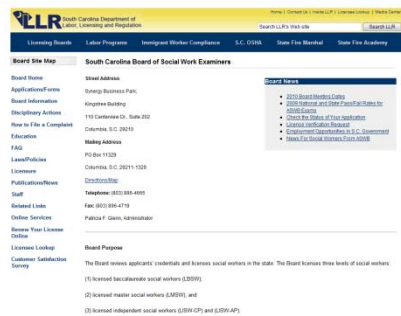


## Visit the Social Work Board's Website



The Social Work Board's website is a useful tool that keeps you updated on what is happening in your profession. The site contains a wealth of information and current updates regarding the practice of social work in South Carolina, and the "Site Map" makes it very user friendly.

Some of the site's links contain information regarding disciplinary actions taken by the Board, continuing education, online services, Board information, licensure, related links and frequently asked questions. You can also notify the Board of an address change, find out when Board meetings are scheduled and find out information about initial licensure for

examination. At renewal time, you will find information on how to renew, what fees are due, and what continuing education is required. The next biennial on-line renewal will begin Oct. 1, 2010. The renewal deadline is Dec. 31, 2010.

We hope that you will visit us often at: [www.llr.state.sc.us/pol/socialworkers](http://www.llr.state.sc.us/pol/socialworkers)

## Legislative Update

### Social Work Board Statute, Chapter 63, Regulations, Chapter 110 and the Confidentiality Statute:

All licensees are required to know the statutes and regulations governing the practice of social work in South Carolina. Chapter 63, Chapter 110 and the Confidentiality Statute can be found on the Social Work Board website at:

[www.llr.state.sc.us/pol/socialworkers](http://www.llr.state.sc.us/pol/socialworkers).

## Renewal Information

The next Biennial Renewal Notice will be sent to all licensees on Oct. 1, 2010. The Renewal Notice will assist licensees in renewing their licenses online. This assistance includes paying fees and completing a renewal form online. Online license renewal for licensed social workers will be available Oct. 1, 2010, by going to the website at:

[www.llr.state.sc.us/pol/socialworkers](http://www.llr.state.sc.us/pol/socialworkers).

The biennial renewal deadline for renewing a license is Dec. 31, 2010. Your license will be renewed for the two-year period from Jan. 1, 2011, to Dec. 31, 2012.

- **Biennial renewal fee:** \$90. Due on or before Dec. 31, 2010.
- **Late fee:** \$50. Due from Jan.1, 2011, to Feb 1, 2011.
- Licenses not renewed by **Feb 1, 2011** will be expired. After expiration of license, licenses can only be reinstated by following Reinstatement Application Procedures found on the website

[www.llr.state.sc.us/pol/socialworkers](http://www.llr.state.sc.us/pol/socialworkers).

# Annual Spring Educational Meeting to be Held in Charleston

The South Carolina Board of Social Work Examiners will be hosting the Annual Spring Educational Meeting for the Association of Social Work Boards in Charleston, May 13-15, 2010. The focus this year is

“Regulating Competent Practice in an Age of Shifting Resources.” We are expecting approximately 120 social workers from across the United States and Canada.

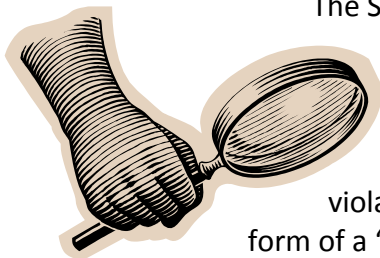


The Association of Social Work Boards (ASWB) is the association of boards that regulate social work. ASWB develops and maintains the social work licensing examinations used nationally and in several Canadian provinces, and is a central resource for information on the legal regulation of social work. Through the association, social work boards can share information and work together. ASWB is also available to help individual social workers and social work students with questions they may have about licensing and social work examinations.

The South Carolina Board works closely with the ASWB to regulate the practice of social work and to protect the public.

## Investigative Review Committee: Ethical Concerns

By Sallie Campell, LISW-CP/AP, Consulting Social Worker to the Board and Member of Investigative Review Committee



The South Carolina Board of Social Work Examiners (SCBSWE) Investigative Review Committee (IRC) reviews complaints made to the Board.

When a complaint is received, it is assigned to an investigator with the Office of Investigation and Enforcement (OIE) to investigate. Information is gathered to either validate or dismiss the complaint. When facts support a violation of the practice act, the IRC makes a recommendation to the Board in the form of a “Blind Brief.” The Board votes on the recommendation. If the Board approves the recommendation of the IRC for a formal complaint, an attorney in the Office of General Counsel (OGC) will proceed with a formal complaint, and a hearing is held before the Board. The Board then hears the complaint and determines appropriate sanctions.

