

Make a difference!

FALL 2015



BSWE Newsletter

BSWE Fall 2015 Newsletter



Greetings colleagues! I hope each of you had a very nice spring and summer. It has been a busy summer for the Board of Social Work Examiners as we continue to strive to protect the public.

We restructured our regular Board meeting day and now hold the Open Session at 10:15 am on the second Friday of each month followed by the closed disciplinary session. We also devised an improved committee structure and schedule to be more efficient and therefore, more supportive of the Board staff whose daily efforts strengthen the Social Work Profession in Maryland. Since Spring 2015, C.O.M.A.R. 10.42.05, Fee Schedule, was amended due to the legislative mandate for Boards to be self-sufficient, C.O.M.A.R. 10.42.06 , Continuing Education Requirements, was amended to allow a longer time period for licensees to request an extension of time from August 31 to October 1 of the license renewal year, conducted a CEU webpage survey, increased the number of licensees chosen for random CEU audits and held a Board meeting at Morgan State University.

The Board has dealt with a few major issues this year. First, I regret to note that I need to repeat myself from an earlier newsletter which discussed the increase of complaints on LCSW-Cs who have not been approved by the Board to be supervisors, but continue to present themselves to LGSWs as such; costing the graduate licensees considerable lost time toward advanced licensure. We continue to receive complaints from LGSWs who were misled by LCSW-Cs who are not board approved supervisors. The Board will be taking stronger disciplinary actions, including fines against those LCSW-Cs for their fraudulent deception. I can't remind LGSWs enough that they too have a responsibility to confirm that their supervisor is a Board approved supervisor in order to be able to sit for the LCSW or LCSW-C examination. Confirmation can be made by checking the Maryland Board of Social Work Examiners website. Just click on the second tab down on the left which is entitled 'Verify a Supervisor'.

The second major issue is the number of licensees who renew their licenses without completing the continuing education requirements. Every year licensees are randomly selected for an audit of their CEUs. Licensees who are substantially out of compliance risk stiff fines, are placed on the automatic audit list, and face possible additional sanctions on their licenses. I want to encourage you to keep a valid record of your CEUs for 3 years.

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The Board also wants to clarify what seems to be a misconception that licensed social workers need an Alcohol and Drug Certificate from the Board of Professional Counselors and Therapists to work with clients with alcohol and drug problems. That is not true. Licensed social workers who have received related training, and have experience and skills may and should serve these populations.

In ending, the BSWE wants to recognize and thank Judy Levy, former chairwoman and Tom Smith, both who served two full terms on the Board. Their contributions will be missed. Looking forward I want to welcome recently appointed Board members Aimee Williams and Karen Richards. I would encourage any licensee in good standing to consider applying for an appointment to the Board. Further information may be found on the Board's website under the Board Members tab on the left hand side.

*Mark Lannon, LCSW-C,
Board Chair*

REPORTING CHILD AND ADULT ABUSE in MARYLAND

In the course of social work practice, it is likely that a social worker may encounter a situation involving child or adult abuse or neglect. This article will highlight the requirements of child/adult abuse and neglect reporting and address basic questions relating to mandated reporting.

What constitutes abuse or neglect?

"Child abuse" means one or more of the following by a parent, caretaker, or household or family member:

- (a) Physical injury, not necessarily visible, or mental injury of a child, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or
- (b) Sexual abuse of a child, regardless of whether the child has physical injuries.

"Child neglect" means one or more of the following by a parent or caretaker:

- (a) A failure to provide proper care and attention to a child, including leaving a child unattended, under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm; or
- (b) Mental injury or a substantial risk of mental injury of a child that is caused by the failure to provide proper care and attention to a child.

A vulnerable adult (an adult who lacks the physical or mental capacity to provide for the adult's daily needs) is eligible for an investigation of reports by himself or others when abuse, neglect, self-neglect, or exploitation is occurring.

“Abuse” means the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by a person.

"Neglect" means the willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or habilitative therapy, shelter, or supervision.

"Self-neglect" means the inability of a vulnerable adult to perform activities of daily living or to provide the vulnerable adult with the services necessary for the vulnerable adult's physical and mental health; and the absence of which impairs or threatens the vulnerable adult's well-being.

"Exploitation" means any action which involves the misuse of a vulnerable adult's funds, property, or person.

Who is required to report abuse or neglect?

