

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

Chapter 03 Code of Ethics

Authority: Health Occupations Article, §§1-212, and 19-101—19-502, Annotated Code of Maryland

.01 Scope and Purpose.

A. This chapter governs the professional conduct of social workers licensed by the Board regardless of whether the service delivery is in person, telephonically, or electronically.

B. The objective of this chapter is the protection of the public. The best interest of the public shall be the primary guide in determining the appropriate professional conduct of all individuals whose activities are regulated by the Board.

C. A social worker has a responsibility to practice ethically by considering the potential benefit versus risk of harm to clients when planning and delivering professional social work services, including respecting and facilitating clients' rights to make informed decisions.

02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the Board of Social Work Examiners.

(2) "Client" means the individual, couple, family, or group to whom the licensee is rendering professional service.

(3) "Dual relationship" means a relationship in which a licensee is involved with a client professionally and in any other capacity.

(4) "Impairment" means a licensee whose diminished capacity affects the licensee's practice of social work because of:

(a) Substance abuse;

(b) Psychological illness; or

(c) Physical illness.

(5) "Inappropriate sexual language" means:

- (a) An eroticized or sexually provocative comment; or
- (b) An inappropriate discussion of a sexual matter unrelated to client treatment.

(6) "Sexual behavior" means:

- (a) A sexual act as specified in Criminal Law Article, §3-301(e) and (g), Annotated Code of Maryland; and
- (b) Sexual contact as specified in Criminal Law Article, §3-301(f), Annotated Code of Maryland.

(7) "Sexual exploitation" means a situation in which the licensee takes advantage of the unequal relationship between the licensee and client, a student, or a supervisee to obtain sexual favors.

(8) "Sexual harassment" means:

- (a) A deliberate or repeated comment unrelated to client treatment; or
- (b) An advance, gesture, solicitation, request, intimidation, or physical contact of a sexual nature.

(9) "Sexual misconduct" means:

- (a) Inappropriate sexual language;
- (b) Sexual exploitation;
- (c) Sexual harassment;
- (d) Sexual behavior; or
- (e) Therapeutic deception.

(10) "Supervisee" means the individual to whom the licensee provides professional, educational, or administrative supervision or direction.

(11) "Therapeutic deception" means a representation by a licensee that sexual contact or sexual activity by or with the client is consistent with or part of the client's treatment.

(12) "Therapeutic relationship" means the relationship between a licensee and a client, in the practice of social work.

.03 Responsibilities to Clients.

A. The licensee shall:

- (1) Apprise the client of the risks, opportunities, and obligations associated with services available to the client;
- (2) Make the fee for service clear, maintain adequate financial records, stipulate payment schedules, and confirm arrangements for financial reimbursement with the client;

(3) Notify the client promptly and seek the transfer, referral, or continuation of service in relation to the client's need or preference if the licensee anticipates the termination or interruption of service;

(4) Prepare and disseminate to an identified colleague or record custodian a written plan for the transfer of clients and files in the event of the licensee's incapacitation, death, or termination of service; and

(5) Maintain documentation in the client's record which:

(a) Is legible;

(b) Accurately reflects the services provided, including treatment plans, treatment goals, and contact notes;

(c) Indicates the time and date the services were provided;

(d) Protects the client's privacy by including only information directly relevant to the delivery of services;

(e) Is sufficient and timely to facilitate the delivery and continuity of services to be delivered in the future;

(f) Is reasonably accessible for the period required in Health General Article, §4-403, Annotated Code of Maryland, after termination of services; and

(g) Ensures that no confidential information is disseminated and identities are protected when computer and internet technologies are used.

B. The licensee may not:

(1) Participate or condone dishonesty, fraud, deceit, or misrepresentation;

(2) Misrepresent professional qualifications, education, experience, or affiliation;

(3) Exploit a relationship with a client for personal advantage or satisfaction;

(4) Engage in solicitation which amounts to fraud, intimidation, or undue influence, including but not limited to in-person, telephone, social media, or direct mail solicitation;

(5) Practice, condone, facilitate, or collaborate with discrimination on the basis of race, gender, sexual orientation, age, religion, national origin, socioeconomic status, disability, or any other basis proscribed by law;

(6) Engage or participate in an action that violates or diminishes the civil or legal rights of a client;

(7) Share with another individual a confidence revealed by a client without a client's consent, except if there is danger to self or to another individual, or for a compelling professional reason; or

(8) Share a fee or accept or give something of value for receiving or making a referral.

.04 Responsibilities to Colleagues.

A. The licensee shall inform the Board:

(1) Of unethical conduct by a licensed social worker; and

(2) About an individual who is not licensed by the Board but who represents that the individual is a social worker and is practicing, attempting to practice, or offering to practice social work.

