

Agenda

SOCIAL WORKER LICENSING BOARD MEETING

June 5, 2014, 9:00 A.M. - 3:00 P.M.

Room 475 – Fourth Floor

Heber M. Wells Building

160 E. 300 S. Salt Lake City, Utah

This agenda is subject to change up to 24 hours prior to the meeting.

ADMINISTRATIVE BUSINESS: 9:00 A.M. – 10:00 A.M.

1. Call meeting to order
2. Sign per diem
3. Review and approve minutes dated April 3, 2014
4. Compliance report
5. Preliminary review of appointments and discussion items

APPOINTMENTS: 10:00 A.M. - 2:00 P.M.

- Donna* 10:00 A.M. ✓ Monique Crowley, probation interview
Kathleen 10:20 A.M. ✓ David Steed, probation interview
Misty 10:40 A.M. ✓ Jerry Meade, probation interview
Suzanne 11:00 A.M. ✓ Kent Larson, probation interview
Nuttall 11:20 A.M. ✓ Charles Nuttall, probation interview

pages this time please

11:40 P.M. – 12:35 Lunch

- Suzanne* 12:40 P.M. ✓ Michael Rigby, probation interview, confirmed 5/21
Donna 1:00 P.M. ✓ Barry Richards, probation interview, confirmed 5/21
Donna 1:20 P.M. ✓ Stan Sullivan, telephonic public reprimand interview, confirmed 5/21
Rich 1:40 P.M. – Marta Lopez, applicant for CSW license

DISCUSSION ITEMS: 2:00 P.M. – 3:00 P.M.

1. Investigation report
2. Continued discussion about LCSW experience requirement
3. Proposed changes to examination requirement defined in R156-60a-302d
- (4)
4. Consideration of proposal to a CSW to pay their LCSW supervisor directly for supervision services *allow*
5. Upcoming license renewal for mental health professions
6. Heather Burnham, LCSW License Surrender

REVISED CHECKLIST FOR PUBLIC MEETINGS

_____ I am, **Susan Egbert**, Vice Chairperson of the Social Work Licensing Board.

_____ I would like to call this meeting of the Social Work Licensing Board to order.

_____ It is now (time) 9:04 A.M. on **June 6, 2014**.

_____ This meeting is being held in **Room 475** of the Heber M. Wells Building in Salt Lake City, Utah.

_____ Notice of this meeting was provided as required under Utah's Open Meeting laws.

_____ In compliance with Utah's Open Meetings laws, this meeting is being recorded in its entirety. The recording will be posted to the Utah Public Notice Website no later than three business days following the meeting.

_____ In compliance with Utah's Open Meeting laws, written minutes will also be prepared of this meeting. Appropriately marked "*pending approval*" minutes will be available to the public no later than 30 days after the close of the meeting. "*Approved*" minutes will be posted to the Utah Public Notice Website no later than three business days after approval.

_____ The following Board members are in attendance:

	YES	NO
<u>Doran Williams, Chairperson</u>		Excused
<u>Nathan Strait</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Donna Didas</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Susan Egbert, Vice Chairperson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/> 9:08
<u>Kathleen Anderson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/> 9:10
<u>Mandy Donovan</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Tanya M. Nagahiro</u>	<input type="checkbox"/>	<input type="checkbox"/> Excused

_____ The following Board members are absent: (Refer to the above list.)

_____ The following individuals representing DOPL and the Department of Commerce are in attendance:

	YES	NO
<u>Mark B. Steinagel, Division Director</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Rich Oborn, Bureau Manager</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Lee Avery, Board Secretary</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Susan Higgs, Compliance Specialist</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

_____ We welcome any visitors and interested persons at this time. Please be sure to sign the attendance report for the meeting and identify yourself before speaking.

_____ As a courtesy to everyone participating in this meeting, at this time we ask for all cell phones, pagers, and other electronic devices to be turned off or changed to silent mode.

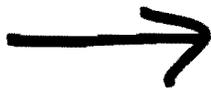
_____ Board motions and votes will be recorded in the minutes.

_____ Let us now proceed with the agenda.

_____ (End of the Meeting) It is now (time) _____ : _____ (am / pm), and this meeting is adjourned.

58-60-205. Qualifications for licensure as a clinical or certified social worker and social service worker.

