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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Substitute Bill No. 461-31 (COR), "AN ACT TO *ADD* A NEW ARTICLE 23 TO CHAPTER 12, PART 2 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE GUAM SOCIAL WORK PRACTICE ACT", was on the 26th day of November 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 28th day of NN, 2012, at 11:10 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) REGULAR SESSION

Bill No. 461-31 (COR)
As substituted by the Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform; and amended on the Floor.

Introduced by: V. C. Pangelinan
B. J.F. Cruz
R. J. Respicio
Judith P. Guthertz, DPA
T. R. Muña Barnes
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Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW ARTICLE 23 TO CHAPTER 12, PART 2 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE GUAM SOCIAL WORK PRACTICE ACT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 23 is hereby *added* to Chapter 12, Part 2 of Title 10, Guam Code Annotated, to read as follows:

"**ARTICLE 23**

SOCIAL WORK PRACTICE ACT

§ 122301. Legislative Intent. It is the intent of this Act to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of social work; the licensure of social workers; the licensure, control, and regulation of persons, in or out of this territory that practice social work within the territory.

§ 122302. Definitions. For the purposes of this Article, the following words and phrases are defined to mean:

Board shall mean the Guam Board of Social Work.

Practice of Baccalaureate Social Work means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or bio-psycho-social functioning of individuals, couples, families, groups, organizations, and communities. Baccalaureate Social Work is basic generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, counseling, supervision, consultation, education, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities.

Practice of Master's Social Work means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or bio-psycho-social functioning of individuals, couples, families, groups, organizations, and communities. Master's Social Work practice includes the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, supervision, consultation, education, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities. Under supervision as provided in this Act,

the practice of Master's Social Work may include the practices reserved to Clinical Social Workers.

Practice of Clinical Social Work is a specialty within the practice of Master's Social Work, and requires the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or bio-psycho-social functioning of individuals, couples, families, groups, organizations, and communities. The practice of Clinical Social Work requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment; diagnosis and treatment of mental, emotional, and behavioral disorders, conditions, and addictions; and evaluation. Treatment methods include the provision of individual, marital, couple, family and group counseling and psychotherapy. The practice of Clinical Social Work may include private practice and the provision of clinical supervision.

Social work practice means the professional application of social work values, principles, ethics and techniques in the following areas:

(a) information, resource identification, referral services, mediation services, advocacy services and education of individuals, groups, couples and families;

(b) preparation and evaluation of assessments and development and implementation of social work service plans;

(c) case management, coordination, casework intervention and monitoring of social work service plans in the areas of personal, social or economic resources, conditions, or problems;

(d) administration and development of social service programs, policies, community organization, planning, implementation, and involvement in the evaluation of social systems and social policies;

(e) social work consultation and resource development;

(f) research through the formal design and methodology of data collection and the analysis and evaluation of data, social work programs, social systems and social policies;

(g) psychosocial assessment, diagnostic impressions, treatment of individuals, couples, families, and groups, prevention of psychosocial dysfunction, disability or impairment, including emotional, mental and behavioral disorders, and evaluation of practice effectiveness; and

(h) clinical diagnosis or psychotherapy, or both, provided by a licensed clinical social worker.

Social worker or S.W. means a person who has been issued a license as a Licensed Bachelor Social Worker, Licensed Master's Social Worker, or Licensed Clinical Social Worker to practice within the scope of practice as provided in this Article.

Director shall mean the Director of Public Health and Social Services.

Exemption shall mean not required to obtain licensure in order to practice social work as of the date of the passage of this law.

Exception shall mean able to obtain a social work license through waiving certain requirements as stated in this law.

§ 122303. Guam Board of Social Work. The Board provides a framework for developing rules, which effectively responds to the regulatory needs of social work licensure. The Board *shall* have all the duties, powers, and authority specifically granted by or necessary for the enforcement of this Article, as well as other duties, powers, and authority as may be granted it from time to time by applicable law.

§ 122304. Board Composition. The Board *shall* be composed of five

(5) members, one (1) of whom *shall* be a representative of the public. The remaining four (4) members *shall* be social workers, one (1) of whom *shall* be a member and representative of the National Association of Social Workers, Guam Chapter. The Board *shall* elect from its members a Chairperson and such other officers, as it deems appropriate and necessary to the conduct of its business. The Chairperson *shall* preside at all meetings of the Board and *shall* be responsible for the performance of all of the duties and functions of the Board required or permitted by this Act. Each additional officer elected by the Board *shall* perform those duties customarily associated with the position, and such other duties as assigned from time to time by the Board. A quorum must be present to conduct a board meeting. The vote of the majority present *shall* constitute an official action of the Board. The majority vote *shall* consist of half of the vote plus one (1) of those members present. Three (3) members of the Board *shall* constitute a quorum.

§ 122305. Qualifications of Board Members.

(a) Board members who are social workers *shall* at all times:

(1) be a resident of Guam;

(2) be currently licensed and in good standing to engage in the practice of social work on Guam or be eligible for licensure within thirty (30) days of the passage of this Act;

(3) at the time of appointment have been actively engaged in the social work profession; and

(4) have *at least* three (3) years of experience in the practice of social work.

(b) The public member of the Board *shall* be a resident of Guam who has attained the age of majority, and shall not be, nor shall ever have

been a Baccalaureate Social Worker, Licensed Master's Social Worker, or Licensed Clinical Social Worker, or the spouse thereof. The public member shall not ever have had any material financial interest in the provision of social work services or who has engaged in any activity directly related to the practice of social work.

§ 122306. Appointment. *I Maga'lahen Guåhan shall* appoint the members of the Board, and *shall* be confirmed by *I Liheslaturan Guåhan.*

§ 122307. Terms of Office. Members of the Board *shall* be appointed for a term of three (3) years, *except* members of the Board who are appointed to fill vacancies which occur prior to the expiration of a former member's full term, who *shall* serve the unexpired portion of such term. The terms of the members of the Board *shall* be staggered, so that the terms of *no more than* three (3) members shall expire in any year. Each member *shall* serve until a successor is appointed and qualified.

No member of the Board *shall* serve more than two (2) consecutive full terms. The completion of the unexpired portion of a full term *shall not* constitute a full term.

§ 122308. Vacancies. Any vacancy which occurs in the membership of the Board for any reason, including expiration of term, removal, resignation, death, disability or disqualification, *shall* be filled by *I Maga'lahen Guåhan* in the manner prescribed by § 122306.

