

Licensed Clinical Social Worker Law and Ethics Examination Outline

Effective Date 2015

I. Law (40%) – This area assesses the candidate's ability to identify and apply legal mandates to clinical social work practice.

Section	Task Statement	Knowledge Statement
IA. Confidentiality, Privilege, and Consent (14%)	T1. Comply with legal requirements regarding the maintenance/dissemination of confidential information to protect the client's privacy.	K1. Knowledge of laws regarding confidential communications within the therapeutic relationship. K2. Knowledge of laws regarding the disclosure of confidential information to other individuals, professionals, agencies, or authorities.
	T2. Identify holder of privilege by evaluating client's age, legal status, and/or content of therapy to determine requirements for providing therapeutic services.	K3. Knowledge of laws regarding holder of privilege. K4. Knowledge of laws regarding privileged communication.
	T3. Comply with legal requirements regarding the disclosure of privileged information to protect client's privacy in judicial/legal matters.	K4. Knowledge of laws regarding privileged communication. K5. Knowledge of laws regarding the release of privileged information. K6. Knowledge of legal requirements for responding to subpoenas and court orders.
	T4. Comply with legal requirements regarding providing therapeutic services to minor clients.	K1. Knowledge of laws regarding confidential communications within the therapeutic relationship. K2. Knowledge of laws regarding the disclosure of confidential information to other individuals, professionals, agencies, or authorities. K3. Knowledge of laws regarding holder of privilege. K4. Knowledge of laws regarding privileged communication. K7. Knowledge of legal criteria and requirements for providing therapeutic services to minors.
	T5. Maintain client records by adhering to legal requirements regarding documentation, storage, and disposal to protect client's privacy and/or the therapeutic process.	K8. Knowledge of laws regarding documentation of therapeutic services. K9. Knowledge of laws pertaining to the maintenance/disposal of client records.
	T6. Respond to requests for records by adhering to applicable laws and regulations to protect client's rights and/or safety.	K10. Knowledge of laws pertaining to client's access to treatment records. K11. Knowledge of laws pertaining to the release of client records to other individuals, professionals, or third parties.
	T7. Provide services via information and communication technologies by complying with "telehealth" regulations.	K12. Knowledge of laws regarding the consent to and delivery of services via information and communication technologies.
	T8. Comply with the Health Information Portability and Accountability Act (HIPAA) regulations as mandated by law.	K13. Knowledge of legal requirements of the Health Information Portability and Accountability Act (HIPAA).

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IB. Limits to Confidentiality/ Mandated Reporting (16%)	T9. Report known or suspected abuse, neglect, or exploitation of dependent adult client(s) to protective authorities.	K14. Knowledge of indicators of abuse, neglect, or exploitation of dependent adults. K15. Knowledge of laws pertaining to the reporting of known or suspected incidents of abuse, neglect, or exploitation of dependent adults.
	T10. Report known or suspected abuse, neglect, or exploitation of elderly client(s) to protective authorities.	K16. Knowledge of indicators of abuse, neglect, or exploitation of elderly clients. K17. Knowledge of laws pertaining to the reporting of known or suspected incidents of abuse, neglect, or exploitation of elderly clients.
	T11. Report known or suspected abuse or neglect of a child or adolescent to protective authorities.	K18. Knowledge of indicators of abuse/neglect of children and adolescents. K19. Knowledge of laws pertaining to the reporting of known or suspected incidents of abuse/neglect of children and adolescents.
	T12. Comply with legal requirements regarding breaking confidentiality to protect the client in the presence of indicators of danger to self/others and/or grave disability.	K20. Knowledge of symptoms of mental impairment that may indicate the need for involuntary hospitalization. K21. Knowledge of protocols for initiating involuntary hospitalization. K22. Knowledge of laws regarding confidentiality in situations of client danger to self or others.
	T13. Comply with legal requirements to report and protect when client expresses intent to cause harm to people or property.	K23. Knowledge of methods/criteria for identifying situations where client poses a danger to others. K24. Knowledge of laws pertaining to duty to protect when client indicates intent to cause harm. K25. Knowledge of situations/conditions that constitute reasonable indicators of client’s intent to cause harm.
	T14. Comply with legal requirements regarding privilege exceptions in client litigation or in response to breach of duty accusations.	K26. Knowledge of laws regarding privilege exceptions in litigation involving client’s mental or emotional condition as raised by the client or client’s representative. K27. Knowledge of laws regarding privilege exceptions where client alleges breach of duty.
	T15. Comply with legal requirements regarding privilege exceptions in court-appointed and/or defendant-requested evaluation/therapy.	K28. Knowledge of laws regarding privilege exceptions in court-appointed evaluation or therapy. K29. Knowledge of laws pertaining to privilege exceptions in defendant-requested evaluation or therapy.
	T16. Comply with legal requirements regarding reporting instances of crime perpetrated against minor clients.	K30. Knowledge of laws pertaining to the reporting of crimes perpetrated against a minor. K31. Knowledge of laws regarding privilege exceptions in crime or tort involving minors.