- (1) An applicant for licensure as a clinical social worker shall:
 - (a) submit an application on a form provided by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and earned degree as follows:
 - (i) an earned master's degree in social work resulting from completion of an education program accredited by the Council on Social Work Education; or
 - (ii) an earned doctoral degree in social work that results from successful completion of a clinical concentration and practicum approved by the division and defined by rule under Section 58-1-203;
 - (e) *have completed a minimum of 4,000 hours of clinical social work training as defined by division rule under Section 58-1-203 in not less than two years and under the supervision of a clinical social worker supervisor approved by the division in collaboration with the board;*
 - (f) *document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement in Subsection (1)(d), which training may be included as part of the 4,000 hours of training in Subsection (1)(e), and of which documented evidence demonstrates not less than 100 of the hours were obtained under the direct supervision of a clinical social worker, as defined by rule;*
 - (g) have completed a case work, group work, or family treatment course sequence with a clinical practicum in content as defined by rule under Section 58-1-203; and
 - (h) pass the examination requirement established by rule under Section 58-1-203.



R156-60a-302c. Training Requirements for Licensure as an LCSW.

In accordance with Subsections 58-60-205(1)(e),(f) and (g), and 58-60-202(4)(a), the 4,000 hours of clinical social work and mental health therapy training qualifying an applicant for licensure as an LCSW shall:

- (1) be obtained after completion of the education requirement set forth in Subsections 58-60-205(1)(d) and (g) and shall not include any clinical practicum hours obtained as part of the education program;
 - (2) be completed over a duration of not less than two years;
 - (3) be completed while licensed as a CSW;
 - (4) be completed while the CSW is an employee of a public or private agency engaged in mental health therapy;
 - (5) be completed under a program of general supervision by an LCSW meeting the requirements of Sections R156-60a-302e and R156-60a-601; and
 - (6) include the following training requirements:
 - (a) individual, family, and group therapy;
 - (b) crisis intervention;
 - (c) intermediate treatment; and
 - (d) long term treatment.
-

R156-60a-302d. Examination Requirements.

(1) In accordance with Subsection 58-60-205(1)(h), the examination requirements for licensure as an LCSW include passing the Clinical Examination of the ASWB or the Clinical Social Workers Examination of the State of California.

(2) In accordance with Subsection 58-60-205(2)(e), the examination requirements for licensure as a CSW shall include passing the Masters, Advanced Generalist, or Clinical Examination of the ASWB.

(3) In accordance with Subsection 58-60-205(4)(e), the examination requirements for licensure as an SSW shall include passing the Bachelors Examination of the ASWB.

~~[(4) Applicants for any ASWB exam must pass the exam within one year from date of the Division's approval for the applicant to take the exam. If the applicant does not pass the required exam within one year, the pending license application shall be denied.]~~

(5) Applicants requesting additional time to complete any ASWB exam in accordance with Subsection 58-60-205(5) shall complete an ASWB application for special arrangements approved by the Division.

R156-60a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) using the abbreviated title of LCSW unless licensed as an LCSW;
- (2) using the abbreviated title of CSW unless licensed as a CSW;
- (3) using the abbreviated title of SSW unless licensed as an SSW;
- (4) acting as a supervisor or accepting supervision of a supervisor without complying with or ensuring the compliance with the requirements of Sections R156-60a-302c and R156-60a-601.

(5) engaging in the supervised practice of mental health therapy as a licensed CSW unless:

- (a) the licensee has completed a clinical practicum as part of the Council on Social Work Education (CSWE) accredited master's degree program; and
- (b) the scope of practice is otherwise within the licensee's competency, abilities and education;

(6) *engaging in the supervised practice of mental health therapy when not in compliance with Section R156-60a-302c and Subsection R156-60a-601(7);*

(7) engaging in or aiding or abetting conduct or practices which are dishonest, deceptive or fraudulent;

(8) engaging in or aiding or abetting deceptive or fraudulent billing practices;

(9) failing to establish and maintain professional boundaries with a client or former client;

(10) engaging in dual or multiple relationships with a client or former client in which there is a risk of or potential harm to the client;

(11) engaging in sexual activities or sexual contact with a client with or without client consent;

(12) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services even when there is no risk of exploitation or potential harm to the client;

(13) engaging in sexual activities or sexual contact with client's relatives or other individuals with whom the client maintains a personal relationship when there is a risk of exploitation or potential harm to the client;

(14) embracing, massaging, cuddling, caressing, or performing any other act of physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;

(15) engaging in or aiding or abetting sexual harassment or any conduct which is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;

(16) failing to exercise professional discretion and impartial judgement required for the performance of professional activities, duties and functions;