§ 122309. Removal. (a) A Board member may be removed pursuant to the procedures set forth in Subsection (b) herein, upon one (1) or more of the following grounds:

(1) the refusal or inability for any reason of a Board member to perform the duties as a member of the Board in an efficient, responsible, and professional manner;

(2) the misuse of office by a member of the Board to obtain pecuniary or material gain or advantage personally or for another through such office;

(3) the violation by any member of the laws governing the practice of social work; or

(4) for other just and reasonable causes as determined *solely* by the Board pursuant to applicable law.

(b) Removal of a member of the Board *shall* be in accordance with the Administrative Adjudication Law of Guam, or other applicable laws.

§ 122310. Board Meetings. The Board *shall* meet regularly at a time and place decided by the Board, or as decided by the Chairperson. A special meeting may be called at the discretion of the Chairperson. All meetings, whether regular or special, *shall* be announced and notice thereof given in accordance with the Open Government Law.

§ 122311. Personnel. The Department of Public Health and Social Services *shall* be the Department responsible for the implementation of this Act. The Director *shall* provide such office space, staff, supplies, equipment, vehicle and assistants as may be necessary for the work of the Board, including the execution and enforcement of this Chapter. The Attorney General *shall* provide legal services to the Board without a fee.

§ 122312. Rules and Regulations. The Board *shall* be authorized to adopt and enforce rules and regulations to carry into effect the provisions of this Act, and *shall* adopt rules and regulations in accordance with 5GCA, Chapter 9, the Administrative Adjudication Law, Rule Making Procedures.

§ 122313. Duties, Powers, and Authority.

(a) The Board *shall* be responsible for the control and regulation of the practice of social work, including, but *not* limited to, the following:

(1) the licensing by examination or by licensure transfer of applicants who are qualified to engage in the practice of social work under the provisions of this Article;

(2) the renewal of licenses to engage in the practice of social work;

(3) determining the appropriate fees for licensing, licensing renewal, and other forms of regulation;

(4) the establishment and enforcement of compliance with professional standards of practice and rules of conduct of social workers engaged in the practice of social work and consistent with the National Association of Social Workers Code of Ethics;

(5) the enforcement of those provisions in the Act relating to the conduct or competence of social workers practicing in this territory, investigation of any such activities related to the practice of unauthorized practice of social work, and the suspension, revocation, or restriction of licenses to engage in the practice of social work;

(6) with probable cause that an applicant or licensee has engaged in conduct prohibited by this Act or a statute or rule enforced by the Board, the Board may issue an order directing the applicant or licensee to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this Section, every applicant or licensee is considered to have consented to submit to a mental or physical examination or chemical dependency evaluation when ordered to do so in writing by the Board, and to have waived all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that the testimony or reports constitute a privileged communication;

(7) the collection of professional demographic data;

(8) the issuance and renewal of licenses of all persons engaged in the practice of social work;

(9) the evaluation of non-social work degree holders who submit a written request for exemption from social work licensure as prescribed in this law, determination of whether or not exemption should be granted, and the granting of a Certificate of Exemption to applicant within eighteen (18) months of the passage of this law;

(10) the evaluation of non-social work degree holders who submit a written request for exception from the requirements of social work licensure as prescribed in this law, the determination of whether or not an exception should be granted; and the granting of said exceptions within eighteen (18) months of the passage of this law; and

(11) the inspection of any licensed person at all reasonable hours for the purpose of determining if any provisions of the laws governing the practice of social work are being violated. The Board, its officers, inspectors, and representatives *shall* cooperate with all agencies charged with the enforcement of the laws of this territory relating to the practice of social work.

(b) The Board *shall* have such other duties, powers, and authority as may be necessary to the enforcement of this Act and to the enforcement of Board rules made pursuant thereto, which *shall* include, but are *not* limited to, the following:

(1) The Board may join such professional organizations and associations organized exclusively to promote the improvement of the standards of the practice of social work for the protection of the health

and welfare of the public and/or whose activities assist and facilitate the work of the Board;

(2) The Board may receive and expend funds, in addition to its annual appropriation, from parties or other entities, to include, but *not* limited to, grants and/or awards provided that:

(A) such funds are awarded for the pursuit of a specific objective which the Board is authorized to accomplish by this Article, or which the Board is qualified to accomplish by reason of its jurisdiction or professional expertise;

(B) such funds are expended for the pursuit of the objective for which they are awarded;

(C) activities connected with or occasioned by the expenditures of such funds *do not* interfere with the performance of the Board's duties and responsibilities and *do not* conflict with the exercise of the Board's powers as specified by this Act; and

(D) such funds are kept in a separate account, and an annual audit report relative to the receipt of such grants and/or awards and the expenditure of such funds is performed.

(c) The Board may establish a Bill of Rights for clients concerning the services a client may expect in regard to social work services.

(d) Any investigation, inquiry, or hearing which the Board is empowered to hold or undertake by or before any member or members of the Board, and the finding or order of such member or members *shall* be deemed to be the order of said Board when approved and confirmed.

(e) The Board *shall* report to the Attorney General of Guam any violation of this Article, which is deemed violative pursuant to criminal

statutes of Guam to cause appropriate proceedings to be instituted in the proper court in a timely manner and to be prosecuted in the manner required by law.

(f) The Board *shall* have the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, in the same manner as prescribed in civil cases in the courts of this territory. Any member of the Board, hearing officer, or administrative law judge *shall* have the power to administer oaths to witnesses at any hearing, which the Board is authorized to conduct, and any other oaths authorized in any Act administered by the Board.

(g) The Board *shall* establish and collect fees from every applicant for the services it performs. The fees *shall* be established through rules and regulations pursuant to 5 GCA, Chapter 9, the Administrative Adjudication Law, Rule Making Procedures.

(h) In addition to the fees specifically provided for, the Board may assess additional reasonable fees for services rendered to carry out its duties and responsibilities as required or authorized by this Act or rules adopted hereunder. Such services rendered *shall* include, but *not* be limited to, the following:

(1) issuance of duplicate certificates or identification cards;

(2) mailing lists, or reports of data maintained by the Board;

(3) copies of any documents;

(4) certification of documents;

(5) notices of meetings;

(6) licensure transfer;

(7) examination administration to a licensure applicant; and

(8) examination materials.

