

model regulatory standards for technology and social work practice

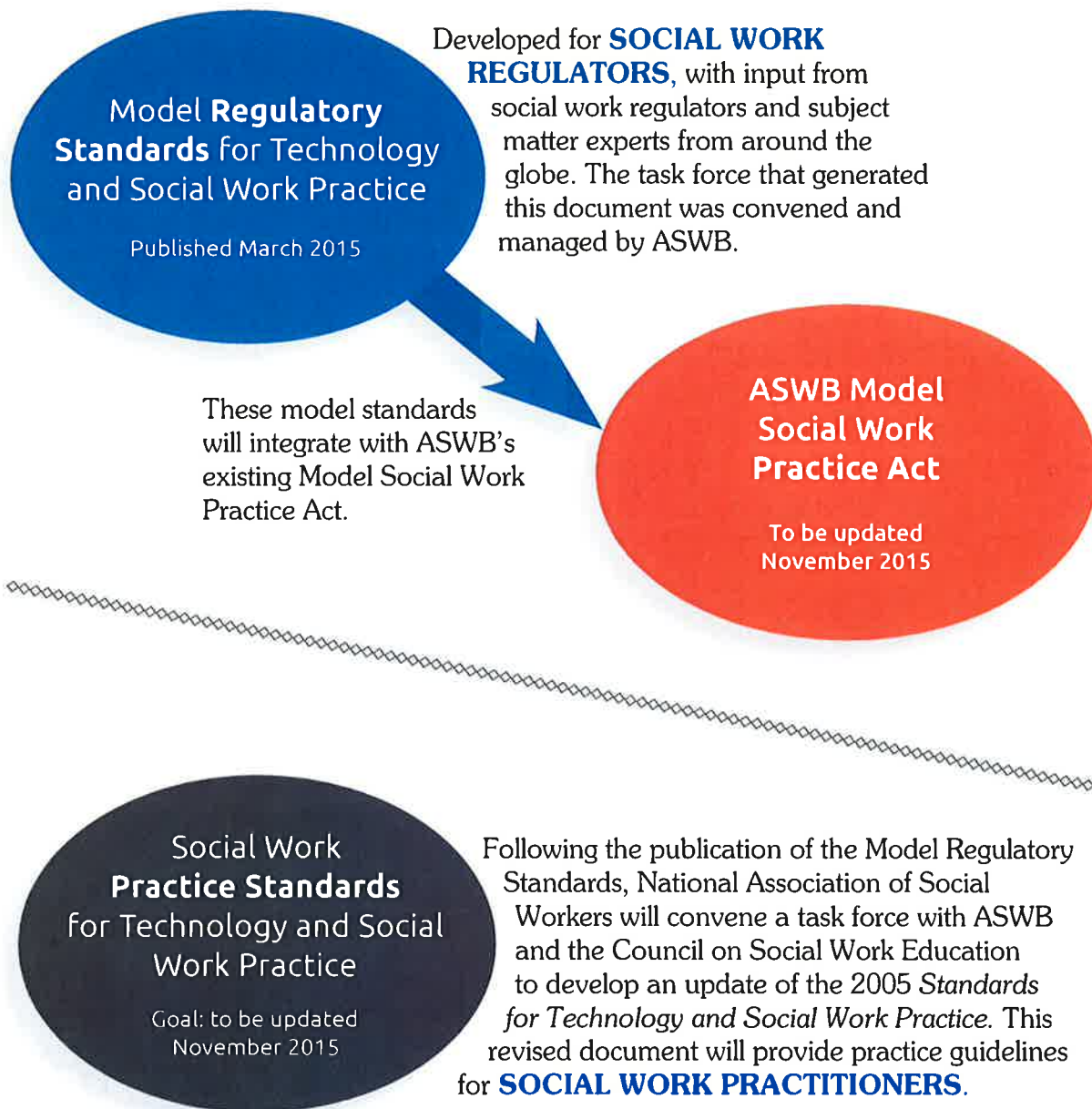
ASWB International Technology Task Force, 2013-2014

a s s o c i a t i o n o f s o c i a l w o r k b o a r d s

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Technology and Social Work Practice: A Collaborative Approach

An issue as complex as the use of technology in social work practice requires consideration from several points of view. This document is the first step in a series of standards that will be developed to address the concerns and questions of social work regulators and social work practitioners. These standards will be developed collaboratively with stakeholders from throughout the social work community.