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IC. Legal Standards for Professional Practice (10%)	T17. Comply with laws regarding sexual contact, conduct, and relations between therapist and client to prevent harm to the client and/or the therapeutic relationship.	K32. Knowledge of laws regarding sexual conduct between therapist and client. K33. Knowledge of legal requirements for providing client with the brochure <i>Therapy Never Includes Sexual Behavior</i> .
	T18. Comply with legal parameters regarding scope of practice.	K34. Knowledge of laws that define the scope of clinical practice.
	T19. Comply with legal parameters regarding professional conduct.	K35. Knowledge of laws that define professional conduct for licensed practitioners.
	T20. Disclose fee structure prior to initiating therapeutic services.	K36. Knowledge of laws regarding disclosures required prior to initiating therapeutic services.
	T21. Comply with legal regulations regarding providing treatment when interacting with third-party payers.	K37. Knowledge of laws and regulations regarding third-party reimbursement. K38. Knowledge of parity laws regarding the provision of mental health services.
	T22. Comply with laws regarding advertisement of services and professional qualifications.	K39. Knowledge of laws regarding advertisement and dissemination of information of professional qualifications, education, and professional affiliations.
	T23. Comply with laws pertaining to the payment or acceptance of money or other consideration for referral of services.	K40. Knowledge of legal requirements regarding payment or acceptance of money or other considerations for referral of services.

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<i>Section</i>	<i>Task Statement</i>	<i>Knowledge Statement</i>
IIA. Professional Competence and Preventing Harm (18%)	T24. Consult with other professionals and/or seek additional education, training, and/or supervision to address therapeutic issues that arise outside therapist’s scope of competence.	K41. Knowledge of limitations of professional experience, education, and training to determine issues outside scope of competence. K42. Knowledge of situations that indicate a need for consultation with colleagues or other professionals. K43. Knowledge of ethical standards regarding the protection of client rights when engaging in consultation/collaboration with other professionals. K44. Knowledge of ethical methods for developing additional areas of practice or expanding competence. K45. Knowledge of the ethical responsibility to remain current on developments in the profession.
	T25. Consult with other professionals to address questions regarding ethical obligations or practice responsibilities that arise during treatment.	K42. Knowledge of situations that indicate a need for consultation with colleagues or other professionals. K43. Knowledge of ethical standards regarding the protection of client rights when engaging in consultation/collaboration with other professionals.
	T26. Evaluate therapist’s own mental, emotional, or physical problems/impairments to determine impact on ability to provide competent therapeutic services.	K42. Knowledge of situations that indicate a need for consultation with colleagues or other professionals. K46. Knowledge of problems/impairments that interfere with the process of providing therapeutic services. K47. Knowledge of referrals and resources to assist in meeting the needs of clients. K48. Knowledge of methods to facilitate transfer when referrals to other professionals are made.
	T27. Provide referral(s) to qualified professionals when adjunctive/alternate treatment would benefit the client.	K41. Knowledge of limitations of professional experience, education, and training to determine issues outside scope of competence. K43. Knowledge of ethical standards regarding the protection of client rights when engaging in consultation/collaboration with other professionals. K47. Knowledge of referrals and resources to assist in meeting the needs of clients. K48. Knowledge of methods to facilitate transfer when referrals to other professionals are made. K49. Knowledge of methods for collaborating with client to determine if referral(s) or other resources are clinically indicated.
	T28. Manage therapist’s personal values, attitudes, and/or beliefs to prevent interference with effective provision of therapeutic services and/or the therapeutic relationship.	K50. Knowledge of the potential impact of therapist’s personal values, attitudes, and/or beliefs on the therapeutic relationship. K51. Knowledge of methods for managing the impact of therapist’s personal values, attitudes, and/or beliefs on the client or the therapeutic relationship.