§ 122314. Social Work Licensing Program. There is hereby established within the Department of Public Health and Social Services, to be administered by the Board, a social work licensing program that *shall* recognize the "Licensed Bachelor Social Worker" or "L.B.S.W.", the "Licensed Master's Social Worker" or "L.M.S.W.", and the "Licensed Clinical Social Worker" or "L.C.S.W".

§ 122315. Limitations of Scope of Practice. In accordance with the definition of the practice of social work there *shall* be limitations on the scope of the practice of social work as follows:

(a) The "Licensed Bachelor Social Worker" or "L.B.S.W." may perform duties as defined in §122302, and as defined in Subsections (a) to (d) of the definition of the practice of social work in said Section in an agency setting under supervision;

(2) The "Licensed Master's Social Worker" or "L.M.S.W." may perform duties as defined in §122302, and as defined in Subsections (a) to (g) of the definition of the practice of social work in said Section; and

(3) The "Licensed Clinical Social Worker" or "L.C.S.W." may perform duties as defined in §122302, and as defined in Subsections (a) to (h) of the definition of the practice of social work in said Section.

§ 122316. License Required. No person shall purport to be a "social worker", "Licensed Bachelor Social Worker", "Licensed Master's Social Worker", "Licensed Clinical Social Worker", or use the letters "S.W.", "L.B.S.W.", "L.M.S.W.", or "L.C.S.W", in connection with the person's name, or engage in the practice of social work as defined in this Article without meeting the applicable requirements and holding a license as set

forth in this Article or holding a Certificate of Exemption from the Board. For those granted a Certificate of Exemption, the person is prohibited from using any of the letters indicated in this Section, irrespective of their job title.

§ 122317. Exemptions. Exemptions may be granted to non-social work degree holders who are employed with the job title "social worker" or any derivative thereof. Those granted a Certificate of Exemption by the Board would be allowed to remain in their social work positions without a social work license. Persons may apply for a Certificate of Exemption within eighteen (18) months of the date of the enactment of this Act. After the eighteen (18) months period has expired, no person shall be granted a Certificate of Exemption. The Certificate of Exemption *shall* be effective indefinitely the course of the person's professional career.

(a) A Certificate of Exemption is granted to any person employed with the job title "social worker" or any derivative thereof who possesses a Bachelor's, Master's, or PhD level degree that is not in the field of social work as of the date of the enactment of this Act, but if he wishes to continue employment with the job title "social worker", he may obtain a Certificate of Exemption from the Board by providing the following:

(1) a written request for exemption from licensure;

(2) a written declaration that they are individuals in good standing based on satisfactory employment performance evaluations and with no ethical complaints in the course of their employment with the job title "social worker";

(3) sign a declaration statement that they will abide by the National Association of Social Workers Code of Ethics; and

(4) submit three (3) letters of verification; one (1) from their current employer acknowledging that he/she is an individual in good standing, and is highly recommended for employment with the job title, "social worker".

(b) Licensure *shall not* be required of:

(1) any licensed person doing work within the scope of practice or duties of the person's profession that overlaps with the practice of social work; provided the person *does not* purport to be a social worker;

(2) any person employed by a federal, state, or government agency in a social worker position, but only at those times when that person is carrying out the duties and responsibilities as a social worker (i.e. social workers responding to natural disasters) for *up to* six (6) months, or extension as certified by the Board, and holds a social work license in another U.S. state or jurisdiction;

(3) any student enrolled in an accredited educational institution in a recognized program of study leading toward attainment of a degree in social work; provided, that the student's activities and services are part of a prescribed course of study supervised by the educational institution and the student is identified by an appropriate title such as "social work student", "social work intern", or any other title which clearly indicates the student's training status;

(4) any person who is a member of a mental health professional *not* requiring licensure; provided, that the person functions *only* within the person's professional capacities; and provided further that the person *does not* purport to be a social worker;

(5) any person teaching, lecturing, consulting, or engaging in research in social work insofar as the activities are performed as part of or are dependent upon employment in a college or university; provided, that the person *shall not* engage in the practice of social work outside the responsibilities of the person's employment;

(6) any person who is a duly recognized member of the clergy; provided, that the person functions *only* within the person's capacities as a member of the clergy; and provided further that the person *does not* purport to be a social worker;

(7) any person who is obtaining supervised clinical experience for licensure as a psychologist, marriage and family therapist, or as another licensed professional; provided, that the person's title indicates a trainee status; and provided further that the person *does not* purport to be a social worker;

(8) any person in the process of obtaining three thousand (3,000) hours of post Master's clinical social work experience under the supervision of a licensed clinical social worker or an individual identified in §122302 to qualify for a license as a licensed clinical social worker; and provided that the person calls oneself a clinical social worker intern and is supervised while performing clinical diagnosis and psychotherapy.

§ 122318. Exceptions. An exception is granted to any person meeting the following conditions:

(a) a person who is employed or has retired with the job title "social worker" or any derivative thereof and possesses a Bachelor's, Master's, or Ph.D. degree in the field of social work from an accredited or unaccredited social work degree program as of the date of passage of this law. Those

granted exceptions must obtain a social work license within eighteen (18) months upon enactment of this Act;

(b) a person who self-identifies as a social worker and possesses a Bachelor's, Master's, or Ph.D. degree in the field of social work from an accredited or unaccredited social work degree program upon enactment of this Act. Those granted exceptions must obtain a social work license within eighteen (18) months upon enactment of this Act; and

(c) a person who possess a non-social work degree, but possesses a degree in a related social science, to include degrees such as psychology, sociology, counseling, human relations and human services, political science, criminal justice, and any other degrees as approved by the Board; and who self-identifies as a social worker may apply for an exception to obtain social work licensure meeting the following requirements:

(1) provide a written request for exception from licensure requirements to the Board;

(2) provide a written declaration that they are individuals in good standing based on satisfactory employment performance evaluations and with no ethical complaints in the course of their employment with the job title "social worker";

(3) sign a declaration statement that they will abide by the National Association of Social Workers Code of Ethics;

(4) submit three (3) letters of verification; one (1) from their current employer acknowledging that he/she is an individual in good standing, and is highly recommended for employment with the job title, "social worker"; and

(5) obtain fifty (50) continuing education units (CEU) or certified training contact hours approved by the Social Work Board in

the field of social work to include the following: the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or bio-psychosocial functioning of individuals, couples, families, groups, organizations, and communities; and training in the social work Generalist Practice Model that includes assessment, planning, intervention, evaluation, case management, information and referral, counseling, supervision, consultation, education, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities. The fifty (50) CEUs or certified training contact hours shall have no time or date limitations.

