

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 16 CODE OF CONDUCT

16.63.16.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504.
[16.63.16.1 NMAC - Rp, 16.63.16.1 NMAC, 4/24/06]

16.63.16.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[16.63.16.2 NMAC - Rp, 16.63.16.2 NMAC, 4/24/06]

16.63.16.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
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[16.63.16.5 NMAC - Rp, 16.63.16.5 NMAC, 4/24/06]

16.63.16.6 OBJECTIVE: To inform the licensees of the social work code of conduct.
[16.63.16.6 NMAC - Rp, 16.63.16.6 NMAC, 4/24/06]

16.63.16.7 DEFINITIONS: [Reserved]

16.63.16.8 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO CLIENTS:

A. Commitment to clients. Social workers' primary responsibility is to promote the well being of clients. In general, clients' interests are primary. However, social workers' responsibility to the larger society or specific legal obligations may on limited occasions supersede the loyalty owed clients, and clients shall be so advised. (Examples include when a social worker is required by law to report that a client has abused a child or has threatened to harm self or others.)

B. Self-determination. Social workers respect and promote the right of clients to self-determination and assist clients in their efforts to identify and clarify their goals. Social workers may limit clients' right to self-determination when, in the social workers' professional judgment, clients' actions or potential actions pose a serious, foreseeable, and imminent risk to themselves or others.

C. Professional disclosure statement. A social worker shall effectively communicate through handout or other means as appropriate for all clients and may display at the social worker's primary place of practice a statement that the client has the right to the following:

(1) to expect that the social worker has met the minimal qualifications of education, training, and experience required by the law;

(2) to examine public records maintained by the board which contain the social worker's qualifications and credentials;

(3) to be given a copy of the standards of practice upon request;

(4) to report a complaint about the social worker's practice to the board;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as allowed by law, and to be informed of the limits of confidentiality;

(7) limited access to client information; a social worker shall make reasonable efforts to limit access to client information in a social worker's agency to appropriate agency staff whose duties require access;

(8) supervision or consultation; a social worker receiving supervision shall inform the client that the social worker may be reviewing the client's case with the social worker's supervisor or consultant; upon request, the social worker shall provide the name of the supervisor and the supervisor's contact information;

(9) to be free from being the object of discrimination while receiving social work services; and

(10) to have access to records as allowed by law including retention and notification requirements in Paragraphs (4) and (5) of Subsection D of 16.63.16.10 NMAC.

D. Informed consent.

(1) Social workers shall provide services to clients only in the context of a professional relationship based, when appropriate, on valid informed consent. Social workers should use clear and understandable language to inform clients of the purpose of the services, risks related to the services, limits to services because of the requirements of a third-party payer, relevant costs, reasonable alternatives, clients' right to refuse or withdraw consent, and the time frame covered by the consent. Social workers should provide clients with an opportunity to ask questions.

(2) In instances when clients are not literate or have difficulty understanding the primary language used in the practice setting, social workers shall take steps to ensure clients' comprehension. This may include providing clients with a detailed verbal explanation or arranging for a qualified interpreter or translator whenever possible.

(3) In instances when clients lack the capacity to provide informed consent, social workers shall protect clients' interests by seeking consent from an appropriate third party, informing clients consistent with the clients' level of understanding. Social workers should take reasonable steps to enhance such clients' ability to give informed consent.

(4) In instances when clients are receiving services involuntarily, social workers shall provide information about the nature and extent of services and about the extent of clients' right to refuse service.

(5) Social workers who provide services via electronic media (such as computer, telephone, radio, and television) shall inform recipients of the limitations and risks associated with such services.

(6) Social workers shall obtain clients' informed consent before audiotaping or videotaping clients or permitting observation of services to clients by a third party. The written informed consent shall explain to the client the purpose of the taping or recording and how the taping or recording will be used, how it will be stored and when it will be destroyed.

(7) If the client, the legal guardian, or other authorized representative does not consent, the social worker shall discuss with the client that a referral to other resources may be in the client's best interest.