Current members of IRC include: chief investigators from OIE, litigating attorney with OGC, Patti Glenn, administrator, and Sallie Campbell, LISW-CP/AP, consulting social worker to the Board.

As the consulting member on the Board since October 2002, I have identified several areas of concern. I will address several under the headings below:

### **Boundary Crossings Can Lead to Boundary Violations**

Boundary crossings can easily set the stage for a boundary violation. If you think you have crossed a boundary, seek peer consultation or supervision to make sure you are managing this situation appropriately.

Common boundary violations are: 1) borrowing money, 2) revealing too much information (self disclosure) 3) engaging in intimate relationships, 4) inappropriate termination, and 5) unprofessional conduct.

The Board recommends that licensees review the Principles of Professional Code of Ethics listed in Chapter 110-20 of Regulations Pertaining to the Practice of Social Work in South Carolina. One key point is stated in Principal Four, which says, “A social worker shall not engage in any sexual act with a client or with a person who has been a client to whom services were provided within the past 12 months.” Principal Six states, “The client/social worker relationship shall be presumed to continue to exist for a period of six months after the last provision of services...” Therefore, a social worker shall not engage in any sexual act with a client within a total period of 18 months after the last provision of services.

Licensees are reminded to use caution with self-disclosure and to respect confidentiality in social situations. The three books listed below are helpful in understanding the difference between boundary crossings and boundary violations. These books identify the issues related to dual relationships, bartering, self-disclosure, gifts, touch and home visits.

- \* Reamer, Fredrick G. (2009). *The Social Work Ethics Casebook: Cases and Commentary*. NASW Press.
- Gutheil, Thomas G. and Brodsky, Archie (2008). *Preventing Boundary Violations in Clinical Practice*. The Guilford Press: New York.
- Zur, Ofer (2007). *Boundaries in Psychotherapy: Ethical and Clinical Explorations*. American Psychological Association.

### High Conflict Divorce Cases

Social workers need to be clear about the difference between therapy and custody evaluation, as one is not allowed to do both. The Board has reviewed several cases in which clinical social workers were involved in child custody cases following high conflict divorces.

Licensees are reminded to follow the APA Guidelines for Custody Evaluations in Divorce Proceedings (APA, 1994) and the Practice Guidelines in Clinical Evaluations for Licensed Clinical Social Workers (Luftman, Veltkamp, Clark, Lannacone, and Snooks, 2005).



Documentation is the best defense with these complaints. Your clinical record can protect you from these complaints. Be sure to document your train of thought, rational and show the progression of treatment. Records need to reflect due diligence in solving dilemmas as they present in treatment. Show that you gathered your data and made determinations based on fact.

### Children's Medical Records and Parental Access

If parents have joint custody of the children, each parent has parental rights to access the children's medical records. It is important to be familiar with the following laws:

#### **S.C. Code of law- Section 63-5-30 reads:**

Each parent, whether the custodial or non-custodial parent of the child, has equal access and the same right to obtain all educational records and medical records of their minor children unless prohibited by order of the court.

#### **HIPAA and other Federal Regulations state:**

Licensed health care professions, including psychologists, do not have the right to withhold records from a minor's personal representative (as defined by HIPAA to include non-custodial parents) unless there is a current court order limiting that non-custodial parents access to medical records.

In absence of a court order limiting or denying a non-custodial parents' access to medical records, non-custodial parents have the right of access to their children's medical records, which would include assessments or therapy records kept by a psychologist.

If there are clinical concerns as to why the clinical records should not be released then these should be addressed and caution taken in releasing the information. In these cases, obtaining a release from both parents is important to maintain levels of trust, though not legally required.

### Termination and Proper Notice

Another potential issue is related to appropriate terminations of employment. As licensees move to new positions, they are reminded to follow protocol and give reasonable notice, as determined by their current employer. Professional positions usually require an employee to give two to four weeks notice. Leaving a job without proper notice can be seen as abandonment of your clients.

### Retention of Clinical Records

The retention of records is another hot topic. Information on retention of records varies based on setting, agency, and state law.

There is nothing stated in the Social Work Statute that gives guidance on how long to keep records; however, the Board takes a conservative approach suggesting that records should be kept for 10 years.

The Mental Records Act, which regulates most mental health professionals, states that those records should be kept for a minimum of 5 years. The law regarding mental health records states that records are kept for 10 years. Mental health settings keep records for 10 years, plus years past the age of majority. As another guide, the Psychology Board of Examiners suggests keeping records for a five-year minimum, unless the patient is a minor. The Psychology Board states that you keep records three years past the age of majority. If in private practice, you are probably safe to destroy records after 5 years retention for adults and the age of majority plus three years for youth records. If you want to be conservative, retain records for ten years.

