

Vermont Clinical Social Workers Disclosure Requirement

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Vermont law requires that Licensed Clinical Social Workers disclose to each client his/her professional qualifications and experience, those actions that constitute unprofessional conduct, and the method for filing a complaint or making a consumer inquiry. This must be done by the third appointment.

1. *Qualifications and Experience:*

(See Practice Information for details. Copy of Resume will be provided upon request.)

2. *3210. Unprofessional conduct:*

(a) The following conduct and the conduct set forth in section 129a of Title 3 by a licensed social worker constitutes unprofessional conduct. When that conduct is by an applicant or a person who later becomes an applicant, it may constitute grounds for denial of a license:

- (1) failing to use a correct title in professional activity;
- (2) conduct which evidences unfitness to practice clinical social work;
- (3) engaging in any sexual conduct with a client, or with the immediate family member of a client, with whom the licensee has had a professional relationship within the previous two years;
- (4) harassing, intimidating, or abusing a client or patient;
- (5) practicing outside or beyond a clinical social worker's area of training, experience or competence without appropriate supervision;
- (6) engaging in conflicts of interest that interfere with the exercise of the clinical social worker's professional discretion and impartial judgment;
- (7) failing to inform a client when a real or potential conflict of interest arises and to take reasonable steps to resolve the issue in a manner that makes the client's interest primary and protects the client's interest to the greatest extent possible;
- (8) taking unfair advantage of any professional relationship or exploiting others to further the clinical social worker's personal, religious, political or business interests;
- (9) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client;
- (10) failing to take steps to protect a client and to set clear, appropriate and culturally sensitive boundaries, in instances where dual or multiple relationships are unavoidable;
- (11) failing to clarify with all parties which individuals will be considered clients and the nature of the clinical social worker's professional obligations to the various individuals who are receiving services, when a clinical social worker provides services to two or more people who have a spousal, familial or other relationship with each other;
- (12) failing to clarify the clinical social worker's role with the parties involved and to take appropriate action to minimize any conflicts of interest, when the clinical social worker anticipates a conflict of interest among the individuals receiving services or anticipates having to perform in conflicting roles such as testifying in a child custody dispute or divorce proceedings involving clients.

(b) After hearing, and upon a finding of unprofessional conduct, an administrative hearing officer may take disciplinary action against a licensed clinical social worker or applicant.

3. *Method of Filing Complaint or Inquiry:*

The Office of Professional Regulation provides Vermont licensees, certifications, and registrations for over 37,000 practitioners and businesses. Thirty-nine professions and occupations are supported and managed by this

office. A list of professions regulated is found below. Each profession or occupation is governed by laws defining professional conduct. Consumers who have inquiries or wish to obtain a form **to register a complaint may do so by calling (802) 828-1505, or by writing to the Director of the Office, Secretary of State's Office, National Life Bldg., North, Floor 2, Montpelier, VT 05620-3402.** Upon receipt of a complaint, an administrative review determines if the issues raised are covered by the applicable professional conduct statute. If so, a committee is assigned to investigate, collect information, and recommend action or closure to the appropriate governing body. All complaint investigations are confidential. Should the investigation conclude with a decision for disciplinary action against a professional's license and ability to practice, the name of the license holder will then be made public. Complaint investigations focus on licensure and fitness of the licensee to practice. Disciplinary action, when warranted, ranges from warning to revocation of license, based on the circumstances. You should not expect a return of fees paid or additional unpaid services as part of the results of this process. If you seek restitution of this nature, consider consulting with the Consumer Protection Division of the Office of the Attorney General, retaining an attorney, or filing a case in Small Claims Court.

Accountancy	Naturopaths
Acupuncture	Nursing
Architects	Nursing Home Administrators
Athletic Trainers	Occupational Therapists
Auctioneers	Opticians
Barbers & Cosmetologists	Optometry
Boxing Control	Osteopathic Physicians and Surgeons
Chiropractic	Pharmacy
Dental Examiners	Physical Therapists
Dietitians	Private Investigative & Security Services
Electrolysis	Psychoanalyst
Professional Engineering	Psychology
Funeral Service	Psychotherapist, Non-licensed
Hearing Aid Dispensers	Radiologic Technology
Land Surveyors	Real Estate Appraisers
Marriage & Family Therapists	Real Estate
Clinical Mental Health Counselors	Social Workers, Clinical
Midwives, Licensed	Tattooists
Motor Vehicle Racing	Veterinary

DISCLOSURE INFORMATION

Each licensed clinical social worker who provides psychotherapy services shall disclose to each client the following information, printed or typed in easily readable format:

- (1) The licensed clinical social worker's professional qualifications and experience, including (A) all relevant graduate programs attended and all graduate degrees and certificates earned, including the full legal name of the granting institution, and (B) a brief description of any special qualifications and areas of practice;
- (2) A copy of the statutory definition of unprofessional conduct;
- (3) Information on the process for filing a complaint with, or making a consumer inquiry to, the Director.

All information must be (a) posted and clients informed where the information is posted, (b) printed and displayed in an easily accessible location and client informed of its location, or (c) handing a copy of the printed information directly to the client. At the third visit or before, the client must sign a statement documenting that the information in (1), (2), and (3) above has been disclosed. The clinical social worker will also sign the document and keep the signed original. If by the third visit, disclosure cannot be made, the clinical social worker will prepare and sign a written statement explaining the omission, which shall be retained in place of the signed copy.