E. Competence.

(1) Social workers shall provide services and represent themselves as competent only within the boundaries of their education, training, license, certification, consultation received, supervised experience, or other relevant professional experience.

(2) Social workers shall provide services in substantive areas or use intervention techniques or approaches that are new to them only after engaging in appropriate study, training, consultation, or supervision from people who are competent in those interventions or techniques.

(3) When generally recognized standards do not exist with respect to an emerging area of practice, social workers shall exercise careful judgment and take responsible steps (including appropriate education, research, training, consultation, and supervision) to ensure the competence of their work and to protect clients from harm.

F. Cultural competence and social diversity.

(1) Social workers shall understand culture and its function in human behavior and society, recognizing the strengths that exist in all cultures.

(2) Social workers shall have a knowledge base of their clients' cultures and be able to demonstrate competence in the provision of services that are sensitive to clients' cultures and to differences among people and cultural groups.

(3) Social workers shall obtain education about and seek to understand the nature of social diversity and oppression with respect to race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, and mental or physical disability.

G. Conflicts of interest.

(1) Social workers shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Social workers shall inform clients when a real or potential conflict of interest arises and take reasonable steps to resolve the issue in a manner that makes the clients' interests primary and protects clients' interests to the greatest extent possible. In some cases, protecting clients' interests may require termination of the professional relationship with proper referral of the client.

(2) Social workers shall not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political, or business interests.

(3) Social workers shall not engage in dual or multiple relationships with clients or former clients in which there is a risk of exploitation or potential harm to the client. In instances when dual or multiple relationships are unavoidable, social workers shall take steps to protect clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries. (Dual or multiple relationships occur when social workers relate to clients in

more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively.)

(4) When social workers provide services to two or more people who have a relationship with each other (for example, couples, family members), social workers shall clarify with all parties which individuals will be considered clients and the nature of social workers' professional obligations to the various individuals who are receiving services. Social workers who anticipate a conflict of interest among the individuals receiving services or who anticipate having to perform in potentially conflicting roles (for example, when a social worker is asked to testify in a child custody dispute or divorce proceedings involving clients) shall clarify their role with the parties involved and take appropriate action to minimize any conflict of interest.

H. Privacy and confidentiality.

(1) Social workers shall respect clients' right to privacy. Social workers shall 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.

(2) 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.

(3) Social workers shall 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 shall 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 shall be revealed.

(4) Social workers shall 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.

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

(6) When social workers provide counseling services to families, couples, or groups, social workers shall 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 shall inform participants in family, couples, or group counseling that social workers cannot guarantee that all participants will honor such agreements.

(7) Social workers shall 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.

(8) Social workers shall not disclose confidential information to third-party payers unless clients have authorized such disclosure.

(9) Social workers shall not discuss confidential information in any setting unless privacy can be ensured. Social workers shall not discuss confidential information in public or semipublic areas such as hallways, waiting rooms, elevators, and restaurants.

(10) Social workers shall 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 shall 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.

(11) Social workers shall protect the confidentiality of clients when responding to requests from members of the media.

(12) Social workers shall protect the confidentiality of clients' written and electronic records and other sensitive information. Social workers shall take reasonable steps to ensure that clients' records are stored in a secure location and that clients' records are not available to others who are not authorized to have access.

(13) Social workers shall 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 shall be avoided whenever possible.

(14) Social workers shall transfer or dispose of clients' records in a manner that protects clients' confidentiality and is consistent with state statutes governing records and social work licensure.

(15) Social workers shall take reasonable precautions to protect client confidentiality in the event of the social worker's termination of practice, incapacitation, or death.

(16) Social workers shall not disclose identifying information when discussing clients for teaching or training purposes unless the client has consented to disclosure of confidential information.

(17) Social workers shall not disclose identifying information when discussing clients with consultants unless the client has consented to disclosure of confidential information or there is a compelling need for such disclosure.

