards of confidentiality apply.

(b) Social workers may disclose confidential information when appropriate with valid consent from a client or a person legally authorized to consent on behalf of a client.
Ethical Responsibilities to Clients

1.16 Termination of Services

(a) Social workers should terminate services to clients and professional relationships with them when such services and relationships are no longer required or no longer serve the clients’ needs or interests.

(b) Social workers should take reasonable steps to avoid abandoning clients who are still in need of services. Social workers should withdraw services precipitously only under unusual circumstances, giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects. Social workers should assist in making appropriate arrangements for continuation of services when necessary.

(e) Social workers who anticipate the termination or interruption of services to clients should notify clients promptly and seek the transfer, referral, or continuation of services in relation to the clients’ needs and preferences.
Application of Ethical Responsibilities to Colleagues
Code of Ethics

Ethical Responsibilities to Colleagues

- 2.01 Respect
- 2.02 Confidentiality
- 2.03 Interdisciplinary Collaboration
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- 2.11 Unethical Conduct of Colleagues
Application of Ethical Responsibilities to Colleagues

*What do you think?
Ethical Responsibilities to Colleagues

2.09 Impairment of Colleagues

(a) Social workers who have direct knowledge of a social work colleague’s impairment that is due to personal problems, psychosocial distress, substance abuse, or mental health difficulties and that interferes with practice effectiveness should consult with that colleague when feasible and assist the colleague in taking remedial action.

(b) Social workers who believe that a social work colleague’s impairment interferes with practice effectiveness and that the colleague has not taken adequate steps to address the impairment should take action through appropriate channels established by employers, agencies, NASW, licensing and regulatory bodies, and other professional organizations.
2.11 Unethical Conduct of Colleagues

(a) Social workers should take adequate measures to discourage, prevent, expose, and correct the unethical conduct of colleagues.

(b) Social workers should be knowledgeable about established policies and procedures for handling concerns about colleagues’ unethical behavior. Social workers should be familiar with national, state, and local procedures for handling ethics complaints. These include policies and procedures created by NASW, licensing and regulatory bodies, employers, agencies, and other professional organizations.
Ethical Responsibilities to Colleagues

2.11 Unethical Conduct of Colleagues

*(c)* Social workers who believe that a colleague has acted unethically should seek resolution by discussing their concerns with the colleague when feasible and when such discussion is likely to be productive.

*(d)* When necessary, social workers who believe that a colleague has acted unethically should take action through appropriate formal channels (such as contacting a state licensing board or regulatory body, an NASW committee on inquiry, or other professional ethics committees).
During this hour we will cover…

1. Overview of the North Carolina General Statutes & Administrative Rules Related to Social Work (10 min)
2. Give examples of differences and similarities between the NASW Code of Ethics and the Statutes-Rules (5 min)
3. Did You Know?...about the Statutes & Rules (10 min)
4. Apply the Rules to Practice Situations (20 min)
5. Wrap Up (10 min)
Chapter 90B – *Social Worker Certification & Licensure Act*

90B-1 through 90B-16

“It is the purpose of this chapter to protect the public by setting standards for qualification, training, and experience for those who seek to represent themselves to the public as certified social workers and by promoting high standards of professional performance for those engaged in the practice of social work.”
What do we mean by “Administrative Rules” or “Code” related to Social Work?

NC Administrative Code
Title 21 - Occupational Licensing Boards & Commissions
Chapter 63 Social Work Certification

<table>
<thead>
<tr>
<th>.0100 – General</th>
<th>.0600 – Disciplinary Procedures</th>
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<tbody>
<tr>
<td>.0200 – Certification</td>
<td>.0700 – Administrative Procedures</td>
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<tr>
<td>.0300 – Examinations</td>
<td>.0800 – Disciplinary Procedures (Future Codification)</td>
</tr>
<tr>
<td>.0400 – Renewal of Certification</td>
<td>.0900 – Professional Corporation or Limited Liability Company</td>
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<td>.0500 – Ethical Guidelines</td>
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### Examples of Similarities Between NASW Code of Ethics & Statutes - Rules