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<i>Section</i>	<i>Task Statement</i>	<i>Knowledge Statement</i>
IIA. Professional Competence and Preventing Harm, Cont. (18%)	T29. Evaluate potential conflict of interest situations to determine impact on the client or the therapeutic process.	<p>K52. Knowledge of conditions/situations that could potentially exploit or cause harm to the client.</p> <p>K53. Knowledge of methods for managing boundaries and/or professional relationships with the client.</p> <p>K54. Knowledge of ethical standards regarding protecting the client’s wellbeing in potential conflict of interest situations.</p>
	T30. Maintain professional boundaries with client to prevent situations or relationships that adversely impact the provision of therapeutic services.	<p>K52. Knowledge of conditions/situations that could potentially exploit or cause harm to the client.</p> <p>K53. Knowledge of methods for managing boundaries and/or professional relationships with the client.</p> <p>K55. Knowledge of relationships that can be potentially detrimental to the client and/or therapeutic relationship.</p> <p>K56. Knowledge of methods to prevent impairment to clinical judgment and/or harm to the client in situations where multiple relationships are unavoidable.</p>
	T31. Adhere to ethical guidelines regarding sexual activity or contact with prospective, current, or former clients and/or those with whom the client has a personal relationship to avoid causing harm or exploitation of the client.	<p>K57. Knowledge of the potential for client harm or exploitation associated with sexual activity or contact between therapist and client.</p> <p>K58. Knowledge of ethical standards regarding engaging in sexual activity or contact with client and/or others with whom the client has/had a personal relationship.</p> <p>K59. Knowledge of ethical standards regarding entering into a therapeutic relationship with former sexual partners.</p>

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IIB. Therapeutic Relationship/ Services (27%)	T32. Obtain informed consent by providing client with information regarding the therapist and the treatment process to facilitate client’s ability to make decisions.	K60. Knowledge of the ethical responsibility to provide client with information regarding the therapeutic process. K61. Knowledge of disclosures that facilitate client’s ability to make informed decisions regarding treatment. K62. Knowledge of client’s right to self-determination in making decisions regarding therapeutic services received. K63. Knowledge of methods for communicating information pertaining to informed consent in a manner consistent with developmental and cultural factors. K64. Knowledge of the right and responsibility of legal guardian/representative to make decisions on behalf of clients unable to make informed decisions. K65. Knowledge of methods for protecting client’s welfare when client is unable to provide voluntary consent.
	T33. Evaluate for current relationships with other service providers to determine impact of entering into a relationship with a new service provider.	K66. Knowledge of the effects of concurrent mental health treatments on the provision of therapeutic services. K67. Knowledge of methods for establishing collaborative professional relationships to improve the welfare of the client. K68. Knowledge of ethical standards regarding the protection of client rights when engaging in consultation/collaboration with other professionals.
	T34. Address confidentiality and/or therapeutic issues associated with therapist’s role, treatment modality, and involvement of third parties to protect the client’s rights and/or the therapeutic relationship.	K69. Knowledge of methods for identifying the “client” and the nature of relationships when providing therapeutic services to more than one person. K70. Knowledge of the impact of client unit, therapeutic modality, and involvement of multiple systems on confidentiality. K71. Knowledge of the factors that impact the therapeutic relationship. K72. Knowledge of methods for managing confidentiality and privacy issues when providing concurrent therapy. K73. Knowledge of methods for managing confidentiality and privacy issues when treatment involves multiple systems or third parties.