March 2, 2015

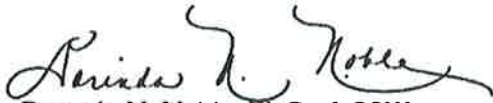
The introduction of technology into social work practice has presented unprecedented opportunity for social workers to practice across jurisdictional boundaries—giving them mobility in ways not imagined before. This in turn has created challenges for social work regulators, whose job it is to ensure no harm comes to the public.

ASWB and its Board of Directors would like to thank the members of the ASWB International Technology Task Force and its chair, Frederic Reamer, Ph.D., for their work in developing these ***Model Regulatory Standards for Technology and Social Work Practice***. Their commitment to this project has resulted in a publication that will guide regulators, educators, and practitioners as they consider how to embrace technology and integrate its use into social work practice.

The members of the task force were appointed by the ASWB Board of Directors in April 2013. The first organizing virtual meeting was held on July 8, 2013, followed by four additional virtual meetings through August 2014 to complete work on these model regulatory standards. Dr. Reamer presented the draft document to the Delegate Assembly at its meeting in Boise, Idaho, on Friday, November 14, 2014. A comment period open to regulators followed. Comments were reviewed and integrated by the task force as the final draft was completed. The ASWB Board of Directors adopted the final version of this publication at its January 22, 2015, meeting.

These standards offer guidance as regulators think through amending rules and regulations related to the growing and evolving practice of providing electronic social work services. An electronic version will be maintained on the ASWB website, www.aswb.org. In addition, the ASWB Regulation and Standards Committee will use this document as guidance in amending sections of the ASWB Model Social Work Practice Act related to electronic social work practice.

As noted in the ***Preamble***, the intended audience for this document is the social work regulatory community, specifically ASWB members and governmental regulatory bodies responsible for ensuring the safe, competent, and ethical practice of social workers using digital and other electronic technology. The model regulatory standards will also help shape practice standards. ASWB will be partnering with the National Association of Social Workers and the Council on Social Work Education to update the 2005 Technology Practice Standards. We look forward to this collaboration to develop practice standards that will serve as a guide for social workers who choose to provide electronic social work services.


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Model Regulatory Standards for Technology and Social Work Practice

Preamble

Advances in digital and other electronic technology used to provide information to the public, deliver services, store and access information, and communicate with and about ***clients****, colleagues, and others have transformed the nature of social work practice. Social workers' use of digital and other technology has the potential to assist people in need. It is important for social workers to enhance ***clients'*** access to digital and other electronic technology that may assist them and to have a thorough understanding of the potential benefits and risks associated with the use of this technology.

For purposes of these standards, "digital and other electronic technology" refers to the use of computers (including the Internet, social media, online chat, text, and email) and other electronic means (such as smartphones, landline telephones, and video technology) to (a) provide information to the public, (b) deliver services to ***clients***, (c) communicate with ***clients***, (d) manage confidential information and case records, (e) store and access information about ***clients***, and (f) arrange payment for professional services. Collectively, this use shall be referred to throughout this document as "***electronic social work services.***"

The intended audience for this document is the social work regulatory community, specifically ASWB members and ***governmental regulatory bodies*** responsible for ensuring the safe, competent, and ethical practice of social workers using digital and other electronic technology. In their efforts to protect the public, ***governmental regulatory bodies*** have an obligation to interpret statutes and, when necessary, adopt rules and regulations that address social workers' use of this technology. This document is intended to serve as guidance as regulators think through amending rules and regulations related to the growing and evolving practice of providing ***electronic social work services.***

This document is not intended to set forth legal standards enforceable by law. ***Jurisdictions*** will do that through the adoption of rules and regulations. In addition, the ASWB Regulation and Standards Committee will use this document as guidance in amending sections of the ASWB Model Social Work Practice Act related to electronic social work practice.

