

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. 850 Department : Alabama State Board of Social Work Examiners

Rule No. 850-X-10-.01 Grounds
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly Or indirectly increasing the cost of any goods or Services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are the facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with the subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Brenda Golden

Date 7-12-16

(DATE FILED)
(STAMP)

APA-2
07/04

Alabama State Board of Social Work Examiners

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama State Board of Social Work Examiners

RULE NO. & TITLE:

850-X-10-.01 Grounds

INTENDED ACTION:

Removing the repeat of the law and the reference to 850-X-1-.19

SUBSTANCE OF PROPOSED ACTION:

Removing the repeat of the law and removing reference to 850-X-1-.19

TIME, PLACE, MANNER OF PRESENTING VIEWS:

A Public Hearing will be held September 8, 2016, 9:30AM, 100 North Union Street, Suite 300, Montgomery AL 36104

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Written comments may be sent to Alabama State Board of Social Work Examiners at: 100 North Union Street, Suite 736, Montgomery AL 36130-1620. All written comments must be received by 4:30PM September 7, 2016.

CONTRACT PERSON AT AGENCY:

Brenda W. Holden, 334/242-5860



Signature of Officer

CHAPTER 850-X-10
DISCIPLINARY PROCEEDINGS

850-X-10-.01 Grounds. The Board, after a hearing, may refuse to renew, may suspend or may revoke any license or certificate issued by the Board, and may levy and collect administrative fines upon proof that a person licensed by the Board has engaged in unprofessional conduct within the last five years, including, but not limited to those listed in the statutes and:

~~(1) Statutory Grounds:~~

~~(a) Conviction of a felony;~~

~~(b) Habituation or addiction to habit forming drugs, either of which impairs the ability to perform his or her work;~~

~~(c) Conviction of fraud or deceit in connection with services rendered as a social worker licensed by the Board or in establishing qualifications for licensure or certification by the Board;~~

~~(d) Aiding or abetting a person not licensed by the Board who is falsely representing himself or herself as a social worker licensed by the Board;~~

~~(e) Failing to renew or meet the qualifications for renewal of a license or certification after the expiration of his or her license or certification;~~

~~(f) Violation of any of the rules established by the Board as set forth in this Administrative Code.~~

(2) Additional Grounds: In addition to the specific grounds provided by statute, the Board of Social Work Examiners is authorized by law to promulgate rules and regulations and set forth professional standards. Specific offenses for which discipline may be imposed include, but are not necessarily limited to:

(a) Committing, or aiding and abetting any cheating or an attempt to subvert the social work licensing examinations.

(b) Committing, or aiding and abetting any fraud or misrepresentation in applying for or procuring a social work license or renewal license.

(c) Being convicted of a felony or any misdemeanor involving questions of moral turpitude, whether or not resulting from such practice, or the entry of a guilty plea or plea of no contest to any such misdemeanor or felony.

(d) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(e) Making a false or misleading statement or statements regarding a social worker's skills or the efficacy or value of any treatment provided or to be provided, or using any false, fraudulent or deceptive statement connected with the practice of social work, including, but not limited to, false or misleading advertising.

(f) Violating the confidentiality between social worker and client except as required or permitted by law.

(g) Failing to properly manage, maintain and preserve client records.

(h) Failing to transfer pertinent and necessary records when requested to do so by the client or by the client's legally designated representative.

(i) Giving or receiving, directly or indirectly, any fee, commission, rebate, or other compensation for professional services not actually and personally rendered.

(j) Being found by a court of competent jurisdiction to be mentally incompetent which results in the inability to practice the profession with reasonable judgment, skill or safety.

(k) Engaging in behavior that demonstrates incapacity or incompetence to practice social work.

(l) Being found guilty or liable in any criminal or civil proceeding resulting in an adverse judgment, order, decree or award, against a licensee, whether or not such claims are settled later between the parties, related to acts or conduct which would constitute grounds for disciplinary action, or which reflect adversely on the licensee's competence or qualifications to practice social work.

(m) Engaging in any dual or multiple relationships with clients or former clients in which there is a risk of exploitation of or potential harm to the client; or violating appropriate client-social worker boundaries.

(n) Committing any act of sexual abuse, misconduct, or exploitation related to the social worker's practice.

(o) Being addicted or habituated to any chemical substance that impairs the ability to practice competently.

(p) Aiding and abetting the practice of social work by an unlicensed, incompetent or impaired individual.

(q) Allowing any person or organization to use a licensee's license to practice social work.

(r) Being disciplined in another jurisdiction based on grounds that are the same or substantially the same as those which exist under these Rules.

(s) Failing to report to the Board any adverse action taken against the social worker by another licensing jurisdiction.

(t) Failing to report to the Board the surrender of a license or authorization to practice social work in another jurisdiction.

(u) Failing to provide information requested by the Board or to cooperate with a lawful investigation conducted by the Board.

(v) Failing to comply with any stipulation or agreement with the Board involving probation or a settlement of any disciplinary matters.

(w) Aiding or abetting any persons in the filing of false reports with the Board or other applicable governmental agency.

(x) Failing to comply with mandatory reporting laws.

(y) Being found guilty of violating any of the Standards of Professional Conduct & Ethics established by the Board as provided in these rules.

Author: Alabama State Board of Social Work Examiners

Statutory Authority: Code of Ala. 1975, §34-30-4 (1996 Supp.).

History: Repealed and Replaced: Filed October 31, 1997; Operative December 5, 1997; effective January 1, 1998 (~~See Rule 850 X 1.19~~).