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<i>Section</i>	<i>Task Statement</i>	<i>Knowledge Statement</i>
IIB. Therapeutic Relationship/ Services, Cont. (27%)	T35. Manage the impact of confidentiality/limits of confidentiality on the therapeutic relationship by discussing with the client issues/implications that arise during the therapeutic process.	K74. Knowledge of ethical standards regarding the management of confidentiality issues that arise in the therapeutic process. K75. Knowledge of methods for managing the impact of confidentiality issues on the therapeutic relationship.
	T36. Manage the impact of safety and/or crisis situations by evaluating risk factors to protect the client/others.	K76. Knowledge of methods for assessing level of potential danger or harm to client or others. K77. Knowledge of ethical obligations regarding the management of safety needs. K78. Knowledge of methods and procedures for managing safety needs.
	T37. Manage the impact of legal and ethical obligations that arise during the therapeutic process to protect the client/therapist relationship.	K79. Knowledge of the impact of legal and ethical obligations on the therapeutic relationship. K80. Knowledge of methods for protecting the best interest of the client in situations where legal and ethical obligations conflict. K81. Knowledge of methods for protecting the best interest of the client in situations where agency and ethical obligations conflict.
	T38. Manage diversity factors in the therapeutic relationship by applying and/or gaining knowledge and awareness necessary to provide services sensitive to client needs.	K82. Knowledge of diversity factors that potentially impact the therapeutic process. K83. Knowledge of ethical standards regarding nondiscrimination. K84. Knowledge of ethical standards for providing therapeutic services congruent with client diversity. K85. Knowledge of methods to gain knowledge, awareness, sensitivity, and skills necessary for working with clients from diverse populations.
	T39. Provide treatment that respects the client’s inherent dignity and right to self-determination.	K86. Knowledge of the collaborative role between therapist and client in the therapeutic process. K87. Knowledge of the client’s right to make decisions regarding therapeutic services. K88. Knowledge of methods to assist client to make decisions and clarify goals.
	T40. Contribute to multidisciplinary team by collaborating with colleagues/other professionals to provide services that promote the wellbeing of the client.	K43. Knowledge of ethical standards regarding the protection of client rights when engaging in consultation/collaboration with other professionals. K89. Knowledge of methods for establishing collaborative professional relationships to improve the welfare of the client. K90. Knowledge of ethical standards for participating as a member of an interdisciplinary team.

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IIB. Therapeutic Relationship/ Services, Cont. (27%)	T41. Advocate with and/or on behalf of the client by addressing barriers and/or increasing access to assist client in receiving services.	K91. Knowledge of methods for evaluating client’s capacity to advocate on own behalf. K92. Knowledge of ethical standards pertaining to interacting with third-party payers. K93. Knowledge of ethical standards pertaining to interacting with other service delivery systems. K94. Knowledge of methods for enhancing client’s ability to meet own needs.
	T42. Maintain practice procedures that provide for consistent care in the event therapeutic services must be interrupted or discontinued.	K95. Knowledge of ethical considerations and conditions for interrupting or terminating therapeutic services. K96. Knowledge of referrals/resources to provide consistent care in the event therapeutic services must be interrupted or discontinued. K97. Knowledge of methods to facilitate transfer when referrals to other professionals are made.
	T43. Terminate therapeutic services when no longer required or no longer benefits the client.	K98. Knowledge of factors and/or conditions that indicate client is ready for termination of therapeutic services. K99. Knowledge of factors and/or conditions that indicate client is not benefiting from treatment. K100. Knowledge of methods for managing the termination process. K101. Knowledge of methods to prevent client abandonment and/or client neglect.

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IIC. Business Practices and Policies (15%)	T44. Advertise services by adhering to ethical guidelines regarding the use of accurate representations and information to promote services and/or expand practice.	K102. Knowledge of ethical guidelines regarding the use of accurate representation of qualifications and credentials in advertisements and/or solicitation of clients. K103. Knowledge of ethical guidelines pertaining to the solicitation of testimonials or statements from clients or others. K104. Knowledge of ethical guidelines regarding the recruitment of clients through employment and/or professional associations.
	T45. Maintain client records by adhering to ethical guidelines to document services and/or protect client’s confidentiality.	K105. Knowledge of ethical guidelines regarding the documentation of therapeutic services consistent with sound clinical practice. K106. Knowledge of methods for providing reasonable protection of the confidentiality of client records. K107. Knowledge of ethical guidelines for releasing client records upon request. K108. Knowledge of methods to assist client understand/interpret information contained in therapeutic records.
	T46. Clarify roles when acting in a professional capacity other than licensed clinical social worker to avoid confusion and/or inaccurate representation of qualifications.	K109. Knowledge of the ethical responsibility to clarify roles when acting in a professional capacity other than licensed clinical social worker. K110. Knowledge of ethical guidelines regarding engaging in conflicting and/or dual roles.
	T47. Implement policies/procedures that address ethical issues associated with the use of electronic media and technology in the course of providing services.	K111. Knowledge of the potential for harm to the client or therapeutic relationship with the use of electronic media in the therapeutic process. K112. Knowledge of ethical standards for implementing electronic media in the therapeutic process. K113. Knowledge of the limits and risks associated with electronic means of service delivery.