(17) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health or any other determination concerning an individual's civil or legal rights;

(18) exploiting a client or former client for personal gain;



(19) exploiting a person who has a personal relationship with a client for personal gain;

(20) failing to maintain client records including records of assessment, treatment, progress notes and billing information for a period of not less than ten years from the documented termination of services to the client;

(21) failing to provide client records in a reasonable time upon written request of the client, or legal guardian;

(22) failing to obtain informed consent from the client or legal guardian before taping, recording or permitting third party observations of client activities or records;

(23) failing to protect the confidences of other persons named or contained in the client records; and

(24) failing to abide by the provisions of the Code of Ethics of the National Association of Social Workers (NASW) as approved by the NASW 1996 Delegate Assembly and revised by the 2008 NASW Delegate Assembly, which is adopted and incorporated by reference.

R156-60a-601. Duties and Responsibilities of an LCSW Supervisor.

The duties and responsibilities of an LCSW supervisor are further established as follows:

(1) be professionally responsible for the acts and practices of the supervisee;

(2) *be engaged in a relationship with the supervisee in which the supervisor is independent from control by the supervisee and in which the ability of the supervisor to supervise and direct the practice of the supervisee or is not compromised;*

(3) be available for advice, consultation, and direction consistent with the standards and ethics of the profession;

(4) provide periodic review of the client records assigned to the supervisee;

(5) comply with the confidentiality requirements of Section 58-60-114;

(6) monitor the performance of the supervisee for compliance with laws, rules, standards and ethics applicable to the practice of social work;

(7) supervise only a supervisee who is an employee of a public or private mental health agency;

(8) supervise not more than three individuals who are lawfully engaged in mental health therapy training, unless otherwise approved by the Division in collaboration with the Board;

(9) not begin supervision of a CSW until having met the requirements of Section R156-60a-302e; and

(10) in accordance with Subsections 58-60-205(1)(e) and (f), submit to the Division on forms made available by the Division:

(a) documentation of the training hours completed by the CSW; and

(b) an evaluation of the CSW, with respect to the quality of the work performed and the competency of the CSW to practice clinical social work and mental health therapy.

SOCIAL WORK LICENSING BOARD
2013 YEAR END STATISTICS REPORT

Complaints	108	
Administrative Sanctions	16	Probation
Administrative Discretion	4	3 Disciplinary Surrenders
Citations Issued	1	
Consolidated to Another Case	3	
Intelligence Filed	10	
Letters of Concern	20	
No Jurisdiction	7	
Non-Disciplinary Order	1	
Referred to Diversion	1	
Referred to Another Agency	1	
Unfounded	25	
Verbal Warning	3	
Voluntary Compliance	5	

Reoccurring Ethical Violations

- 1. Making a Custody Recommendation for a therapy client**
- 2. Boundary Violations**
- 3. Dual Relationships**
- 4. Confidentiality Violations**
- 5. Record Keeping**

2013 SAMPLE OF LETTERS OF CONCERN TO SOCIAL WORKERS

LETTER OF CONCERN #1 – Full letter follows

████████████████████ LCSW
████████████████████ CSW
████████████████████
████████████████████
████████████████████

SUBJECT: LETTER OF CONCERN

Dear Ms. ██████ and Ms. ██████:

As you are aware, the Division of Occupational and Professional Licensing has received a complaint concerning you in your capacity as Licensed Social Workers. The complaint alleged confidentiality violations, conflict of interest, making a custody recommendation for therapy clients and resulting supervision issues.

Ms. ██████ has provided mental health therapy for two minor children for several months, under the clinical supervision of Ms. ██████. The parents, with whom Ms. ██████ has also counseled, are involved in a divorce and custody dispute. You authored a letter dated November 28, 2012, at the request of the mother, who solicited your support for her court case. Both Ms. ██████ and Ms. ██████ signatures appear on the letter along with licensing credentials. Both parents and the children are referred to by name in the letter you authored.

Investigation revealed you failed to obtain written authorization from both parents before you released confidential information learned in therapy sessions. The letter also makes a subtle recommendation for one parent regarding physical custody of the children. It was also noted that the letter makes statements as though they are facts, rather than stating that the client reported the information. The letter was provided by the mother to the court. This letter amounts to unprofessional conduct.

You should be aware of the following statutes, rules and ethics that may be applicable. Social Workers must have a comprehensive working knowledge of the statutes, rules and ethics that govern the social work profession. A good resource for statutes, rules and ethics is the Division's website: www.DOPL.UTAH.GOV.