(d) All persons qualified for exceptions *do not* need to take the appropriate licensure examination, but must conform to all other requirements consistent with the appropriate level of licensure as prescribed in the law. Exceptions may *only* be granted by the Board up until eighteen (18) months upon enactment of this Act.

§ 122319. Licensing Requirements. Every applicant for a license as a social worker *shall* submit evidence satisfactory to the Board that the applicant meets the following requirements:

(a) For the Licensed Bachelor Social Worker (L.B.S.W.), the applicant must:

(1) hold a Bachelor's degree from a college or university in a social work program accredited by or deemed to be equivalent to a program accredited by the Council on Social Work Education; and

(2) have passed the basic level national examination given by the Association of Social Work Boards (ASWB).

(b) For the Licensed Master's Social Worker (L.M.S.W.), the applicant must:

(1) hold a Master's degree from a college or university in a social work program accredited by or deemed to be equivalent to an accredited program by the Council on Social Work Education or a doctoral degree from a doctoral degree program in social work accredited by the Western Association of Schools and Colleges or a comparable regional accreditation body; and

(2) have passed the intermediate higher-level national examination given by the Association of Social Work Board (ASWB) or has been credentialed by the Association of Certified Social Workers (ACSW).

(c) For the Licensed Clinical Social Worker (L.C.S.W.), the applicant must:

(1) meet the educational requirements in Subsection (b) of this §122319;

(2) have passed the clinical level national examination given by the Association of Social Work Boards (ASWB); and

(3) have provided evidence of successful completion of at last three thousand (3,000) hours of post masters clinical social work experience under the supervision, and completed within *no fewer than* two (2) years, but within *no more than* five (5) years. Clinical social work experience *shall* include a minimum of two thousand (2,000) hours of assessment, clinical diagnosis and psychotherapy; *no more than* a maximum of nine hundred (900) hours of client-centered advocacy, consultation, and evaluation; and *at least* one hundred (100) hours of direct face-to-face supervision. *At least* sixty (60) of

the one hundred (100) hours of direct face-to-face supervision *shall* have been individualized supervision, and the remaining forty (40) hours may have been under small group (up to six (6) supervisees) supervision; provided, that the supervisor *shall* have been a licensed clinical social worker with *at least* four thousand five hundred (4,500) hours of post masters clinical social work experience.

(d) For the first five (5) years upon enactment of this Act, the following individuals *shall* be deemed to have satisfied the requirements of a supervisor:

(1) a person with a master's degree in social work with *at least* four thousand five hundred (4,500) post masters clinical social work experience; or

(2) an individual who is a Diplomate in Clinical Social Work (DCSW) or holds a Board Certified Diplomate Certification (BCD); or a board certified psychiatrist, psychologist, or advanced practice registered nurse who has a minimum of four thousand five hundred (4,500) hours of post masters clinical experience in assessment, clinical diagnosis, and psychotherapy.

(e) Supervision *shall* have occurred in an agency setting that provided clinical diagnosis and psychotherapy.

(f) An applicant who submits evidence of certification as a Qualified Clinical Social Worker (QCSW) or Diplomate in Clinical Social Work (DCSW) by the National Association of Social Workers or as a Board Certified Diplomate by the American Board of Examiners *shall* be deemed to have satisfied the experience requirements of this Section.

§ 122320. Reciprocity and Endorsement.

(a) The Board may enter into reciprocity agreements with other states and issue a license to a social worker who has been licensed in that state; provided, that the requirements for a license in the state in which the applicant is licensed are deemed by the Board to be equal to or greater than the current requirements for a license in this territory.

(b) The Board may issue a license by endorsement by honoring a passing score on the examination of the Association of Social Work Boards (ASWB); provided that at a minimum, the applicant meets the other requirements and the passing score is from the examination category that is required for licensed in this territory and the other state uses for its license.

§ 122321. Application for Examination.

(a) Any person eligible for licensure who wishes to be licensed *shall* apply for examination to the Board *at least* ninety (90) days prior to the date of the examination, upon a form and in the manner that the Board *shall* prescribe;

(b) Any application to the Board *shall* be accompanied by a nonrefundable application fee; and

(c) A person who applies for an examination may apply for reexamination.

§ 122322. Examination for License.

(a) Each applicant for licensure *shall* take and pass a national examination administered by the Association of Social Work Boards (ASWB) in accordance with procedures and standards prescribed by the Board.

(b) Applicants for the "Licensed Clinical Social Worker" or "L.C.S.W." license who have passed the L.C.S.W. examination administered

by the Association of Social Work Boards before the enactment of this Act *shall* be deemed to have satisfied the requirement of this Article.

(c) The applicant *shall* pay the examination fee directly to the Association of Social Work Boards (ASWB).

§ 122323. Issuance of License. The Board *shall* issue a license to any person who meets all licensure requirements, to include payment of the appropriate fees.

§ 122324. Renewals. Every license issued under this Act *shall* be renewed every two (2) years on or before the date set forth by the Board.

§ 122325. Requirement. A licensee must complete *at least* thirty (30) hours of approved programs of continuing education units in the two (2) year period that should be completed at the time of license renewal.

(a) A Program of Continuing Education must contain *at least* one (1) of the following content areas related to social work practice:

(1) Theories and concepts of human behavior in the social environment;

(2) Social work practice, knowledge and skills;

(3) Social work research, programs, or practice evaluations;

(4) Social work management, administration or social policy;

(5) Social work ethics; and

(6) Other areas approved by the Board deemed important and relevant to current social work practice.

(b) The following amount of continuing education hours must be earned in the following program areas:

(1) six (6) education hours addressing social work ethics, and must be completed through courses offered by NASW;

(2) four (4) education hours addressing cultural competency, specific to the diverse population of Guam; and

(3) two (2) education hours in the area of working with persons with disabilities.