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IIC. Business Practices and Policies, Cont. (15%)	T48. Maintain fee/payment policies that are commensurate with services provided and protect the therapeutic relationship.	K114. Knowledge of methods and conditions for determining fees commensurate with professional services. K115. Knowledge of prohibited business practices/forms of remuneration for making/accepting client referrals. K116. Knowledge of the potential for client exploitation or harm that may result from bartering/exchanges for services. K117. Knowledge of ethical standards pertaining to the collection of unpaid balances. K118. Knowledge of ethical obligations regarding providing for continuation of treatment to the client. K119. Knowledge of ethical guidelines regarding the provision of therapeutic services when interacting with third-party payers. K47. Knowledge of referrals and resources to assist in meeting the needs of clients.
	T49. Adhere to ethical guidelines regarding the acceptance of gifts and/or tokens of appreciation from clients.	K120. Knowledge of conditions/situations that may interfere with professional judgment or have a detrimental effect on the provision of therapeutic services. K121. Knowledge of ethical standards regarding the acceptance of gifts from clients.
	T50. Adhere to ethical guidelines for protecting the welfare and dignity of research participants when conducting research related to the provision of therapeutic services.	K122. Knowledge of procedures to safeguard participants when conducting research projects. K123. Knowledge of disclosures required to inform participants of the nature and role of research projects. K124. Knowledge of client’s rights regarding participation in research projects. K125. Knowledge of methods for protecting client confidentiality and data when conducting research projects.
	T51. Address unethical or incompetent conduct of colleague by taking action to promote the welfare and interests of clients.	K126. Knowledge of conditions/situations that may impair the integrity or efficacy of the therapeutic process. K127. Knowledge of guidelines for addressing unethical or incompetent conduct of colleagues.
	T52. Adhere to ethical guidelines for engaging in the supervisor/prelicensure practitioner relationship.	K128. Knowledge of the ethical guidelines governing the supervisor/prelicensure practitioner relationship and responsibilities.

LICENSED CLINICAL SOCIAL WORKER LAW AND ETHICS EXAMINATION OUTLINE SAMPLE QUESTIONS

1. **A therapist receives an invitation from a long-term client to connect on an Internet social media website that includes personal information. Which of the following actions should the therapist take to manage the ethical issue in this case?**
 - a. Decline the invitation and deactivate all online accounts
 - b. Decline the invitation and discuss the importance of therapeutic boundaries
 - c. Accept the invitation and monitor the potential for a dual relationship
 - d. Accept the invitation and evaluate the impact to the therapeutic relationship

2. **A client discloses that he had a sexual relationship with a previous therapist. The client does not disclose the identity of the former therapist. Which of the following actions should the therapist take to address the legal obligation in this case?**
 - a. Report the incident to the licensing board
 - b. Encourage the client to report the incident to authorities
 - c. Assist the client to confront the former therapist about the violation
 - d. Provide the client with the brochure Therapy Never Includes Sexual Behavior

3. **A 15-year-old client is in therapy for symptoms of depression. He makes repeated statements about suicide and describes a plan to take his mother's sleeping pills that evening and "go to sleep forever." The client has made a prior suicide attempt. Which of the following actions should the therapist take to address the legal obligation in this case?**
 - a. Break confidentiality and initiate an evaluation for hospitalization
 - b. Break confidentiality and notify the client's parents of his comments about dying
 - c. Maintain confidentiality and provide the client with a suicide prevention hotline number
 - d. Maintain confidentiality and make a contract with the client to prevent a suicide attempt

Answers: 1-B; 2-D; 3-A