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<thead>
<tr>
<th></th>
<th>Code of Ethics</th>
<th>Statutes-Rules</th>
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<tbody>
<tr>
<td>1</td>
<td>Values</td>
<td>6 Core Values – Competency, Integrity, Service, Social Justice, Human Relationships, Dignity &amp; Worth</td>
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</tbody>
</table>
| 2 | Sexual Relationships                                                            | No sexual relationships with current clients; Use caution and bear burden with former clients | No sexual relationships with current or former clients  
Who is the client?  
No expiration date |
### Examples of Similarities Between NASW Code of Ethics & Statutes - Rules

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<tr>
<th></th>
<th>Code of Ethics</th>
<th>Statutes-Rules</th>
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<tbody>
<tr>
<td>3</td>
<td>Electronic Records</td>
<td>Shall take precautions to protect - “and all other electronic or computer technology”</td>
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<td></td>
<td>Reasonable steps to protect</td>
<td>Examples - Car, Cloud, Text Messages, Emails</td>
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<td></td>
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<td>Blurred Boundaries</td>
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Ethical Practice Questions...

* Is this an action I would feel comfortable taking in front of my supervisor/colleagues or telling them about because I know it is consistent with NASW standards, NC statutes-rules, and agency policy?

* Can I confidently explain/defend my decision process & actions, if I am asked to?

* Is this an action/decision I believe 4 out of 5 social workers would take, given the same set of circumstances?
<table>
<thead>
<tr>
<th>Statute – 90B-8</th>
<th>Rules – Certification Section - .0213</th>
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<tbody>
<tr>
<td>Board may issue a temporary license to a nonresident clinical social worker who is certified, registered, etc. Nothing shall be construed as prohibiting a nonresident clinical social worker certified, registered, etc. in another state from rendering professional clinical social worker services in this State for a period of not more than five days in any calendar year.</td>
<td>Board may issue a non-renewable temporary reciprocal license pursuant to GS 90B-8(b) that is valid for no more than 6 months.</td>
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### Did You Know?

<table>
<thead>
<tr>
<th>Statute – 90B-3</th>
<th>Rules -</th>
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<tr>
<td>The following are defined:</td>
<td>The following are defined:</td>
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<tr>
<td>• Board</td>
<td>• NCSWCLB, CSW, CMSW, CSWM, LCSW, LCSWA</td>
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<tr>
<td>• CMSW, CMSWM, CSW, LCSW, LCSWA</td>
<td>• Reprimand, Censure, Probation, Suspension, Revocation, Surrender</td>
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<tr>
<td>• Clinical Social Work Practice</td>
<td>• Clinical Social Work Experience</td>
</tr>
<tr>
<td>• Practice of Social Work</td>
<td>• Diagnosis</td>
</tr>
<tr>
<td>• Social Worker</td>
<td>• Clinical Case Management</td>
</tr>
<tr>
<td></td>
<td>• Treatment</td>
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Not Defined: Terms such as Client, Consultation, Jurisdiction of Electronic Practice
Code .0406 sets forth a provision to grant a waiver or extension of time to fulfill requirements for renewal of certification or license to military personnel. Military personnel who have been granted an extension of time to file a tax return are eligible.
Section .0500 = Ethical Guidelines
including
General Professional Responsibilities,
Responsibilities in Professional
Relationships,
Relationships with Colleagues,
Renumeration,
Confidentiality & Record Keeping
Pursuit of Research,
Public Statements
“Social Workers shall not misuse their professional relationships sexually, financially or for any other personal advantage.”

Including relationships with clients, colleagues, supervisees, employees, students & research participants.
In referring to social workers, it says, “they shall avoid entering treatment relationships in which their professional judgment will be compromised by the prior association with or knowledge of a client.”
Did You Know?

Public Statements - .0509-c

In referring to social workers, it states, “they shall not solicit nor use recommendations or testimonials from clients.”
Did You Know?

If you have not renewed your LCSWA or LCSW, you must not be practicing clinically.

If you are not receiving your LCSWA supervision, you must not be practicing clinically.