B. Licensees may not sexually harass, verbally abuse, or intimidate supervisees, students, trainees, or colleagues.

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.

.05 Relationships.

A. The licensee may not enter into a dual relationship with a client or an individual with whom the client has a close personal relationship.

B. The licensee may enter into a nonsexual relationship with an individual with whom the licensee's prior professional contact:

(1) Was of a brief, peripheral, or indirect nature; and

(2) Did not constitute a therapeutic relationship.

C. The licensee may not engage in sexual misconduct with either current or former clients.

D. The licensee may not engage in sexual misconduct with a client, supervisee, student, trainee, or colleague over whom the licensee exercises professional authority.

E. The licensee may not terminate professional services or a professional relationship with a client in order to enter into a nonprofessional, social, or sexual relationship with the client or an individual with whom the client has a personal relationship.

F. Prior Sexual Relationships. The licensee may not provide professional services to an individual with whom the licensee has previously engaged in sexual behavior.

.06 Standards of Practice.

A. Professional Competence. The licensee shall:

(1) Limit practice to the areas in which the licensee has gained proficiency through education, training, and experience;

(2) Acquire specialized education and training in order to provide the client with services that are culturally informed;

(3) Use interventions and assessment techniques only when the licensee knows that the circumstances justify those interventions and techniques;

(4) Monitor the effectiveness of his or her interventions;

(5) Maintain and enhance professional competence by meeting the requirements of continuing education as set forth in COMAR 10.42.06;

(6) Engage in ongoing consultation with other professionals with relevant knowledge, experience, and training, when developing competence in a new service or technique;

(7) Document and maintain appropriate records of professional service, supervision, and research work;

(8) Represent accurately and objectively the licensee's professional qualifications; and

(9) Seek competent professional assistance to determine whether to suspend, terminate, or limit the scope of professional or scientific activities when the licensee becomes aware that the licensee's competence is impaired.

B. A licensee may not:

(1) Undertake or continue a professional relationship with a client when the competence or objectivity of the licensee is or could reasonably be expected to be impaired due to:

(a) Mental, emotional, physiological, pharmacological, substance abuse, or personal problems; or

(b) The licensee's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, legal, or other relationship with the client or a person associated with or related to the client; or

(2) Engage in other relationships that could limit the licensee's objectivity or create a conflict of interest or the appearance of a conflict of interest.

C. Research. A licensee shall:

(1) Comply with all requirements under Health General Article, §§13-2001—13-2004, Annotated Code of Maryland;

(2) Obtain informed consent from a client for participation in research that clearly defines for the client:

(a) Why the client is being asked to participate;

(b) What modalities will be employed;

(c) What standardized instruments will need to be completed;

(d) The timeline for the consent;

(e) Any potential benefits; and

(f) Any potential adverse reactions;

(3) Inform the client of the client's right to discontinue participation in the research;

(4) Provide the client with treatment options and referral sources in the event of an adverse reaction;

(5) Respect the dignity and protect the welfare of the research subject, and comply with all relevant statutes, regulations, and institutional and administrative rules concerning treatment of the research subject;

(6) Ensure the ethical treatment of the research participant by collaborators, supervisees, and employees;

(7) Make clear, either as a researcher or a writer, the:

(a) Nature of the participation;

(b) The costs; and

(c) The licensee's obligations to the research participants; and

(8) Report research findings accurately, presenting only the licensee's work or making appropriate citations when needed.

D. The licensee engaging in physical contact with a client as an accepted component of a professionally recognized, nontraditional treatment modality shall document in the client's record:

(1) An assessment of the client;

(2) A written rationale for the use of the treatment modality for the client; and

(3) A copy of the informed consent signed and dated by the client and the licensee, which addresses:

(a) The risks and benefits of the treatment modality;

(b) The objective or objectives and intended outcome or outcomes of the proposed treatment;

(c) Available alternative interventions; and

(d) A description of the physical contact which may be reasonably anticipated by the client in the course of the proposed treatment.

.07 Sanctions.

A. The licensee who engages in ethical misconduct is subject to sanctions by the Board.

B. The Board shall advise the Association of Social Work Boards and the National Practitioner Data Bank of any formal sanction of a licensee on the grounds of ethical misconduct.

C. The licensee may not prohibit the client from reporting misconduct as a condition of settlement of a legal cause of action.

Administrative History

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Regulation .02E amended effective April 2, 1990 (17:6 Md. R. 741)

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Regulations .01—.02 repealed and new Regulations .01—.06 adopted effective October 4, 1999 (26:20 Md. R. 1546)

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