R156. Commerce, Occupational and Professional Licensing.

R156-60a. Social Worker Licensing Act Rule.

R156-60a-101. Title.

This rule is known as the "Social Worker Licensing Act Rule".

R156-60a-502. Unprofessional Conduct.

(23) failing to protect the confidences of other persons named or contained in the

client records; and

(17) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health or any other determination concerning an individual's civil or legal rights;

(24) failing to abide by the provisions of the Code of Ethics of the National Association of Social Workers (NASW) as approved by the NASW 1996 Delegate Assembly and revised by the 1999 NASW Delegate Assembly, which is adopted and incorporated by reference.

R156-60a-601. Duties and Responsibilities of an LCSW Supervisor.

The duties and responsibilities of an LCSW supervisor are further established as follows:

(1) be professionally responsible for the acts and practices of the supervisee;

(3) be available for advice, consultation, and direction consistent with the standards and ethics of the profession;

(4) provide periodic review of the client records assigned to the supervisee;

(5) comply with the confidentiality requirements of Section 58-60-114;

(6) monitor the performance of the supervisee for compliance with laws, rules, standards and ethics applicable to the practice of social work;

(7) supervise only a supervisee who is an employee of a public or private mental health agency;

(8) supervise not more than three individuals who are lawfully engaged in mental health therapy training, unless otherwise approved by the Division in collaboration with the Board;

58-60-101. Title.

This chapter is known as the "Mental Health Professional Practice Act."

58-60-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) **"Client" or "patient" means an individual who consults or is examined or interviewed by an individual licensed under this chapter who is acting in the individual's professional capacity.**

(2) **"Confidential communication" means information obtained by an individual licensed under this chapter, including information obtained by the individual's examination of the client or patient, which is:**

(a) (i) transmitted between the client or patient and an individual licensed under this chapter in the course of that relationship;

or

(ii) transmitted among the client or patient, an individual licensed under this chapter, and individuals who are participating in the diagnosis or treatment under the direction of an individual licensed under this chapter, including members of the client's or patient's family; and

(b) made in confidence, for the diagnosis or treatment of the client or patient by the individual licensed under this chapter, and by a means not intended to be disclosed to third persons other than those individuals:

(i) presented to further the interest of the client or patient in the consultation, examination, or interview;

(ii) reasonably necessary for the transmission of the communications;

or

(iii) participating in the diagnosis and treatment of the client or patient under the direction of the mental health therapist.

58-60-110. Unprofessional conduct.

(1) As used in this chapter, "unprofessional conduct" includes:

(a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession for which the individual is licensed, or the laws of the state;

(b) failure to confine practice conduct to those acts or practices:

(i) in which the individual is competent by education, training, and experience within limits of education, training, and experience; and

(ii) which are within applicable scope of practice laws of this chapter; and

(c) disclosing or refusing to disclose any confidential communication under Section 58-60-114 or 58-60-509.

58-60-114. Confidentiality.

(1) A mental health therapist under this chapter may not disclose any confidential communication with a client or patient without the express consent of:

(a) the client or patient;

(b) the parent or legal guardian of a minor client or patient; or

(c) the authorized agent of a client or patient.

R156-60-101. Title.

This rule is known as the "Mental Health Professional Practice Act Rule."

R156-60-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or this rule:

2) "Client or patient" means an individual who, when competent requests, or when not competent to request is lawfully provided professional services by a mental health therapist when the mental health therapist agrees verbally or in writing to provide professional services to that individual, or without an overt agreement does in fact provide professional services to that individual.

**Code of Ethics
of the National Association of Social Workers**

Approved by the 1996 NASW Delegate Assembly and revised by the 2008 NASW Delegate Assembly

1.07 Privacy and Confidentiality

(a) Social workers should respect clients' right to privacy. Social workers should not solicit private information from clients unless it is essential to providing services or conducting social work evaluation or research. Once private information is shared, standards of confidentiality apply.

(b) Social workers may disclose confidential information when appropriate with valid consent from a client or a person legally authorized to consent on behalf of a client.

(c) Social workers should protect the confidentiality of all information obtained in the course of professional service, except for compelling professional reasons. The general expectation that social workers will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a client or other identifiable person. In all instances, social workers should disclose the least amount of confidential information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made should be revealed.

(d) Social workers should inform clients, to the extent possible, about the disclosure of confidential information and the potential consequences, when feasible before the disclosure is made. This applies whether social workers disclose confidential information on the basis of a legal requirement or client consent.