(c) Continuing education hours must be earned in *at least* two (2) of the following academic course work:

(1) Courses and seminars given by an Accredited Program of Social Work;

(2) Postgraduate courses from a university, college, or other institution of higher education, in a field other than social work, upon proof that the course is relevant to social work practice and with the approval of the Board;

(3) Undergraduate courses from a university, college or other institution of higher education, upon satisfaction of the Board that such course updates or enhances the licensee's social work competence;

(4) Correspondence work, televised courses, audio/visual, videotapes, on-line, and other forms of self-study upon approval of the Board, shown to update or enhance social work competence. Under no circumstances shall more than five (5) hours from this category be acceptable as continuing education for each renewal cycle;

(5) Continuing education presentations of national, international, regional, or sub-regional conferences or association meetings relevant to social work practice;

(6) Workshops or institutes, including approved workshops at conventions relevant to social work practice from approved providers;

(7) Public or private agency staff development programs from approved providers that contribute to the enhancement of social work practice or knowledge that are not primarily procedural or administrative.

(d) The Board *shall* have the final approval of the content areas for designating a program as a Program of Continuing Education. The Board may determine an Approved Provider of Continuing Education, after receipt of an application as set forth by the Board, accompanied by an applicable fee, which demonstrates the following:

(1) Programs to be provided will meet guidelines as determined by the Board, and will be presented by competent individuals as documented by appropriate academic training, professional licensure or certification, or professionally recognized experience;

(2) An identified licensed social worker will be involved in program planning and review;

(3) Appropriate documents will be maintained and provided to the Board upon request, including presenter qualifications, learning objectives, content outlines, attendance records, and completed evaluation forms;

(4) Compliance with all other applicable laws, including the Americans with Disabilities Act.

(5) Attendees will be provided a certificate of completion, which includes the provider number.

Upon enactment of this Act, the Board *shall* convene an adhoc committee, with *no more than* five (5) members as appointed by the Chair, which may include non-members of the Board to compile a list

of any additional continuing education units and/or hours *not* identified in this Chapter with the final approval by the Board.

§ 122326. Revocation, Suspension, Denial, or condition of Licenses; Fines.

(a) In addition to any other acts or conditions provided by law, the Board may refuse to renew, reinstate, or restore; or may deny, revoke, suspend, or condition in any manner any license; or fine any exempt government employee or any one (1) or more of the following acts or conditions on the part of the applicant, licensee or exempt person:

(1) failing to meet or maintain the conditions and requirements necessary to qualify for the granting of a license;

(2) being addicted to, dependent on, or being a habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, opium, or cocaine, or other drugs or derivatives of a similar nature;

(3) engaging in the practice of social work while impaired by alcohol, drugs, or mental instability;

(4) procuring a social work license through fraud, misrepresentation, or deceit;

(5) aiding and abetting an unlicensed person to directly or indirectly use the title "social worker" or engage in the practice as a "Licensed Bachelor Social Worker", "Licensed Master's Social Worker" or "Licensed Clinical Social Worker";

(6) engaging in professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of social work;

(7) engaging in conduct or practice contrary to the National Association of Social Worker's Professional Code of Ethics;

(8) failing to comply, observe, or adhere to any law in a manner such that the Board deems the applicant or holder to be an unfit or improper person to hold a social work license;

(9) revocation, suspension or other disciplinary action by another state or federal agency against the licensee or applicant for any reason provided by this Section;

(10) having a criminal conviction, whether by nolo contendere or otherwise, of a crime directly related to the qualifications, functions or duties of the social work profession;

(11) failing to report in writing to the Board any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty (30) days of the disciplinary decision;

(12) employing, utilizing, or attempting to employ or utilize at any time any person not licensed who purports to be or engages in practice as a Social Worker, Licensed Bachelor Social Worker, Licensed Master's Social Worker, or Licensed Clinical Social Worker;

(13) engaging in the practice of social work beyond the scope of the person's license; or

(14) violating this Chapter or any rules adopted pursuant thereto.

(b) The Board may determine on a case-by-case basis to give a license to an applicant who has been convicted of a crime; provided the following is met:

(1) the applicant must provide proof that he/she has made efforts to rehabilitate himself/herself and become positive, productive members in the community; and

(2) if one was convicted of a crime ten (10) or more years before the date of application or the date of license renewal, the Board may automatically administer the license.

(c) Any licensee who violates this Section may also be fined *not more than* One Thousand Dollars ($1,000) per violation.

(d) The Board *shall* have the authority to investigate, prosecute, and conduct administrative hearings regarding exempt government employees.

(e) The Board may defer action with regard to an impaired licensee who voluntarily signs an agreement, in a form satisfactory to the Board, agreeing *not* to practice social work and to enter an approved treatment and monitoring program in accordance with this Section; provided, that this Section *shall not* apply to a licensee who has been convicted of, pleads guilty to, or enters a plea of nolo contendere to a felonious act or an offense relating to a controlled substance in a court of law of the United States or any other state, territory, or country, or a conviction related to sexual misconduct. A licensee who is physically or mentally impaired due to mental illness or addiction to drugs or alcohol may qualify as an impaired social worker and have disciplinary action deferred and ultimately waived *only* if the Board is satisfied that such action will *not* endanger the public and the licensee enters into an agreement with the Board for a treatment and monitoring plan approved by the Board, progresses satisfactorily in such treatment and monitoring program, and complies with all terms of the agreement and all other applicable terms of this Section.

(f) Failure to enter such agreement or to comply with the terms and make satisfactory progress in the treatment and monitoring program *shall* disqualify the licensee from the provisions of this Section, and the Board may activate an immediate investigation and disciplinary proceeding. Upon

completion of the rehabilitation program in accordance with the agreement signed by the Board, the licensee may apply for permission to resume the practice of social work upon such conditions as the Board determines necessary.

§ 122327. Prohibited Acts; Penalties. No person shall:

(a) use in connection with the person's name any designation tending to imply that the person is a Social Worker, Licensed Bachelor Social Worker, Licensed Master's Social Worker, or Licensed Clinical Social Worker, *unless* the person is duly licensed and authorized under this Chapter;

(b) represent oneself as a Social Worker, Licensed Bachelor Social Worker, Licensed Master's Social Worker, or Licensed Clinical Social Worker during the time the person's license issued under this Chapter is forfeited, terminated, suspended, or revoked;

(c) perform clinical diagnosis or psychotherapy, *unless* the person is a licensed clinical social worker; or

(d) engage in autonomous and independent clinical social work practice without being licensed as a Licensed Clinical Social Worker.