An individual who has reason to believe that a child or adult has been abused or neglected shall immediately notify a local law enforcement agency or a Local Department of Social Services (LDSS). Mandated reporters are required to make both an oral and written report relating to child or adult abuse/neglect. Reporters must use Form DHR/SSA 180 for the written report (available on the DHR website) The reporter does not have to establish that abuse or neglect has occurred, only that there is a reasonable belief based upon the person's judgment. When in doubt, report your concerns or contact the LDSS for consultation.

What is a mandated reporter?

Mandated reporters include police officers, educators, health practitioners and human service workers. Human service workers are professionals working in specified fields, including social work.

What if my client reports being abused as a child?

If an adult client reports that he or she was abused as a child, the act must be reported, even if the alleged perpetrator is deceased. However, the LDSS will not generally investigate unless the alleged abuser is still in proximity of children, making children vulnerable to potential abuse.

Is corporal punishment abuse?

Maryland law allows parents to use “reasonable” corporal punishment as a method of discipline. When corporal punishment results in injury to a child it must be reported to the LDSS to determine if the injury resulting from the punishment meets the criteria for child abuse.

What if the abuse took place in another state or in multiple locations?

If the suspected child abuse/neglect allegedly took place out of state, file the report with the LDSS in Maryland. It is the responsibility of the LDSS to forward the report to other jurisdictions.

What information is needed to make a report?

The reporter should make every effort to provide the following at the time of making the report:

- Name, sex, birth date, race, address, school , school grade of the alleged victim
- Name, age and address of person(s) responsible for child's or Adult's care
- Names, ages, addresses of parents of minors, or other household members if known.
- Name of suspected abuser/neglector
- State the nature of the current abuse/neglect
- List any known information regarding past abuse/neglect to the child/adult or other children/vulnerable adults in the family
- Information known about family functioning
- Are there weapons in the home?
- Is there a history of violence, drugs, mental illness or retaliation in the home?

Additional information is available on the Maryland Department of Human Resources website at www.dhr.maryland.gov.

SOCIAL WORK SUPERVISION

Reminder to LBSWs:

This is a friendly reminder to Licensed Bachelor Social Workers. A **LBSW MUST be supervised** by a **qualified social work supervisor** who is licensed at the Licensed Certified Social Worker level or Licensed Certified Social Worker-Clinical level. An **LBSW MAY NOT supervise** an individual in the practice of social work.

Reminder to LGSWs:

A **LGSW MUST be supervised** by a qualified social work supervisor who is licensed at the LCSW or LCSW-C level. **If a LGSW is pursuing advanced licensure**, the social work supervisor must be registered and Board approved AND a contract for supervision must be initiated before supervision begins. An **LGSW MAY NOT supervise** an individual in the practice of social work.

Reminder to LCSWs & LCSW-Cs:

A qualified social work supervisor is an individual who is licensed by the Maryland Board at the LCSW or LCSW-C level; has obtained at least 18 months of social work experience after obtaining the LCSW or LCSW-C license; and has met the educational requirement in social work supervision training. **All** LCSW and LCSW-C supervisors must have met these requirements in order to qualify as social work supervisors. LCSWs or LCSW-Cs wishing to supervise LGSWs for advanced licensure must file a registration form with the Board; have a license which is unencumbered and without restrictions or conditions

due to discipline for the 5 years preceding supervisor status; have been approved as a supervisor by the Board; and have established and maintained a written contract for advanced licensure to provide supervision to the supervisee.

It is the responsibility of all licensed social workers to practice social work in accordance with the social work statute and regulations. Please review the entire chapter on supervision, COMAR 10.42.08, which can be found on the Board's web site.

The Social Work Supervisor, Tyrone D. Willoughby, Jr. LCSW-C, can be contacted for any needed clarification at tyrone.willoughby@maryland.gov or 410-764-3895.

ADEQUATE CLIENT RECORDS

Failing to maintain adequate client records is a violation listed in Health Occupation Article § 19-311 of the Maryland Social Worker Act and the Board's regulations COMAR 10.42.03 Code of Ethics.

The licensee shall maintain documentation in the client's record which: accurately reflects the services provided; indicates the time and date the services were provided; protects the client's privacy by including only information directly relevant to the delivery of services; is sufficient and timely to facilitate the delivery and continuity of services to be delivered in the future; and is reasonably accessible for the period required by law after termination of services. In addition, records should be legible.