(e) Social workers should discuss with clients and other interested parties the nature of confidentiality and limitations of clients' right to confidentiality. Social workers should review with clients circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. This discussion should occur as soon as possible in the social worker/client relationship and as needed throughout the course of the relationship.

(f) When social workers provide counseling services to families, couples, or groups, social workers should seek agreement among the parties involved concerning each individual's right to confidentiality and obligation to preserve the confidentiality of information shared by others. Social workers should inform participants in family, couples, or group counseling that social workers cannot guarantee that all participants will honor such agreements.

(g) Social workers should inform clients involved in family, couples, marital, or group counseling of the social worker's, employer's, and agency's policy concerning the social worker's disclosure of confidential information among the parties involved in the counseling.

(j) Social workers should protect the confidentiality of clients during legal proceedings to the extent permitted by law. When a court of law or other legally authorized body orders social workers to disclose confidential or privileged information without a client's

consent and such disclosure could cause harm to the client, social workers should request that the court withdraw the order or limit the order as narrowly as possible or maintain the records under seal, unavailable for public inspection.

(m) Social workers should take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology. Disclosure of identifying information should be avoided whenever possible.

4.01 Competence

(b) Social workers should strive to become and remain proficient in professional practice and the performance of professional functions. Social workers should critically examine and keep current with emerging knowledge relevant to social work. Social workers should routinely review the professional literature and participate in continuing education relevant to social work practice and social work ethics.

2.05 Consultation

(a) Social workers should seek the advice and counsel of colleagues whenever such consultation is in the best interests of clients.

(b) Social workers should keep themselves informed about colleagues' areas of expertise and competencies. Social workers should seek consultation only from colleagues who have demonstrated knowledge, expertise, and competence related to the subject of the consultation.

(c) When consulting with colleagues about clients, social workers should disclose the least amount of information necessary to achieve the purposes of the consultation.

3.01 Supervision and Consultation

(a) Social workers who provide supervision or consultation should have the necessary knowledge and skill to supervise or consult appropriately and should do so only within their areas of knowledge and competence.

3.08 Continuing Education and Staff Development

Social work administrators and supervisors should take reasonable steps to provide or arrange for continuing education and staff development for all staff for whom they are responsible. Continuing education and staff development should address current knowledge and emerging developments related to social work practice and ethics.

The Division Investigator reported she provided some education to you regarding the unprofessional conduct involved in this case. The investigator indicated that you responded appropriately, and demonstrated a good understanding of the issues addressed. It was recommended you research and attend ethics classes regarding confidentiality including written authorization to release information, and the standard of care when a social worker provides therapy for children when a custody dispute is involved.

The Division has declined, at this time, to investigate the matter any further or seek formal action against your licenses to practice as Social Workers. Instead, we have decided that a letter of concern should be sufficient motivation for you to carefully examine and adjust your practices in the future. This decision was, in part, based on your representation to our investigator that you would indeed examine and adjust your practices in the future.

This letter is issued in accordance with Utah Code Annotated subsection 58-1-108(3) and Utah Administrative Code subsection R156-1-102(33). This letter does not constitute a legal finding that you have or have not engaged in unprofessional conduct, nor does it constitute disciplinary action against you.

This letter is classified under the Government Records Management Act as a protected record. If you would like to comment regarding any issues raised herein, please feel free to do so. Please be aware that future problems in this area of concern may result in formal disciplinary action by the Division. Also be aware that if other complaints of unprofessional conduct are brought to our attention, we may reopen our investigation and take action as appropriate.

If you have any questions about this letter, please contact Dee Thorell, Division Investigator at (801) 530-6152. Thank you for your time and immediate attention to resolve this matter.

Sincerely,

Larry Gooch
Investigative Supervisor

LETTER OF CONCERN #2

January 7, 2013

SUBJECT: LETTER OF CONCERN

Dear LCSW:

The Division of Occupational and Professional Licensing has received a complaint concerning you in your capacity as a licensed clinical social worker.

It was alleged that while employed at [REDACTED], you made unwanted sexual advances towards an employee that you directly supervised. In a meeting with a Division Investigator, you admitted expressing attraction towards the employee.

While on a work trip to [REDACTED], you admitted to holding the employee's hand on the airplane, telling her you wanted to kiss her, and having conversations that were sexual in nature: "sexual relationships, penis size, and masturbation." When discussing this behavior, you stated you believed you and the employee had a mutual flirtation and you never coerced, forced, or threatened her. The employee reported she felt "uncomfortable and unsafe" due to your position as her direct supervisor.