(e) Any person who is in violation of any of the acts pursuant to this Article *shall* be subject to a fine of *not more than* One Thousand Dollars ($1,000), and each day's violation *shall* be deemed a separate offense. The Board *shall* determine the revocation of any license issued by the Board in consideration of the severity of the violation and severity of the prohibited acts.

§ 122328. Consumer Right of Action. Any person who suffers damage as a result of a violation of this Article *shall* be entitled to injunctive relief restraining further violations and may sue to recover damages in any

circuit court of the territory and, if successful, *shall* recover three (3) times the actual damages or One Thousand Dollars ($1,000), whichever is greater. In any action brought under this Act, the prevailing party *shall* be entitled to the recovery of costs of suits, including reasonable attorney's fees.

§ 122329. Privileged Communication.

(a) No social worker shall disclose any information acquired or provided by a client or from persons consulting the social worker in a professional capacity, *except* that which may be voluntarily disclosed under the following circumstances:

(1) in the course of formally reporting, conferring or consulting with administrative superiors, colleagues or consultants who share professional responsibility, in which instance all recipients of such information are similarly bound to regard the communication as privileged;

(2) with the written consent of the person who provided the information;

(3) in case of death or disability, with the written consent of a personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health or physical condition;

(4) when a communication reveals the intended commission of a crime or harmful act, and such disclosure is judged necessary by the social worker to protect any person from a clear, imminent risk of serious mental or physical harm or injury, or to forestall a serious threat to the public safety; or

(5) when the person waives the privilege by bringing any public charges against the licensee.

(b) When the person is a minor under the laws of the territory of Guam and the information acquired by the social worker indicates the minor was the victim of or witness to a crime, the social worker may be required to testify in any judicial proceedings in which the commission of that crime is the subject of inquiry, and when the court determines that the interests of the minor in having the information held privileged are outweighed by the requirements of justice, the need to protect the public safety or the need to protect the minor.

(c) Any person having access to records or anyone who participates in providing social work services or who, in providing any human services, is supervised by a social worker, is similarly bound to regard all information and communications as privileged in accordance with this Section.

(d) Nothing shall be construed to prohibit a social worker from voluntarily testifying in court hearings concerning matters of adoption, child abuse, child neglect or other matters pertaining to children, the elderly, and physically and mentally impaired adults, *except* as prohibited under the applicable state and federal laws.

§ 122330. Creation of Revolving Fund. There is hereby created the "Social Work Board Revolving Fund" (Fund) within the Health Professional Licensing Office of the Department of Public Health and Social Services, specifically for use by the Board. All such revenues, including fines, *shall* be deposited into the Fund. Such funds *shall* be appropriated continuously and *shall* be used by the Board *only* for administration and enforcement of this Act. All fees and charges *shall* be set by the Board pursuant to its budget needs and *shall* comply with 5 GCA, Chapter 9. A designated officer of the Board *shall* oversee the collection and disbursement of funds. The Office of Public Accountability, or its

equivalent, *shall* audit the Fund annually with reports to be submitted to *I Maga'lahen Guåhan* and the Speaker of *I Liheslaturan Guåhan.* The Fund *shall not* be subject to any transfer authority of *I Maga'lahen Guåhan.*

§ 122331. Standards of Practice / Code of Conduct.

Part 1. Standards of Practice.

Subpart 1. Scope and Applicability. The standards of practice apply to *all* applicants and licensees. The use of the term *social worker* within these standards of practice includes *all* applicants and licensees.

Subpart 2. Purpose. The standards of practice constitute the standards by which the professional conduct of an applicant or licensee is measured.

Subpart 3. Violations. A violation of the standards of practice constitutes unprofessional or unethical conduct and constitutes grounds for disciplinary action or denial of licensure.

Part 2. General Practice Parameters.

Subpart 1. Client Welfare. Within the context of the specific standards of practice prescribed herein, a social worker *shall* make reasonable efforts to advance the welfare and best interests of a client.

Subpart 2. Self-determination. Within the context of the specific standards of practice prescribed herein, a social worker *shall* respect a client's right to self-determination.

Subpart 3. Non-discrimination. A social worker *shall not* discriminate against a client, student, or supervisee on the basis of age, gender, sexual orientation, race, color, national origin, religion, diagnosis, disability, political affiliation, or social or economic status. If the social worker is unable to offer services because of a concern

about potential discrimination against a client, student, or supervisee, the social worker *shall* make an appropriate and timely referral. When a referral is *not* possible, the social worker *shall* obtain supervision or consultation to address the concern.

Subpart 4. Professional Disclosure Statement.

(a) A social worker *shall* effectively communicate through handouts or other means as appropriate for all clients and may display at the social worker's primary place of practice a statement that the client has the right to the following:

(1) to expect that the social worker has met the minimal qualifications of education, training, and experience required by the law in that jurisdiction;

(2) to examine public records maintained by the Board which contain the social worker's qualifications and credentials;

(3) to be given a copy of the standards of practice upon request;

(4) to report a complaint about the social worker's practice to the Board;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as allowed by law, and to be informed of the limits of confidentiality;

(7) to be free from being the object of discrimination while receiving social work service; and

(8) to have access to records as allowed by law.

(b) Limited Access to Client Information. A social worker *shall* make reasonable efforts to limit access to client information in a social worker's agency to appropriate agency staff whose duties require access.

(c) A social worker receiving supervision related to practice *shall* inform the client that the social worker may be reviewing the client's case with the social worker's supervisor or consultant. Upon request, the social worker *shall* provide the name of the supervisor and the supervisor's contact information.

Part 3. Competence.

Subpart 1. Continued Competence. A social worker *shall* take all necessary and reasonable steps to maintain continued competence in the practice of social work.

Subpart 2. Limits on Practice. A social worker *shall* limit practice *only* to the competency areas for which the social worker is qualified by licensure and training, experience, or supervised practice.

Subpart 3. Referrals. A social worker *shall* make a referral to other professionals when the services required are beyond the social worker's competence.

Subpart 4. Delegation. A social worker *shall not* assign, oversee or supervise the performance of a task by another individual when the social worker knows that the other individual is *not* licensed to perform the task or *has not* developed the competence to perform such task.

Part 4. Practice Requirements.

Subpart 1. Assessment or Diagnosis. A social worker *shall* base services on an assessment or diagnosis. A social worker *shall*

evaluate on an ongoing basis whether the assessment or diagnosis needs to be reviewed or revised.