In September 2014, Supervisor Manual was Updated - http://www.ncswboard.org/page/supervisor-manual
If you are receiving supervision for your LCSWA outside of your agency or contracting to providing supervision to an LCSWA, mechanisms should be put in place to ensure protection of the records and the confidential information outside of the agency.
Did You Know?

The rules will be going through review in July 2015

- Periodic Review of Rules
Application to Practice
Situations Case #1

* Social Worker ABC
* School Social Worker
* Boundaries
* **.0504(a)** - Social workers shall not misuse their professional relationships sexually, financially or for any other personal advantage. - Including relationships with clients, colleagues, supervisees, employees, students & research participants.
* **.0504(f)** - Social workers shall not initiate, and shall avoid when possible, personal relationships or dual roles with current clients, or with any former clients whose feelings toward them may still be derived from or influenced by the former professional relationship. - In this case, “potential client” - Again, how do we define “client?”
Application to Practice Situations
Case #2

* Social Worker DEF
* Home Health Social Worker
* Integrity
* .0505 - Social workers shall act with integrity in their relationships with colleagues and other professionals.
* .0507(c) - Social workers shall maintain records adequate to provide proper diagnosis and treatment and to fulfill other professional responsibilities.
* Social Worker GHI
* Hospice Social Worker
* Records & Integrity
* **0505** - Social workers shall act with integrity in their relationships with colleagues and other professionals.
* **.0507(c)** - Social workers shall maintain records adequate to provide proper diagnosis and treatment and to fulfill other professional responsibilities.
Application to Practice Situations Case #4

* Social Worker JKL
* Family Counseling Center & Private Practice
* Boundaries & Integrity
* .0503(a) - Social workers shall not misuse their professional relationships sexually, financially or for any other personal advantage.
* .0507(c) - Social workers shall maintain records adequate to provide proper diagnosis and treatment and to fulfill other professional responsibilities.
* .0507(d) - Social workers shall take precautions to protect the confidentiality of material stored or transmitted through computers, electronic mail, facsimile machines, telephones...
Application to Practice Situations

Case #5

* Social Worker MNO
* Clinical Social Worker - Certification/License Renewal, Integrity, & Responsibilities In Professional Relationships
* 90-B-4 - After January 1, 1992, except as otherwise provided in this Chapter, it is unlawful to engage in or offer to engage in the practice of clinical social work without first being licensed under this Chapter as a clinical social worker.
* .0503(d) - Social workers shall practice their profession in compliance with legal standards.
* Remember definitions section – What is clinical practice?
* Supervisors should check website to make sure supervisee’s license is still current

Supervising LCSWA - .0505(5) - Social workers shall take appropriate measures to discourage, prevent, expose and correct unethical or incompetent behavior by colleagues...
.0504(1) - Social workers shall not misuse their professional relationships sexually, financially or for any other personal advantage.

.0504(f) - Social workers shall not initiate, and shall avoid when possible, personal relationships or dual roles with current clients, or with any former clients whose feelings toward them may still be derived from or influenced by the former relationship.

.0504(g) - Social workers shall not engage in sexual activities with clients or former clients

.0504(h) - ...A client’s or former client’s initiation of a personal, sexual, or business relationship shall not be a defense… - This is SW’s responsibility

.0507(b) - Social workers shall reveal confidential information only to others with the informed consent of the client, except...
Need to Consult?

* NASW-NC - 1-919-828-9650

* NC Social Work Certification and Licensure Board - 1-800-550-7009
Websites

NASW Code of Ethics -
http://www.naswdc.org/pubs/code/code.asp

General Statutes 90B -
http://www.ncga.state.nc.us/gascripts/statutes/StatutesTOC.pl?Chapter=0090B

NC Administrative Codes Chapter 63 -
http://reports.oah.state.nc.us/ncac.asp?folderName=%5CTitle%202021%20-%20Occupational%20Licensing%20Boards%20and%20Commissions%5CChapter%2063%20-%20Social%20Work%20Certification
Contact Information & Slides

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Find our slides on the main page of our website:

socialwork.uncc.edu