Since its formal inauguration in the late 19th century, the social work profession has developed a rich set of ethical standards governing practitioners and professional practice. Over time, these ethical standards have become comprehensive guides to social workers' management of complex issues pertaining to their ethical responsibilities to ***clients***, to colleagues, in practice settings, to the social work profession, and to the broader society. The proliferation of social workers' use of digital and other electronic technology has created new ethical challenges.

The standards of care that have historically protected social work ***clients*** in the context of ***in-person*** relationships apply to ***electronic social work services.*** Social workers who choose to use

*All terms in the Definitions section appear in bold/italic type.

digital and other electronic technology in their professional capacity have an obligation to do so in a way that:

- honors their commitment to **client** well-being and to social work's commitment to assist people in need, including those who have limited access to digital and other electronic technology
- adheres to prevailing ethical standards in social work

ASWB will partner with the National Association of Social Workers and the Council on Social Work Education to update the 2005 Technology Practice Standards. These practice standards will serve as a guide for social workers who choose to provide **electronic social work services**.

Model Regulatory Standards

Social work practice and related governmental regulatory standards vary significantly within North America and internationally. Further, ethical standards and norms vary among diverse cultural groups served by social workers. Standards adopted by **governmental regulatory bodies** related to **electronic social work services** should take into consideration international and other cultural differences. Social workers who use digital or other electronic technology to provide information to the public, deliver services to **clients**, communicate with and about **clients**, manage confidential information and case records, and store and access information about **clients** shall adhere to standards pertaining to informed consent; privacy and confidentiality; boundaries, dual relationships, and conflicts of interest; practitioner competence; records and documentation; and collegial relationships.

Definitions

Terms defined here appear in bold/italic type throughout the document.

Client means the individual, couple, family, group, organization, or community that seeks or receives social work services from an individual social worker or organization. **Client** status is not dependent on billing or payment of fees for such services.

Electronic social work services mean the use of computers (including the Internet, social media, online chat, text, and email) and other electronic means (such as smartphones, landline telephones, and video technology) to (a) provide information to the public, (b) deliver social work services to **clients**, (c) communicate with **clients**, (d) manage confidential information and case records, (e) store and access information about **clients**, and (f) arrange payment for professional services.

Governmental regulatory body/bodies means the governing body/bodies regulating social work practice in a state, territory, or province

In-person refers to interactions in which the social worker and the **client** are in the same physical space and does not include interactions that may occur through the use of technology.

Jurisdiction or **jurisdictional** refers to the area governed by a state, territorial, or provincial government.

Regulated means licensure, registration, certification or professional oversight by a **governmental regulatory body**.

Remote refers to the provision of a service that is received at a different site from where the social worker is physically located. **Remote** includes no consideration related to distance and may refer to a site that is near to or far from the social worker.

Section I. Practitioner Competence and Compliance with Ethical Standards

Social workers who choose to provide **electronic social work services** shall:

- 1.01. Do so only after engaging in appropriate education, study, training, consultation, and supervision from people who are competent in the use of this technology to provide social work services.
- 1.02. Use professional judgment, critically examine, and keep current with emerging knowledge related to the delivery of **electronic social work services**. Social workers shall review relevant professional literature and participate in continuing education related to electronic social work practice. When examining research evidence, social workers shall give precedence to research that meets prevailing professional methodological and ethical standards.
- 1.03. When delivering services, be aware of cultural differences among **clients** and in **clients'** use of digital and other electronic technology. Social workers shall assess cultural, environmental, and linguistic issues that may affect the delivery of services.
- 1.04. Be aware of unique communication challenges associated with **electronic social work services** (e.g., the absence of visual cues and limitations associated with the use of online written communication). Social workers shall establish reasonable strategies to address these issues (e.g., using interpretive gestures and emotions, enhancing **clients'** ability to communicate online or with other technology).
- 1.05. Assess whether **clients'** needs can be met using **electronic social work services** and, when necessary, refer **clients** to another professional.
- 1.06. Refer **clients** to another professional if **clients** prefer not to receive **electronic social work services**.
- 1.07. Seek consultation, when necessary, from colleagues with relevant expertise.
- 1.08. Have specialized skills, knowledge, and education consistent with current standards of practice when providing supervision and consultation to colleagues who provide **electronic social work services**.
- 1.09. Comply with the regulations governing the use of this technology both in the **jurisdiction** in which they are **regulated** and in the **jurisdiction** in which the **client** is located.
- 1.10. Review professionally relevant information about themselves that appears on websites and in other publicly available resources to ensure accuracy. Social workers shall take reasonable steps to correct any inaccuracies.

Section II. Informed Consent

Social workers who choose to provide **electronic social work services** shall:

- 2.01. Obtain the informed consent of the individuals using their services during the initial screening or interview and prior to initiating services. Social workers shall assess **clients'** capacity to provide informed consent.

2.02. Develop policies and inform **clients** about the nature of available services, potential benefits and risks, alternative ways of receiving assistance, fees, involvement of and sharing information with third parties, and limits of confidentiality. Examples of potential benefits are immediate access to services, convenient scheduling, privacy, and reduced or eliminated transportation barriers. Examples of potential risks are the lack of visual and auditory cues, delayed responses, the need for crisis services, confidentiality breaches, and technological failures.

2.03 Provide information in a manner that is understandable and culturally appropriate for the **client**. **Clients** shall be given sufficient opportunity to ask questions and receive answers about **electronic social work services**. Social workers shall revisit relevant informed consent issues as needed during the course of the professional-**client** relationship. Social workers' efforts to provide this information to **clients** shall be documented in the **client** record.

2.04. Take reasonable steps to verify the identity and location of **clients** (e.g., requesting scanned copies of government-issued identification). When verification of a **client's** identity is not required or feasible (e.g., when social workers provide crisis services **remotely**), social workers shall inform **clients** of the limitations of the services that can be provided.

2.05. Develop and disclose to **clients** policies on the use of Internet-based search engines to gather information about **clients**.

2.06. Inform the **client**, and document in the **client** record, the use of Internet-based search engines to gather information about the **client**.

2.07. Conduct an initial screening at the point of the **client's** first contact and assess the **client's** suitability and capacity for online and **remote** services. Social workers shall consider the **client's** intellectual, emotional, and physical ability to use digital and other electronic technology to receive services and the **client's** ability to understand the potential risks and limitations of such services.

2.08 Use professional judgment to determine whether an initial **in-person**, videoconference, or telephone consultation is warranted before undertaking **electronic social work services**. Social workers shall continually assess their **clients'** suitability for **electronic social work services** during the course of the professional relationship. Social workers' assessment shall consider a **client's**:

- *age*. Social workers shall consider the legal age of consent in the **client's** place of residence.
- *clinical and diagnostic issues*. Social workers shall assess clinical and diagnostic concerns that may preclude a **client** from being appropriate for **electronic social work services**.
- *technological skills*. Social workers shall assess a **client's** experience with and ability to use the digital and other electronic technology that the social worker uses to deliver **electronic social work services**.
- *disabilities*. Social workers shall ensure that a **client** with disabilities is able to benefit from **electronic social work services**.
- *language skills and literacy*. Social workers shall assess a **client's** ability to communicate, including language abilities, language barriers, and reading and comprehension ability.

- *cultural issues.* Social workers shall assess whether the use of **electronic social work services** is inclusive and consistent with a **client's** cultural values and norms.
- *safety issues.* Social workers shall assess the extent to which a **client** has access to family, friends, and social supports; community resources; and emergency services.