If a social worker charges a fee for service, then the social worker must maintain adequate financial records. The social worker must make the client aware of the services available and the cost of those services.

These are minimal standards and therefore you may want to consult a professional association of social work regarding additional standards. If you work in an organization or in a particular specialty area, there may be additional requirements regarding documentation.

OTHER REQUIREMENTS FOR MEDICAL RECORDS:

Posted on the Board's website, under the "Statute and Regulations" tab you can find requirements related to medical records which all health care practitioners must follow, including social workers.

HEALTH-GENERAL: TITLE 4. STATISTICS AND RECORDS

Subtitle 3. Confidentiality of Medical Records

- § 4-301. Definitions
- § 4-302. Confidentiality and disclosure generally
 - § 4-302-1. Medical care electronic claims clearinghouses
- § 4-303. Disclosure upon authorization of a person in interest
- § 4-304. Copies of records; changes in records

- § 4-305. Disclosures without authorization of person in interest - In general
- § 4-306. Disclosures without authorization of person in interest - Investigations
- § 4-307. Disclosure of mental health records
- § 4-308. Liability for good faith actions
- § 4-309. Refusal to disclose records; violations of subtitle; penalties

Subtitle 4. Personal Medical Records

- § 4-401. Concealment of records and reports
- § 4-402. Recording admission of veterans
- § 4-403. Destruction of medical records

The section on Destruction of Medical Records includes requirements related to how long medical records must be maintained before the records can be destroyed and requirements for the records after the death, retirement, surrender of the license or the discontinuance of the practice or business.

PLEASE NOTE: The Board cannot provide a licensee with advice which may constitute legal advice in matters related to the requirements in Health General – Title 4. The Board recommends that a licensee consult a professional social work association, a colleague or an attorney.

CLARIFICATION ON CULTURAL DIVERSITY TRAINING

It has come to the Board's attention that some licensees may have been told that one could attend a cultural diversity training and have this course meet the Ethics requirement for license renewal. **This information is incorrect.**

According to C.O.M.A.R. 10.42.06.03.A. (1) (b) Continuing Education Requirements, "3 of the required Category 1 continuing education units shall have a content area focusing on ethics and professional conduct, including boundary issues or pertaining to standard of practice and laws governing the profession of social work in Maryland".

The Board recognizes that Cultural Diversity training is one of many important areas that social workers should include in their overall plan to attend courses that enhance their professional skills, knowledge, and professional competence.

TEN REMINDERS FOR LCSW AND LCSW-C SUPERVISORS

- (1) Remember: You must meet the qualifications to supervise a licensee in the practice of social work, COMAR 10.42.08.04 and fulfill the responsibilities listed in COMAR 10.42.08.05.

- (2) Remember: In order to supervise LGSW social workers for the purposes of advanced licensure, you must submit a registration to be approved by the Maryland Board of Social Work Examiners.
- (3) Remember: A Contractual Agreement Form must be established with the LGSW who is pursuing advanced licensure. It must be initiated before supervision begins; have all signatures; and be the original document. The LGSW keeps the original for inclusion in the advanced licensure application.
- (4) Remember: As a supervisor, you “shall ensure that a supervisee has read and is knowledgeable about Health Occupations Article, Title 19, Annotated Code of Maryland, and COMAR 10.42.01—10.42.09”.
- (5) Remember: If you supervise an individual for the purposes of advanced licensure, you are expected to complete the Supervision Verification Form, which is a required document in the advanced licensure application.
- (6) Remember: The responsibilities of a supervisor include regular evaluations of the supervisee’s practice. These evaluations should include the individual’s readiness to move to an advanced level of practice.
- (7) Remember: One of the greatest components of supervision is the teaching of the principles as well as the practice of the social work profession.
- (8) Remember: Being a supervisor carries the responsibility of oversight of the supervisee’s knowledge, skills and abilities. This responsibility includes the “gate-keeper” function.
- (9) Remember: A supervisor should always consider the professional growth and development of the supervisee as a significant “work in progress.”
- (10) Remember: Do not become “stale” as a supervisor. Your own professional growth and development is also an on-going process and your knowledge, skills and abilities as a supervisor deserve your attention.

Questions regarding supervision for the general practice of social work and for advanced licensure should be directed to the Social Work Supervisor, Tyrone D. Willoughby, Jr. LCSW-C, 410-764-3895 or tyrone.willoughby@maryland.gov.

