

Reporting Requirements for Oregon Social Workers

Oregon State Board of Licensed Social Workers

Web-Presentation:

Social Worker Conduct and Administrative Reporting Requirements (including updates in effect since January 1, 2013)

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First – the boring stuff (a.k.a. the required disclaimers)

- This presentation is not intended to provide legal advice or apply statutory or rule reporting requirements to specific scenarios
- This presentation is intended to educate about changes in laws and rules of the Board related to reporting requirements
- This presentation does not replace the need for social workers to read, or be familiar with, the actual text of board laws and rules on this or any other topic

Reporting Requirements – The Basic Stuff

- Basic types of reporting requirements:
 - Reporting requirements set by the Legislature
 - Reporting requirements by insurance carriers
 - Employer-specific reporting requirements
 - Social Work Board reporting requirements
 - Reporting Requirements on Applications for Licensure / Certification (including renewals)
 - Reporting Requirements in Licensing Board statutes and rules
 - Focus here is on Board-specific requirements

Reporting Requirements for Social Workers set by the Legislature

- **Elder Abuse Reporting Requirement**
 - This requirement is not new - ORS 124.050 – 124.095
 - Violation of this reporting requirement is also a violation of Board ethics code (OAR 877-030-0040(2)(b))
- **Child Abuse Reporting Requirement**
 - This requirement is not new - ORS 419B.005 – 419B.050
 - Violation of this reporting requirement is also a violation of Board ethics code (OAR 877-030-0040(2)(b))
- **Cross-Health Profession Unprofessional Conduct and Prohibited Conduct Reporting (ORS 676.150)**
 - Requires report within 10 days by health board licensee of unprofessional or prohibited conduct by another health board licensee (see next page)

Cross-Health Profession Reporting

ORS 676.150 / OAR 877-030-0040(2)(d)

- Within 10 days to licensing board of the licensee who engaged in prohibited or unprofessional conduct
- “Unprofessional conduct” means conduct unbecoming a licensee or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the licensee's profession or conduct that endangers the health, safety or welfare of a patient or client.
- “Prohibited conduct” means conduct by a licensee that:
 - (i) Constitutes a criminal act against a patient or client; or
 - (ii) Constitutes a criminal act that creates a risk of harm to a patient or client.
- Reporting Requirement does not apply if state or federal laws relating to confidentiality or the protection of health information prohibit disclosure of the conduct
- Failure to report is subject to discipline and is Class A violation

Social Work Specific Reporting of Impairment and Unprofessional Conduct / OAR 877-030-0040(2)(c)

- Regulated social workers must report to the Board of Licensed Social Workers under OAR 877-030-0040(2)(c):
“Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a regulated social worker is required to report to the board any information the regulated social worker has that appears to show that a regulated social worker is or may be an impaired professional or may have engaged in unprofessional conduct according to the guidelines of the code of ethics, to the extent that disclosure does not conflict with the requirements of ORS 675.580. A regulated social worker is an impaired professional if the regulated social worker is unable to practice with professional skill and safety by reason of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability or by reason of a mental health disorder.”
- Definition of impairment is updated and reflects a uniform definition applicable to all health boards (ORS 676.303(1)(b))
- ORS 675.580 refers to social work client confidentiality laws

Other Social Work Specific Conduct Reporting Requirements in OAR 877-030-0040(2)

- Regulated social workers must self-report, within 10 days, of
 - (A) Being convicted of a misdemeanor or felony;
 - (B) Being arrested for a felony crime;
 - (C) Receiving notice of a civil lawsuit that names the regulated social worker as a defendant and makes allegations related to the regulated social worker's practice of clinical social work or the regulated social worker's license or certificate;
 - (D) Becoming an in-patient in a psychiatric hospital or psychiatric day treatment facility; or
 - (E) Receiving notice of a regulatory action related to the regulated social worker's license or certificate.
 - Newer elements include time requirement reduction from 30 to 10 days, to align the deadline for reporting with other conduct reporting requirements set by the Legislature, and limiting the civil law suit reporting specifically to law suits related to the social work practice
 - Legislature removed reporting requirement for *arrest* for misdemeanor

Conduct Reporting Requirements on Applications for new licensure or certification or renewal thereof

- Regulated social workers must truthfully answer conduct related questions on applications for licensure or certification or renewal
- Board has seen a rise in compliance cases where licensees fail to meet statutory or rule reporting requirements where reporting must occur within 10 days, and instead do not report the event until much later, when their application for renewal comes due (see disciplinary history report on Board web site for examples)
- Board questions for licensure /certification application and renewal are broader than those that require immediate (within 10 days) reporting based on explicit legislative authority
 - Example: The Legislature did not include in its re-write of criminal conduct reporting requirements the report of misdemeanor arrests, which removed the Board's ability to find out quickly if a licensee has recurring issues with DUIs, which can be an indicator of a potential impairment. The Board however can - and does - still ask for this arrest information on applications for licensure or certification, or renewal thereof.

New Administrative Reporting Requirements as of January 1, 2013

- What is “Administrative Reporting”?
 - Does not apply to conduct
 - Applies in addition to conduct reporting requirements
 - New Board Rule 877-001-0009 establishes that a regulated social worker must provide, and keep current (requirement to notify of changes within 30 days):
 - Name of record
 - Employer of record
 - Address of Record
 - Failure to comply is also a violation of Board Ethics code under 877-030-0040

Additional Notes regarding the Address Reporting Requirement

- Address of Record is not determined by the Board, but chosen by the licensee, but licensee must keep that address current
 - Address of record serves as address where Board sends notices of renewals, investigations, or other correspondence
 - Licensee can choose employer address, home address or P.O. Box address to comply
 - Board is required to publish an address of record
 - This change adopts practice in place at other boards
 - Removes burden from Board staff to track down regulated social workers who cannot be contacted

Connecting the issues: LCSW late renewal fees and Address Reporting

- The Board kept its word to not use the 2011 increase in late fees for LCSW licensure renewal as a revenue source - staff reaches out to those in danger of renewing late many times in writing and by phone
- Success of the above depends on licensees keeping their contact information current
- Keeping your contact information current is a basic component of your relationship with your board
- 3 licensing staff serving 5,000 licensees do not have time to track down incorrect contact information
- The Board cannot accept responsibility for inability of a regulated social worker to keep contact information current with the Board office.