

248 FINAL REGULATIONS

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Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The updated regulations will publish the contents of the residential property condition disclosure form bringing the Commission into compliance with statute.

Document No. 5252
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF SOCIAL WORK EXAMINERS
CHAPTER 110

Statutory Authority: 1976 Code Sections 40-1-70 and 40-63-70

110-1. Continuing Education Requirements.

110-20. Principles of Professional Ethics.

110-30. The Practice of Masters Social Work in a Supervised Clinical or Advanced Practice Setting. (New)

Synopsis:

The Board of Social Work Examiners proposes to add to, amend, and/or repeal its regulations in Chapter 110 of the Code of Regulations.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

ARTICLE 1
CONTINUING EDUCATION

110-1. Continuing Education Requirements.

A. The Board recognizes that social work is a practice of a profession which must conform to the public’s expectation of professional competency. It further recognizes that structured programs of continuing education will provide licensees with opportunities for maintaining and improving competency as well as the satisfaction of new professional development.

B. As a pre-requisite for biennial renewal of the practitioner’s license, the licensee must complete a minimum of 40 contact hours of accepted professional continuing education per renewal period. This requirement becomes effective during the one-year period following the January 1, 1990, license renewal date, and during each year thereafter.

C. The general guidelines for completing forty (40) contact hours of instruction are:

(1) Accepted instruction will be those courses, conferences, seminars, etc., as approved by the Board pursuant to subsection D below.

(2) Only student class hours or the equivalent will be counted as credit.

(3) As a lecturer or discussion leader for materials directly related to the profession of social work, you may receive two hours per hour of presentation time to account for presentation and development of materials. Licensees may not receive credit for teaching the same course more than once per renewal period.

(4) Except in unusual circumstances, credits will not be given for repeating an instructional course.

D. Approval for continuing education credit:

(1) Approval for continuing education credit shall be provided by persons designated by the Board upon guidelines and standards established by the Board pursuant to these Regulations.

(2) Application for continuing education credit approval shall be in the manner and form designated by the Board.

(3) Application for approval shall be processed at times, and in the manner, designated by the Board up to the date of submission of the continuing education report. The risk of disapproval shall be borne by the sponsor or applicant for continuing education credit.

110-20. Principles of Professional Ethics.

1. The social worker shall not exploit relationships with clients for personal or business advantages, other than the proper, reasonable and agreed upon compensation for his services to the client.

2. The social worker shall not solicit the clients of his employing agency for private practice.

3. The social worker will inform clients of any possible or apparent conflict of interest and shall terminate service to clients, and professional relationships with them, when such service and relationships are no longer required or in which a conflict of interest does arise, in such a manner which does not endanger the client's life.

4. 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 three years.

5. A social worker shall not exploit his professional relationships with clients (or former clients), supervisor, students, employees, or research participants, sexually or otherwise. A social worker does not engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

6. The client/social worker relationship shall be presumed to continue to exist for a period of six months after the last provision of services except where circumstances such as, but not limited to, selection of a new therapist shows otherwise.

7. A social worker will give precedence to his professional responsibility over his financial interests.

8. A social worker shall not commit fraud and shall not represent that he performed services which he did not perform.

9. A social worker will not divide a fee or accept or give anything of value for receiving or making a referral.

10. A social worker should provide clients with accurate and complete information regarding the extent and nature of the services available to them.

11. A social worker shall not participate in or condone fraud or any other misrepresentation. A social worker shall not misrepresent professional qualifications, education, experience, affiliations, or services performed.

12. In connection with his work as a social worker, a social worker shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.

13. A social worker shall not repeatedly fail to keep scheduled appointments.

14. A social worker who anticipates the termination or interruption of service to clients shall notify such clients promptly and seek the transfer, referral, or continuation of service in relation to the clients' needs and preferences.

15. A social worker shall respect the privacy of clients and hold in confidence all information obtained in the course of professional service except for compelling reasons. Compelling reasons shall include, but are not limited to:

- a. Consultation with another professional on behalf of the client;
- b. Duty to warn;
- c. Child abuse and sexual molestation;
- d. Statutory requirements.

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16. The social worker shall obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

17. The social worker shall report to the appropriate authorities any incident, of which he has personal knowledge, of unethical social practice by any individual or organization.

110-30. The Practice of Masters Social Work in a Supervised Clinical or Advanced Practice Setting.

Per S.C. Code Section 40-63-20(26), a Licensed Master Social Worker (LMSW) may engage in supervised clinical or advanced practice in social, medical, or governmental agencies.

A. Definitions:

(1) Governmental Agency is defined as an organization or entity established by federal, state or local government.

(2) Medical Agency is defined as an organization, entity, or practice that provides health care, including mental health services, to the public and to the community, including but not limited to hospitals, clinics, doctor's offices and hospice.

(3) Social Agency is defined as an organization, entity or practice that may or may not be funded all or in part by public funding, donations, grants or the like, that provides health, welfare, rehabilitative or other social services to the public and to the community and may bill a client or a third party for the provision of those services. A social agency may also provide these services without regard to the client's ability to pay.

B. A LMSW can provide clinical or advanced practice social work services in any of the above-defined practice settings if under the supervision of an appropriately-credentialed professional employed by the agency where the LMSW is practicing. The LMSW does not need to directly report to the supervisor, but the supervisor must be part of the supervision chain, examples include treatment team meetings and staffings. An appropriately-credentialed professional must maintain an active and unencumbered South Carolina license as one of the following:

- (1) A physician;
- (2) An independent social worker (LISW);
- (3) A psychologist;
- (4) A psychiatrist;
- (5) A professional counselor (LPC);
- (6) A marriage and family therapist (LMFT); or
- (7) A licensed addiction counselor (LAC).

C. The supervisor is responsible for the nature and quality of the services provided to the client; and if the client is billed for those services, the supervisor bills the client or a third party for the services provided.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

The updated regulation will clarify continuing education credit granted for lecturing or serving as a discussion leader and will add a regulation addressing the practice of Masters Social Work in a supervised clinical setting or advanced practice setting.