2.09. When developing a professional website for the general public, **clients**, and professionals, provide clear and accessible information about services. This information shall include:

- *professional profile and contact information.* Social workers shall display their contact information, including email address, business postal address, and telephone number. Social workers shall provide accurate information about their educational degrees. Their professional licenses and/or certifications shall be conspicuously displayed.
- *terms of use, privacy policy, and informed consent.* Social workers shall provide **clients** with either a webpage or a downloadable document that includes the terms of use, privacy policy, and informed consent information, how credit card information and **client** records are stored, retained, shared, and used.
- *crisis intervention.* Social workers shall provide clear and explicit guidelines to assist **clients** who require crisis services at times when the social worker is unavailable.
- *risks of interruption in services.* Social workers shall develop a protocol to manage interruption of services due to technological failure. Social workers shall inform **clients** about how to proceed if there are technological difficulties during a session or other efforts to communicate (e.g., by video, live online chat, email, or text).
- *consumer information.* Social workers shall inform each **client** of their license or registration number, **governmental regulatory body's** name, address, telephone number, email address, and website for reporting alleged violations of law or rule that govern the practice of social work within the **jurisdiction** in which the social worker is located. Social workers shall inform **clients** of their right to report alleged violations to the **governmental regulatory body** that governs social work practice in the **jurisdiction** where the **client** is located.

Section III. Privacy and Confidentiality

Social workers who choose to provide **electronic social work services** shall:

3.01. Inform **clients** about risks associated with disclosure of confidential information on the Internet, social media sites, text-messaging sites, and videoconferencing sites, and the potential consequences.

3.02. Use proper safeguards, including encryption, when sharing confidential information using digital or other electronic technology. Social workers shall protect **clients'** stored confidential information through the use of proper safeguards, including secure firewalls, encryption software, and password protection.

3.03. Adhere to statutes and regulations regarding the secure use of digital and other electronic technology both within their **jurisdictions** and within the **jurisdiction** where the **client** is located.

3.04. Obtain **client** consent when using electronic search engines to gather information about the **client**, with the exception of emergency circumstances when such search may provide information to help protect the **client** or other parties who may be at risk.

3.05. Develop confidentiality agreements for **clients**, including a summary of confidentiality exceptions. Social workers shall document a **client's** consent and acknowledgment of the confidentiality agreement in the **client** record.

3.06. Inform **clients** that **clients** are not permitted to disclose or post digital or other electronic communications from social workers or other recipients of services without proper consent.

3.07. Inform family, couple, and group **clients** that the social worker cannot guarantee that all participants will honor such agreements.

3.08. Protect the confidentiality of all information obtained by, or stored using, digital and other electronic technology except when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a **client** or other identifiable person, or to comply with statutes, regulations, and court orders.

3.09. Inform **clients** that third-party services that feature text messaging or other direct electronic messaging may provide limited security and protection of confidential information. Social workers shall inform **clients** as soon as possible about secure ways to contact them.

3.10. Take steps to ensure that confidential digital communications are protected. Social workers shall use proper safeguards, including encryption, when using digital communications such as email communications, online posts, online chat sessions, mobile communication, and text communications. Social workers shall develop and disclose policies and procedures for notifying **clients** as soon as possible of any breach of confidential information.

Section IV. Boundaries, Dual Relationships, and Conflicts of Interest

Social workers who choose to provide **electronic social work services** shall:

4.01. Avoid developing inappropriate dual or multiple relationships with **clients**.

4.02. Avoid perceived or actual conflicts of interest.

4.03. Communicate with **clients** using digital and other electronic technology (such as social networking sites, online chat, email, text messages, and video) only for professional or treatment-related purposes and only with **client** consent.

4.04. Discuss with **clients** the social workers' policies concerning digital and other electronic communication between scheduled appointments, during emergencies and social workers' vacations, and after normal working hours.