On 7/30/12, your employment with [REDACTED] ended due to this behavior. Since that time, you reported you have been attending individual and couples therapy, changed your medication, and hired a clinical supervisor.

LETTER OF CONCERN #3

April 2, 2013

[REDACTED] LCSW
[REDACTED]
SALT LAKE CITY UT [REDACTED]

SUBJECT: LETTER OF CONCERN

Dear LCSW:

As you are aware, the Division of Occupational and Professional Licensing has received a complaint concerning you in your capacity as a Licensed Clinical Social Worker. The complaint contained a number of allegations which either were not within the jurisdiction of the Division or lacked sufficient evidence to substantiate. However, investigation revealed that you engaged in unprofessional conduct when you violated confidentiality.

You reported the following information to the Division Investigator:

1. You have engaged in a mental health therapy relationship with a female client, herein referred to as Jane Doe, (to protect the client's confidentiality) for 20 years.
2. In about the spring 2012, you provided therapy sessions at Jane Doe's home during a time when her husband, (herein referred to as John Doe to protect confidentiality) was present in the home.
3. John Doe sat in on one session. You reportedly made a notation in the clinical file that John Doe was present for the session and that the session took place in the Doe's home.
4. John Doe was not your client.
5. In about July 2012, you spoke with John Doe's clergyman and disclosed the following:
 - a. You heard there were allegations that John Doe had abused children in the past.
 - b. John Doe may be a danger to children.
 - c. John Doe had problems and needs to get help.
 - d. You recommended the clergyman not place John Doe in a position working with children.
6. The information about John Doe was obtained second hand from Jane Doe. You later reported that some information was obtained from John Doe.
7. The information about John Doe's alleged abuse of children did not rise to the level required to report to DCFS or police.
8. You did not obtain a written authorization from Jane or John Doe to release information.

Without using names, the above scenario was reviewed by two NASW ethics experts independently. Both came to the conclusion that you have violated confidentiality when

you contacted the clergyman and disclosed information. Experts added that a release must be signed if information is disclosed to anyone with the exception of DCFS and/or the police with regards to child abuse and neglect, and as otherwise outlined in Utah Laws.

Most concerning, the Division Investigator reported she had provided you with the statutes, rules and ethics regarding confidentiality requirements. It is of great concern to the Division that you have a disregard for ethical standards created by your profession.

LETTER OF CONCERN #4

December 30, 2013

[REDACTED] LCSW
[REDACTED]
SALT LAKE CITY UT [REDACTED]

SUBJECT: LETTER OF CONCERN

Dear LCSW:

As you are aware, the Division of Occupational and Professional Licensing has received a complaint concerning you in your capacity as Licensed Clinical Social Worker. You provided therapy to children of parents involved in a high conflict divorce and custody battle. It was alleged by the father of your child clients that you engaged in the following:

1. Misdiagnosed the children to obtain funding
2. Lied in court which caused a change in custody
3. Failed to report several cases of abuse
4. Failed to notify the father that the children were in treatment
5. Authored a letter for court which violated confidentiality

Investigation revealed that numbers 1 through 4 above were not substantiated during the Division's investigation; however, the father of your child clients intended to pursue the perjury allegation in another venue.

The letter you authored on behalf of the mother of the children was dated March 8, 2011, captioned "[REDACTED] Family" and addressed to the mother's attorney. The letter made several negative statements about the father as though they were factual, when the information was actually reported to you by the children's mother. You failed to obtain an authorization to release information from the mother and from the father, who were both mentioned by name in the letter. The letter does not contain general clinical progress of the clients, but instead has focused on issues for which the children are being treated, and on information supplied by the children and the mother.

LETTER OF CONCERN #5

May 21, 2013

[REDACTED], LCSW
[REDACTED]

SUBJECT: LETTER OF CONCERN

Dear Ms. LCSW:

As you are aware, the Division of Occupational and Professional Licensing has received a complaint concerning you in your capacity the supervisor of an Associate Clinical Mental Health Counselor. It was alleged your supervisee authored a letter which violated confidentiality and made a visitation recommendation for a child client. Other allegations regarding the ACMHC you supervise were either not within the Division's jurisdiction or were not substantiated.