Subpart 2. Assessment or Diagnostic Instrument. A social worker *shall* follow standard and accepted procedures for deciding when and how to use an assessment or diagnostic instrument. A social worker *shall* inform a client of its purpose before administering the instrument and, when available, of the results derived therefrom.

Subpart 3. Plan. A social worker *shall* develop a plan for service, which includes goals based on the assessment or diagnosis. A social worker *shall* evaluate on an ongoing basis whether the plan needs to be reviewed or revised.

Subpart 4. Supervision or Consultation. A social worker *shall* obtain supervision or engage in consultation when necessary to serve the best interests of a client.

Subpart 5. Informed Consent.

(a) Social workers *shall* provide services to clients *only* in the context of a professional relationship based, when appropriate, on valid informed consent. Social workers should use clear and understandable language to inform clients of the plan of the services, risks related to the plan, limits to services, relevant costs, reasonable alternatives, client's right to refuse or withdraw consent, and the time frame covered by the consent. Social workers *shall* provide clients with an opportunity to ask questions.

(b) If the client *does not* have the capacity to provide consent, the social worker *shall* obtain consent for the services from the client's legal guardian, or other authorized representative.

(c) If the client, the legal guardian, or other authorized representative *does not* consent, the social worker *shall* discuss with the client that a referral to other resources may be in the client's best interests.

Subpart 6. Records.

(a) A social worker *shall* make and maintain records of services provided to a client. At a minimum, the records *shall* contain documentation of the assessment or diagnosis; documentation of a plan; documentation of any revision of the assessment or diagnosis or of a plan; any fees charged and other billing information; copies of all client authorization for release of information; and any other legal forms pertaining to the client. These records *shall* be maintained by the licensee or agency employing the licensee under secure conditions and for time periods in compliance with applicable federal or state law, but in no case for fewer than seven (7) years after the last date of service.

(b) Where a social worker or social work practice ceases operations as a result of a suspension, retirement or death of the owner, sale or other cause, including insolvency, the licensee, or other individual responsible for supervising the disposition of the practice, *shall* make every effort to notify the clients of their right to retrieve current records for a period of six (6) months using all of the following methods:

(1) notification in writing to the board;

(2) publication, *at least* weekly for one (1) month, in a newspaper whose circulation encompasses the major area of a

practitioner's former practice, of a notice advising clients of the right to retrieve their records for a six (6) month period; and

(3) if applicable, a sign placed at the practice location informing clients of the right and procedures to retrieve their records.

(b) Should any client fail to retrieve the records within the six (6) month period and unless otherwise required by law, the responsible party *shall* arrange for the destruction of such documents in a manner to ensure confidentiality.

Subpart 7. Reports. A social worker *shall* complete and submit reports as required by law in a timely manner.

Subpart 8. Exploitation. A social worker *shall not* exploit in any manner the professional relationship with a client, student, or supervisee for the social worker's emotional, financial, sexual or personal advantage or benefit, nor shall the social worker use the professional relationship with a client, student, or supervisee to further personal, religious, political or business interests.

Subpart 9. Termination of Services. A social worker *shall* terminate a professional relationship with a client when the client is *not* likely to benefit from continued services *or* the services are *no longer* needed. The social worker who anticipates the termination of services *shall* give reasonable notice to the client. The social worker *shall* take reasonable steps to inform the client of the termination of professional relationship. The social worker *shall* provide referrals as needed *or* upon the request of the client. A social worker *shall not* terminate a professional relationship for the purpose of beginning a personal or business relationship with a client.

Part 5. Relationships with Clients and Former Clients.

Subpart 1. Personal Relationships With Clients. A social worker *shall not* engage in dual relationships with clients that compromise the well-being of the client, impair the objectivity and professional judgment of the social worker *or* increase the risk of client exploitation. When a social worker may *not* avoid a personal relationship with a client, the social worker *shall* take appropriate precautions, such as informed consent, consultation, or supervision to ensure that the social worker's objectivity and professional judgment are *not* impaired.

Subpart 2. Personal Relationships with Former Clients. A social worker may engage in a personal relationship, *except* as prohibited by Part 5, Subpart 4, with a former client, if the former client was notified of the termination of the professional relationship. The social worker *shall* continue to consider the best interests of the former client, and *shall not* engage in a personal relationship with a former client if a reasonable social worker would conclude that the former client continues to relate to the social worker in the social worker's professional capacity.

Subpart 3. Sexual Contact With a Client. A social worker *shall not* engage in or request sexual contact as defined in Part 5, Subpart 5, with a client under any circumstances. A social worker *shall not* engage in any verbal or physical behavior which a reasonable person would find to be sexually seductive or sexually demeaning. A social worker *shall not* sexually harass a client.

Subpart 4. Sexual Contact With a Former Client. A social worker who has provided clinical social work services to a client *shall*

not engage in or request sexual contact as defined in Part 5, Subpart 5, with the former client under any circumstances. A social worker who has provided other social work services to a client *shall not* engage in or request sexual contact as defined in Part 5, Subpart 5, with the former client at any time if a reasonable social worker would determine that engaging in sexual contact with the client would be exploitative, abusive, or detrimental to the client's welfare. It is the responsibility of the social worker to assume the full burden of demonstrating that the former client *has not* been exploited or abused either intentionally or unintentionally.

Subpart 5. Sexual Contact Defined. Sexual contact includes, but is *not* limited to, sexual intercourse, either genital or anal, cunnilingus, fellatio, or the handling of the breasts, genital areas, buttocks, or thighs, whether clothed or unclothed, by either the social worker or the client.

Subpart 6. Business Relationship With a Client. A social worker *shall not* engage in any type of a business relationship with a client. Business relationships *do not* include purchases made by the social worker from the client when the client is providing necessary goods or services to the general public, and the social worker determines that it is *not* possible or reasonable to obtain the necessary goods or services from another provider.

Subpart 7. Business Relationship With a Former Client. A social worker may engage in a business relationship with a former client *if* the former client was notified of the termination of the professional relationship. The social worker *shall* continue to consider the best interests of the former client, and *shall not* engage in a

business relationship with a former client if a reasonable social worker would conclude that the former client continues to relate to the social worker in the social worker's professional capacity.

Subpart 8. Prior Personal or Business Relationships. A social worker may engage in a professional relationship with an individual with whom the social worker had a previous personal or business relationship *only* if a reasonable social worker would conclude that the social worker's objectivity and professional judgment will *not* be impaired by reason of the previous personal or business relationship.