### **Mandatory Reporting**

Information on Mandatory Reporters and Youth Related Laws, Rights and Restrictions in South Carolina can be found at The Children's Law Center at (803) 777-1646 or at its website at: <http://childlaw.sc.edu>.

For information on S.C. Law regarding mandatory reporting, go to: [SC Code of Laws Section 40-63-190](#)

**Duty to Warn Statute:** [Confidentiality Statute](#) and [Chapter 63](#)

### REFERENCES

American Psychological Association Practice Organization (Fall, 2008) Good Practice, "Tools and Information to Help You Manage and Grow Your Practice." Article on In the Best Interests of children.

Children's Law Center (803) 777-1646 or <http://childlaw.sc.edu> Website gives information on Mandatory Reporters and Youth Related Laws, Rights and Restrictions in South Carolina.

American Psychological Association (1994). Guidelines for Child Custody Evaluations in Divorce Proceedings, American Psychologist ( July 1994 Vol. 49 No. 7, 677-680. APApractice.org

Kelly, J.B. (2008). Preparing for the Parenting Coordinator role: Training Needs for Mental Health and Legal Professionals, Journal of Child Custody 5 (1/2), 140-159. This issue contains several articles on parenting.

Kollar, Michael (2004) Rights of Custodial/Non-Custodial Parents Regarding Their Children's Record in S.C. Psychology Newsletter.

Luftman, Virginia, Veltkamp, Lane, Clark, James; Lannacone, Sharon, and Snooks, Howard (2005). Practice Guidelines in Child Custody Evaluations for Licensed Clinical Social Workers. Clinical Social Work Journal, Vol. 33, No. 3, Fall 2005. DOI: 10.1007/s10615-005-4947-4.

South Carolina Department of Labor, Licensing and Regulation, Board of Social Work Examiners (November, 1999). Regulations Pertaining to the Practice of Social Work in South Carolina, Chapter 110-20. Principles of Professional Ethics, page 3-4.

South Carolina Department of Labor, Licensing and Regulation, Board of Social Work Examiners (March, 2002) An Act to Provide For the Regulation and Licensing of Social Workers, Chapter 63 Code of Laws of South Carolina.

## **All Employers Must Comply with S.C. Immigration Act by July 1, 2010**



The "South Carolina Illegal Immigration Reform Act" that was signed into law by Governor Mark Sanford on June 4, 2008 will soon be applicable to all businesses in South Carolina regardless of the number of employees.

Compliance with this law began July 1, 2009, for private employers who employ 100 or more employees. For private employers who employ less than 100 employees, the compliance date is July 1, 2010.

The law requires all employers to verify the legal status of new employees and prohibits employment of any worker who is not legally in this country and authorized to work. The South Carolina Department of Labor, Licensing and Regulation's Office of Immigrant Worker Compliance is charged with investigating complaints and conducting random audits of private employers to assure compliance. Failure to comply can result in severe monetary penalties and revocation of an employer's right to operate their business.

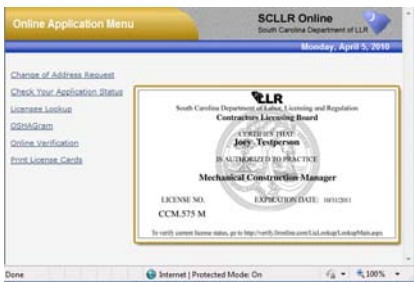
During the first year, LLR investigators found that most large employers (more than 100 workers) were in compliance with the law. When violations were found they generally were because

- employers who were using E-Verify to verify their employees, did not do so within the five-day timeframe required by the law.

- employers who were using driver's licenses to verify employees, did so using a driver's license from a state not on the approved list.

For more information on the law, visit [www.llronline.com/immigration/](http://www.llronline.com/immigration/).

## Wallet Cards are Available for LLR Licensees



The S.C. Department of Labor, Licensing and Regulation (LLR) has heard from many licensees that they would like a wallet card identifying them as licensed in their chosen occupation or profession, and we listened.

Licensees now have the capability through LLR's Website to download and print a wallet card as a courtesy. The cards can be printed from your printer at your convenience, and you will need Adobe Reader installed on your PC to view and print the card. For best results, use card stock instead of copy paper to print a more durable card.

### Instructions to Print Your Wallet Card

- Go to <https://verify.llronline.com>.
- Click on the "Print License Card" link on the left of the screen.
- Login with your username and password or last five digits of SSN and last name/company name.
- Click Login.
- A list of all active licenses will appear on screen.
- Click the PDF icon to the right for the license you want to print.
- The wallet card will open in a new Adobe Reader window.
- Print the wallet card.
- Logout.