Investigation revealed you countersigned a letter on behalf of your supervisee's child client on March 28, 2013. The letter, which reportedly went to a juvenile court judge, violated confidentiality when the mother of the child client was named without a signed authorization. The letter also made statements about behavior and scenarios your supervisee seemingly witnessed, when the observations were actually reported to the supervisee by a third party. The letter also made a visitation recommendation for the child client. It appears there may have been extenuating circumstances regarding the policy for making such recommendations.

The Division Investigator reported she provided some education to you regarding the unprofessional conduct involved in this case. The investigator indicated that you responded appropriately, and demonstrated a good understanding of the issues addressed.

The Division investigator indicated that you, your supervisee and clinic administration were introduced to statutes and rules that may be applicable. A good resource for statutes, rules and ethics is the Division's website: www.DOPL.UTAH.GOV. You may benefit from continuing education ethics classes with a focus on clinical supervision, confidentiality, scope of practice and conflict of interest issues.

LETTER OF CONCERN #6

 LCSW

SUBJECT: LETTER OF CONCERN

Dear Ms. LCSW:

As you are aware, the Division of Occupational and Professional Licensing has received a complaint concerning you in your capacity as Licensed Clinical Social Worker. It was alleged that you refused to provide a copy of a client's clinical file to another mental health treatment provider to whom you had referred the client. Investigation revealed that in about April 2013, you referred a mental health therapy client to another agency for services. The client signed an authorization in your office. Client records were requested by the agency. You declined to provide requested records due to a lack of support staff in your private practice.

You should be aware of the following statutes, rules and ethics that may be applicable. Social Workers must have a comprehensive working knowledge of the statutes, rules and ethics that govern the social work profession. A good resource for statutes, rules and ethics is the Division's website: www.DOPL.UTAH.GOV.

R156. Commerce, Occupational and Professional Licensing.

R156-60a. Social Worker Licensing Act Rule.

This rule is known as the "Social Worker Licensing Act Rule".

R156-60a-502. Unprofessional Conduct.

(21) failing to provide client records in a reasonable time upon written request of the client, or legal guardian;

(24) failing to abide by the provisions of the Code of Ethics of the National Association of Social Workers (NASW) as approved by the NASW 1996 Delegate Assembly and revised by the 1999 NASW Delegate Assembly, which is adopted and incorporated by reference.

LETTER OF CONCERN #7

June 19, 2013

[REDACTED] LCSW
[REDACTED]

SUBJECT: LETTER OF CONCERN

Dear Ms. LCSW:

As you are aware, the Division of Occupational and Professional Licensing has received a complaint concerning you in your capacity as Licensed Clinical Social Worker. It was alleged by a female therapy client that you asked to see the client's breasts and touched the client's breasts and inner thigh. You denied the allegations. The client provided inaccurate and incomplete contact information to the Division, and was not interviewed.

You reported that you received a crisis call from the client during regular business hours in about April 2013, while you were on duty at the clinic where you are employed. You reported to the Division Investigator that you immediately left the clinic, met the client at another location, and transported the client to a hospital. You acknowledged that you touched the client's knee in an attempt to calm the distraught client. You also told the Division Investigator that you provided your personal mobile phone number to the above client, and several of the clinic's clients you serve.

The Division investigator indicated you were provided education regarding appropriate boundaries with clients, and recommended you seek continuing education classes with a focus on boundaries and ethics. The Division investigator indicated you responded appropriately and agreed that continuing education would be beneficial for you. The recommendation for continuing education is for you to receive a comprehensive understanding of appropriate boundaries in your professional practice, and why these boundaries are established by the social work profession.

LETTER OF CONCERN #8

October 9, 2013



SUBJECT: LETTER OF CONCERN

Dear Mr. [REDACTED]:

As you are aware, the Division of Occupational and Professional Licensing has received a complaint concerning you in your capacity as Licensed Clinical Social Worker. The complaint alleged you engaged in a boundary violation with a client, and confidentiality violations.

You told the Division Investigator that in about February 2013, you walked to a restaurant with a minor client and the client's relative subsequent to a session with the client. You reportedly spoke with the relative about the client's treatment. Even though you live and work in a small town, where it might be unavoidable to relate to a client in more than one role, the boundary violation you described was completely avoidable and within your control. The alleged confidentiality issues in the complaint were vague and unsubstantiated. However, the NASW Code of Ethics restricts Clinical Social Workers from meeting with clients in restaurants and other public places, and this ethical standard is listed under Confidentiality.

