

258 MA ADC 22.01
258 CMR 22.01

CODE OF MASSACHUSETTS REGULATIONS
TITLE 258: BOARD OF REGISTRATION OF
SOCIAL WORKERS

CHAPTER 22.00: CONFIDENTIAL
COMMUNICATION

Current through April 12, 2002, Register #945

22.01: Nature and Scope

No person licensed under M.G.L. c. 1: § 130 through 137 or an employee of such person may disclose any information he/she may have acquired from persons consulting him/her in his/her professional capacity, except:

(1) With the written consent of the person or, in the case of death or disability, of his/her own personal representative, of any other person authorized to sue, or of the beneficiary of an insurance policy on that person's life, health, or physical condition;

(2) That a licensed certified social worker, including those engaged in independent clinical practice, and those practicing as licensed social workers or as licensed social work associates, shall not be required to treat as confidential a communication

that reveals the contemplation or commission of a crime or a harmful act;

(3) When the person waives the requirement of confidentiality by bringing charges against the licensed certified social worker, the independent clinical practitioner, the licensed social worker, or the licensed social work associate.

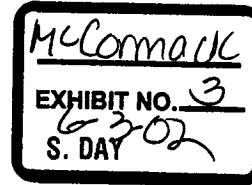
(4) If the licensee has reasonable grounds to suspect that a child has been abused or neglected.

(5) Communications made in the course of a social work examination ordered by a court of competent jurisdiction when the client has been informed before the examination that any communications made during the communication would not be privileged.

<General Materials (GM) - References,
Annotations, or Tables>

Mass. Regs. Code tit. 258, § 22.01

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CODE OF MASSACHUSETTS REGULATIONS
TITLE 258: BOARD OF REGISTRATION OF
SOCIAL WORKERS
CHAPTER 20.00: CODE OF ETHICAL
PRACTICE

Current through April 12, 2002, Register #945

20.02: Standards of Practice and Conduct

(1) A social worker shall not engage in unethical or unprofessional conduct. "Unethical or unprofessional conduct" includes, but is not limited to, the following:

(a) Violating any provision of M.G.L. c. 11 § 130 through 137, inclusive, or any regulation of the Board promulgated thereunder;

(b) Engaging in, authorizing or aiding or abetting fraud, deceit, misrepresentation of material facts, the provision of false or forged evidence, or bribery in connection with any application for the issuance or renewal of a social work license;

(c) Engaging in, authorizing, or aiding or abetting fraud, deceit, misrepresentation of material facts, the provision of false or forged evidence, or bribery in the course of his or her professional practice;

(d) Using, or attempting to use, a license which has been revoked or suspended, which has expired, or which belongs to another person;

(e) Authorizing or permitting a person to perform functions or services which constitute the practice of social work, as defined in M.G.L. c. 11 § 130, when one knows or has reason to know that said person is not licensed by the Board and that a license is required for the performance of those functions or services;

(f) Authorizing or permitting a licensed social worker to perform a particular social work function or service, when one knows or has reason to know that the performance of that function or service exceeds the legally permissible scope of practice for that level of licensure, or when one knows or has reason to know that the individual in question does not possess the knowledge or skills necessary for proper performance of that function or service;

(g) Performing or attempting to perform ongoing social work services without the informed consent

of the client, the client's legally authorized representative, or, in the case of an unemancipated minor client, the client's parent or legal guardian;

(h) Offering, giving, soliciting, receiving or agreeing to receive any fee or other consideration to or from a social worker or other health care professional for the referral of a client;

(i) Engaging in any other conduct which violates federal or state law or the civil or legal rights of a client; or;

(j) Engaging in any course of conduct which is expressly prohibited by, or which constitutes a failure to conform to, any provisions of the Code of Ethics of the National Association of Social Workers, as adopted by the 1979 NASW Delegate Assembly and amended from time to time hereafter, to the extent that said provision is not inconsistent with federal or state law.

(2) A social worker shall not perform, or offer to perform, any function or service which he or she is not authorized by law to perform. Such functions or services include, but are not necessarily limited to, the following:

(a) Prescribing, furnishing, or administering any pharmacological agent to a client in the course of his or her professional practice, whether or not the pharmacological agent in question is a controlled substance under federal or state law;

(b) Diagnosing or attempting to diagnose any organic illness or disorder through the use of medical tests, examinations or procedures, rather than through accepted social work methods;

(c) Prescribing or administering any form of organic or medical therapy or treatment; or

(d) Otherwise performing or providing any function or service which exceeds the legally permissible scope of practice for his or her level of licensure, as defined in 258 CMR 12.01 through 12.05.

(3) A social worker shall not perform any function or service in a negligent or incompetent manner. A function or service is performed in a negligent or incompetent manner if:

- (a) The social worker, in performing that function or service, failed to exercise that degree of care and skill which is ordinarily exercised by a reasonably prudent social worker in like circumstances; or
- (b) The social worker performed the function or service in spite of the fact that he or she knew, or had reason to know, that performance of that function or service was beyond the scope of his or her skills, training or expertise.
- (4) A social worker shall not perform, or offer to perform, any function or service at any time while he or she is impaired as a result of intoxication due to the use of alcohol or drugs, or as a result of incapacitation due to mental illness.
- (5) A social worker shall not engage in, solicit, or otherwise attempt to engage in any form of sexual relationship or activity with a client.
- (6) A social worker shall not engage in, or attempt to engage in, any relationship with any third person which would conflict with the best interests of a client.
- (7) A social worker shall not engage in, facilitate, or collaborate in any form of discrimination on the basis of race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, marital status, status as a veteran or member of the armed forces, blindness, hearing impairment or any physical or mental disability with respect to the availability, provision, or performance of any professional function or service.
- (8) A social worker shall, at all times, maintain the confidentiality of client records, and/or information obtained from a client in the course of his or her professional practice, to the extent required by M.G.L. c. 112, § 135 through 135B and other applicable state and federal laws or regulations.
- (9) A social worker shall inform a client about the limits on the confidentiality of client records, and/or information obtained from that client in the course of their professional relationship, as set forth in applicable state or federal law, at the outset of that professional relationship.
- (10) A social worker shall provide a client with access to any and all social work records pertaining to that client upon request and to the extent permitted by applicable state or federal law.
- (11) A social worker shall not use any information obtained from a client in the course of providing professional services to that client, including but not limited to the fact that he or she has a professional relationship with that client, for his or her own private or pecuniary gain without the informed written and voluntary consent of that client. 258 CMR 20.02(11) shall not prohibit a social worker from disclosing or making use of information about a client, to the extent authorized by M.G.L. c. 112, § 135A(d), in order to collect amounts owed by the client for professional services rendered.
- (12) A social worker shall comply with all applicable federal and state laws and regulations pertaining to informed consent, confidentiality of information, and treatment of research subjects, in any and all research activities.
- (13) A social worker shall provide a client with adequate and timely information about the fees which he or she charges for professional services rendered and the manner in which such fees may be paid, including adequate and timely information about the availability of insurance benefits and the date of exhaustion of any such coverage.
- (14) Upon request, a group social work practice shall provide the names and licensure levels of all social workers employed by or affiliated with the group practice, including supervisors and consultants.
- (15) Violation of any provision of these Standards of Practice and Conduct shall constitute "malpractice" or "gross misconduct in the practice of the profession" within the meaning of M.G.L. c. 112, § 61, and shall be grounds for disciplinary action by the Board.

< General Materials (GM) - References.
Annotations, or Tables >

Mass. Regs. Code tit. 258, § 20.02

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