APPLICANTS FOR SOCIAL WORK LICENSES AND LICENSED SOCIAL WORKERS ARE NOT IMMUNE TO SUBSTANCE MISUSE AND ABUSE

The purpose of this article is not to point fingers at anyone with regard to their alcohol consumption. However, the misuse of alcohol and other drugs (AODs) is a public health issue, one that comes at great personal and professional cost to individuals, their families and often their careers. Social workers are not immune to AOD misuse, and the potential for harm extends beyond personal consequences to compromised patient care and possibly disruption in their career goals (Siebert, 2005). As a Professional Member of the Board of Social Work Examiners and a member of the Board's Credentialing Committee, I have noted a significant number of applicants applying for licensure indicating DUIs and DWIs when they answer the questions on the application for licensure.

Based on its review, the Credentialing Committee can recommend that the application be approved or disapproved. Recommendations for disapproval are forwarded to another Board committee, the Disciplinary and Case Review Committee – DCRC. This process can delay the applicant's ability to take their exam and could ultimately even hinder the applicant's ability to receive their license to practice social work.

As social work students, we are taught the dangers that alcohol misuse has on individuals, families, organizations and even the environment. However, we are not taught to be aware of the dangers our own alcohol consumption may have on our ability to become licensed to practice social work nor how our misuse of alcohol may affect our practice with our clients.

Licensed social workers are mandated to follow the *Board's Code of Ethics COMAR 10.42.03*. More specifically *COMAR 10.42.03 .04 Responsibilities to Colleagues includes C. Licensees having knowledge of a colleague's impairment or incompetence should take reasonable measures to assist the colleague in taking remedial action. In cases where the colleague does not address the problem, or in any case in which welfare of a client appears to be in danger, the licensee shall report the impairment or incompetence to the Board.*

Submitted By:
Joyce A. Bell, Ph.D, LCSW-C
Board Member

WELCOME NEW BOARD MEMBERS

This past July, 2015 Governor Larry Hogan appointed **Aimee Elizabeth Williams, LCSW-C** and **Karen Richards, LCSW-C** to four year terms on the Board of Social Work Examiners.



Ms. Williams, a resident of Arnold, Maryland, is employed by the United States Public Health Service as Assistant Secretary for Response and Readiness in the Office of Emergency Management. She has experience as a Clinical Social Worker, a social work administrator and a supervisor of interns from various branches of the military.



Ms. Richards, a resident of Reisterstown, Maryland, is employed as an Advanced Social Worker, Criminal Justice, in the Maryland Department of Juvenile Services. She has held a number of positions as a Clinical Social Worker serving children and adolescents in various settings in addition to serving as a supervisor of interns from the University of Maryland School of Social Work.

The twelve member Board welcomes Ms. Williams and Ms. Richards and thanks them for their commitment and willingness to serve which is evidenced by already joining several Board committees.

IN THE EVENT OF THE DEATH OF A SOCIAL WORKER

It is important for the Board to be aware of the status of our licensees and to keep all licensing information up-to-date. Please contact the Board **in writing** if you are aware of the death of a social worker. Send a letter, email or fax to:

Gloria Jean Hammel, LCSW-C
Director, Certification and Licensing
Maryland Board of Social Work Examiners
4201 Patterson Avenue
Baltimore MD 21215-2299
Gloria.hammel@maryland.gov
FAX: 410-358-2469

Please include a copy of the death notice, obituary, death certificate, the posting from the funeral home's website, or memorial service program booklet.

REMINDERS

Per THE ASSOCIATION OF SOCIAL WORK BOARDS' website:

“The Association of Social Work Boards' Approved Continuing Education (ACE) program identifies and recognizes high-quality continuing education providers that can deliver quality programs in many topics, through in-person or distance learning settings.”

For more information, click on <http://www.aswb.org/ace>

Sponsors

If you have a concern around an approved sponsor and/or the trainings or activities you have taken, please contact the approved sponsor directly. If you would like to speak with a staff member, please contact: Deborah A. Evans, CEU Coordinator at deborah.evans@maryland.gov

Discipline

Public Orders (formal disciplinary actions) from 2005 – present may be viewed on the Board's website: www.dhmh.maryland.gov/bswe . The link to the Public Orders is on the left menu.

Supervision

The Board can only accept hours of social work experience & social work supervision for advanced licensure if:

- ⇒ The LCSW or LCSW-C supervisor is Board approved and
- ⇒ The contract for supervision was initiated before supervision began

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