4.05. Take reasonable steps to prevent **client** access to social workers' personal social networking sites to avoid boundary confusion and inappropriate dual relationships. Social workers shall maintain separate professional and personal social media and websites in order to establish clear boundaries and to avoid inappropriate dual relationships.

4.06. Avoid posting personal information on professional websites, blogs, or other forms of social media that might create boundary confusion and inappropriate dual relationships.

4.07. Avoid posting any identifying or confidential information about **clients** on professional websites, blogs, or other forms of social media.

4.08. Be aware that cultural factors may influence the likelihood of discovering shared friend networks on websites, blogs, and other forms of social media. Social workers shall be aware that shared membership in cultural groups based on race, ethnicity, language, sexual orientation, gender identity or expression, disability, religion, addiction recovery, and other personal interests may create boundary confusion and inappropriate dual relationships. Social workers shall avoid conflicts of interest and inappropriate dual relationships based on their personal interests and online presence.

4.09. Refrain from soliciting digital or online testimonials from **clients** or former **clients** who, because of their particular circumstances, are vulnerable to undue influence.

4.10. Refrain from accepting “friend” or contact or blog response requests from **clients** on social networking sites. Exceptions may be made when such contact is an explicit component of a treatment or service-delivery model and meets prevailing standards regarding the use of digital technology to serve **clients**.

4.11. When avoidable, refrain from providing *electronic social work services* to a person with whom a social worker has had a personal relationship.

4.12. When providing supervision or consultation **remotely** to individuals, be knowledgeable about the unique issues telecommunication technologies pose for supervision or consultation.

4.13. When providing supervision **remotely**, adhere to the regulatory requirements of the **jurisdiction** where the supervised practitioner is **regulated**.

Section V. Records and Documentation

Social workers who choose to provide **electronic social work services** shall:

5.01. Develop policies regarding sharing, retention, and storage of digital and other electronic communications and records and inform **clients** of these policies.

5.02. Document all contacts with and services provided to **clients** and inform **clients** that digital and electronic communications will be included in **client** records.

5.03. Inform **clients** about the mechanisms used to secure and back up records (such as hard drive, external drive, third-party server), and the length of time records will be stored before being destroyed.

5.04. Inform **clients** that they have a right to information about the content of their records in accord with prevailing ethical and legal standards.

Section VI. Collegial Relationships

Social workers who choose to provide **electronic social work services** shall:

- 6.01. Abide by professional values and ethical standards when communicating with and about colleagues, avoiding cyberbullying, harassment, or making derogatory or defamatory comments.
- 6.02. Not disclose private, confidential, or sensitive information about the work or personal life of any colleague without consent, including messages, photographs, videos, or any other material that could invade or compromise a colleague's privacy.
- 6.03. Take reasonable steps to correct or remove any inaccurate or offensive information they have posted or transmitted about a colleague using digital or other electronic technology.
- 6.04. Not use digital or other electronic technology to present the work of others as their own. Social workers shall acknowledge the work of and the contributions made by others.
- 6.05. Take appropriate action if they believe that a colleague who provides **electronic social work services** is behaving unethically, is not using safeguards such as firewalls or encryption, or is allowing unauthorized access to digitally or electronically stored information. Such action may include discussing their concerns with the colleague when feasible and when such discussion is likely to produce a resolution. If there is no resolution, social workers shall report through appropriate formal channels established by employers, agencies, professional organizations, and **governmental regulatory bodies**.
- 6.06. Use professional judgment and take steps to discourage, prevent, expose, and correct any efforts by colleagues to knowingly produce, possess, download, or transmit illicit or illegal content or images in digital or electronic format.

Section VII. Electronic Practice Across Jurisdictional Boundaries

Social workers who choose to provide *electronic social work services* shall:

- 7.01 Comply with the laws and regulations that govern **electronic social work services** within the **jurisdictions** in which the social worker is located and in which the **client** is located.

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