Note: Brian Patrick Gomez surrendered his Professional License subsequent to his arrest in January 2014. Gomez was charged with 6 counts of Sexual Abuse of a Child, all first degree felonies. The judge ordered Gomez to surrender his LCSW license.

LETTER OF CONCERN #9

October 28, 2013

 LCSW

SUBJECT: LETTER OF CONCERN

Dear Ms. LCSW:

As you are aware, the Division of Occupational and Professional Licensing has received a complaint concerning you in your capacity as Licensed Clinical Social Worker. It was alleged that you violated confidentiality when you released a copy of a clinical record without the written authorization of one of the clients you treated.

Investigation revealed you initially met with a father and his minor daughter on about December 19, 2012. Clinical documentation indicates the father reported he brought his daughter to therapy to work out some family issues he and his daughter were having, and to increase their communication. The mother and father shared legal custody of the child, and had been involved in a custody dispute. According to the clinical record, your treatment recommendation was individual and Family Therapy one time per week.

You contend that the minor daughter is your client, and that the father is not your client; however, the father sought family therapy and help with communication issues with his daughter. The father was of the impression that he was your client. The treatment plan designates individual and family therapy. You reported to the Division Investigator that the father attended approximately 10 sessions with his daughter. You also reported that the father's daughter from another relationship also attended one session; however a reference to this session could not be found in the case notes. You reported you had three files for this family. You reported, "They sought family therapy. The insurance would not pay for family therapy, so the daughter was the client."

You released a copy of the clinical file to a third party based upon an authorization from the mother. You failed to obtain a signed authorization from the father, who was named in at least 19 sessions. It appears you may have failed to provide appropriate informed consent. It is good practice to document informed consent in the client file.

November 25, 2013

Letter of Concern #10

[REDACTED] LCSW
[REDACTED]
[REDACTED]

SUBJECT: LETTER OF CONCERN

Dear Mr. LCSW:

As you are aware, the Division of Occupational and Professional Licensing has received information concerning you in your capacity as Licensed Clinical Social Worker. During the investigation of [REDACTED] LCSW, for unprofessional conduct, it was learned that you clinically supervised Ms. [REDACTED] from about July 2010 to September 2012, when she was licensed as a Certified Social Worker. Investigation revealed you failed to abide by the Rules of Supervision during the supervision of Ms. [REDACTED].

You should be aware of the following statutes, rules and ethics that may be applicable. Social Workers must have a comprehensive working knowledge of the statutes, rules and ethics that govern the social work profession. A good resource for statutes, rules and ethics is the Division's website: www.DOPL.UTAH.GOV. Rules of Supervision follow:

R156. Commerce, Occupational and Professional Licensing.

R156-60a. Social Worker Licensing Act Rule.

R156-60a-101. Title.

This rule is known as the "Social Worker Licensing Act Rule".

R156-60a-601. Duties and Responsibilities of an LCSW Supervisor.

The duties and responsibilities of an LCSW supervisor are further established as follows:

- (1) be professionally responsible for the acts and practices of the supervisee;**
- (2) be engaged in a relationship with the supervisee in which the supervisor is independent from control by the supervisee and in which the ability of the supervisor to supervise and direct the practice of the supervisee or is not compromised;**
- (3) be available for advice, consultation, and direction consistent with the standards and ethics of the profession;**
- (4) provide periodic review of the client records assigned to the supervisee;**
- (5) comply with the confidentiality requirements of Section 58-60-114;**
- (6) monitor the performance of the supervisee for compliance with laws, rules, standards and ethics applicable to the practice of social work;**
- (7) supervise only a supervisee who is an employee of a public or private mental health agency;**
- (8) supervise not more than three individuals who are lawfully engaged in mental**

health therapy training, unless otherwise approved by the Division in collaboration with the Board;

(9) not begin supervision of a CSW until having met the requirements of Section R156-60a-302e; and

(10) in accordance with Subsections 58-60-205(1)(e) and (f), submit to the Division on forms made available by the Division:

(a) documentation of the training hours completed by the CSW; and

(b) an evaluation of the CSW, with respect to the quality of the work performed and the competency of the CSW to practice clinical social work and mental health therapy.

The Division Investigator reported she provided some education to you regarding the unprofessional conduct involved in this case. You reported that Ms. [REDACTED] was your first supervisee. The investigator indicated that you responded appropriately, and demonstrated a good understanding of the issues addressed. When it was recommended you attend continuing education ethics classes regarding appropriate clinical supervision, you had proactively obtained educational study material to help you with your efforts to provide appropriate clinical supervision.