Subpart 9. Social Worker Responsibility. A social worker *shall* be *solely* responsible for acting appropriately in regard to relationships with clients or former clients. A client or a former client's initiation of a personal, sexual, or business relationship *shall not* be a defense by the social worker for a violation of Part 5, Subparts 1 through 8.

Subpart 10. Others. Part 5, Subparts 1 through 9 also apply to a social worker's relationship with students, supervisees, employees of the social worker, family members or significant others of a client.

Part 6. Client Confidentiality.

Subpart 1. General. A social worker *shall* protect all information provided by or obtained about a client. "Client information" includes the social worker's personal knowledge of the client and client records. *Except* as provided herein, client information may be disclosed or released *only* with the client's written informed consent. The written informed consent *shall* explain to whom the

client information will be disclosed or released and the purpose and time frame for the release of information.

Subpart 2. Release of Client Information Without Written Consent. A social worker *shall* disclose client information without the client's written consent *only* under the following circumstances:

(a) where mandated by federal or state law, including mandatory reporting laws, requiring release of client information;

(b) the social worker determines that there is a clear and imminent risk that the client will inflict serious harm on either the client or another identified individual. The social worker *shall* release *only* the information that is necessary to avoid the infliction of serious harm. The social worker may release this information to the appropriate authorities and the potential victim;

(c) the Board duly issues a valid subpoena to the social worker, as permitted by law.

Subpart 3. Release of Client Records Without Written Consent. A social worker *shall* release client records without the client's written consent under the following circumstances:

(a) a client's authorized representative consents in writing to the release;

(b) as mandated by federal or jurisdiction law requiring release of the records;

(c) the Board duly issues a valid subpoena for the records, as permitted by law.

Subpart 4. Limits of Confidentiality. The social worker *shall* inform the client of the limits of confidentiality as provided under applicable law.

Subpart 5. Minor Clients. In addition to the general directive in Part 6, Subpart 4, a social worker must inform a minor client, at the beginning of a professional relationship, of any laws which impose a limit on the right of privacy of a minor.

Subpart 6. Third Party Billing. A social worker *shall* provide client information to a third party for the purpose of payment for services rendered *only* with the client's written informed consent. The social worker *shall* inform the client of the nature of the client information to be disclosed or released to the third party payor.

Subpart 7. Client Information to Remain private. A social worker *shall* continue to maintain confidentiality of client information upon termination of the professional relationship, including upon the death of the client, *except* as provided under applicable law.

Subpart 8. Recording/Observation. A social worker *shall* obtain the client's written informed consent before the taping or recording of a session or a meeting with the client, or before a third party is allowed to observe the session or meeting. The written informed consent *shall* explain to the client the purpose of the taping or recording and how the taping or recording will be used, how it will be stored and when it will be destroyed.

Part 7. Conduct.

Subpart 1. Impairment. A social worker *shall not* practice while impaired by medication, alcohol, drugs, or other chemicals. A

social worker *shall not* practice under a mental or physical condition that impairs the ability to safely practice.

Subpart 2. Giving Drugs to a Client. Unless permissible by state law, a social worker *shall not* offer medication or controlled substances to a client, or accept these substances from a client for personal use or gain. The social worker may accept medication or controlled substances from a client for purposes of disposal or to monitor use. Under no circumstances shall a social worker offer alcoholic beverages to a client or accept such from a client.

Subpart 3. Investigation. A social worker *shall* comply with and *not* interfere with Board investigations.

Part 8. Representation to the Public. Advertising.

Subpart 1. Required Use of License Designation. A social worker *shall* use the license designation of LBSW, LMSW, LCSW, which corresponds to the social worker's license, after the social worker's name in all written communications related to social work practice, including any advertising, correspondence, and entries to client records.

Subpart 2. Information to Clients or Potential Clients. A social worker *shall* provide accurate and factual information concerning the social worker's credentials, education, training, and experience upon request from a client or potential client. A social worker *shall not* misrepresent, directly or by implication, the social worker's license level, degree, professional certifications, affiliations, or other professional qualifications in any oral or written communication or permit or continue to permit any misrepresentations by others. A social worker *shall not* misrepresent, directly or by

implication, affiliations, purposes, and characteristics of institutions and organizations with which the social worker is associated.

Subpart 3. Licensure Status. Licensure status *shall not* be used as a claim, promise, or guarantee of successful service, nor shall the license be used to imply that the licensee has competence in another service. Public statements or advertisements may describe fees, professional qualifications and services provided, but they may *not* advertise services as to their quality or uniqueness and may *not* contain testimonials by quotation or implication.

Subpart 4. Display of License. A social worker *shall* conspicuously display a current license issued by the Board at the social worker's primary place of practice.

Part 9. Fees and Billing Practices.

Subpart 1. Fees and Payments. A social worker who provides a service for a fee *shall* inform a client of the fee at the initial session or meeting with the client. Payment must be arranged at the beginning of the professional relationship, and the payment arrangement must be provided to a client in writing. A social worker *shall* provide, upon request from a client, a client's legal guardian, or other authorized representative, a written explanation of the charges for any services rendered.

Subpart 2. Necessary Services. A social worker *shall* bill *only* for services which have been provided. A social worker *shall* provide *only* services which are necessary.

Subpart 3. Bartering. A social worker may *not* accept goods or services from the client or a third party in exchange for the social worker's services, *except* when such arrangement is initiated by the

client, and is an accepted practice in the social worker's community or within the client's culture. It is the responsibility of the social worker to assume the full burden of demonstrating that this arrangement will *not* be detrimental or exploitative to the client or the professional relationship.

Subpart 4. No Payment for Referrals. A social worker shall neither accept nor give a commission, rebate, fee split, or other form of remuneration for the referral of a client.

Part 10. Research.

Subpart 1. Informed Consent. When undertaking research activities, the social worker *shall* abide by accepted protocols for protection of human subjects. A social worker must obtain a client's or a client's legal guardian's written informed consent for the client to participate in a study or research project, and explain in writing the purpose of the study or research, as well as the activities to be undertaken by the client should the client agree to participate in the study or research project. The social worker must inform the client of the client's right to withdraw from the project at any time."

Section 2. Effective Date. This Act *shall* become effective upon enactment.

Section 3. Severability. If any provision of this Law or its application to any person or circumstances is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.