(18) Social workers shall protect the confidentiality of deceased clients consistent with the preceding standards.

I. Access to records.

(1) Social workers shall provide clients with reasonable access to records concerning the clients. Social workers who are concerned that clients' access to their records could cause serious misunderstanding or harm to the client shall provide assistance in interpreting the records and consultation with the client regarding the records. Social workers shall limit clients' access to their records, or portions of their records, only in exceptional circumstances when there is compelling evidence that such access would cause serious harm to the client. Both clients' requests and the rationale for withholding some or all of the record shall be documented in clients' files.

(2) When providing clients with access to their records, social workers shall take steps to protect the confidentiality of other individuals identified or discussed in such records.

J. Sexual relationships.

(1) Social workers shall under no circumstances engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.

(2) Social workers shall not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client. Sexual activity or sexual contact with clients' relatives or other individuals with whom clients maintain a personal relationship has the potential to be harmful to the client and may make it difficult for the social worker and client to maintain appropriate professional boundaries. Social workers--not their clients, their clients' relatives, or other individuals with whom the client maintains a personal relationship--assume the full burden for setting clear, appropriate, and culturally sensitive boundaries.

(3) Social workers shall not engage in sexual activities or sexual contact with former clients because of the potential for harm to the client. If social workers engage in conduct contrary to this prohibition or claim that an exception to this prohibition is warranted because of extraordinary circumstances, it is social workers--not their clients--who assume the full burden of demonstrating that the former client has not been exploited, coerced, or manipulated, intentionally or unintentionally.

(4) Social workers shall not provide clinical services to individuals with whom they have had a prior sexual relationship. Providing clinical services to a former sexual partner has the potential to be harmful to the individual and is likely to make it difficult for the social worker and individual to maintain appropriate professional boundaries.

K. Physical contact. Social workers shall not engage in physical contact with clients when there is a possibility of psychological harm to the client as a result of the contact (such as cradling or caressing clients). Social workers who engage in appropriate physical contact with clients are responsible for setting clear, appropriate, and culturally sensitive boundaries that govern such physical contact.

L. Sexual harassment. Social workers shall not sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

M. Derogatory language. Social workers shall not use derogatory language in their written or verbal communications to or about clients. Social workers shall use accurate and respectful language in all communications to and about clients.

N. Payment for services.

(1) A social worker who provides a service for fee shall inform a client of the fee at the initial session or meeting with the client. Payment must be arranged at the beginning of the professional relationship, and the payment arrangement must be provided to a client in writing. A social worker shall provide, upon request from a client, a client's legal guardian, or other authorized representative, a written explanation of the charges for any services rendered.

(2) When setting fees, social workers shall ensure that the fees are fair, reasonable, and commensurate with the services performed. Consideration should be given to clients' ability to pay.

(3) Social workers shall avoid accepting goods or services from clients as payment for professional services. Bartering arrangements, particularly involving services, create the potential for conflicts of interest, exploitation, and inappropriate boundaries in social workers' relationships with clients. Social workers shall explore and may participate in bartering only in very limited circumstances when it can be demonstrated that such arrangements are an accepted practice among professionals in the local community, considered to be essential for the provision of services, negotiated without coercion, and entered into at the client's initiative and with the client's informed consent. Social workers who accept goods or services from clients as payment for professional services assume the full burden of demonstrating that this arrangement will not be detrimental to the client or the professional relationship.

(4) Social workers shall not solicit a private fee or other remuneration for providing services to clients who are entitled to such available services through the social workers' employer or agency.

O. Clients who lack decision-making capacity. When social workers act on behalf of clients who lack the capacity to make informed decisions, social workers shall take reasonable steps to safeguard the interests and rights of those clients.

P. Interruption of services. Social workers shall make reasonable efforts to ensure continuity of services in the event that services are interrupted by factors such as unavailability, relocation, illness, disability, or death.

Q. Termination of services.

(1) Social workers shall terminate services to clients and professional relationships with them when such services and relationships are no longer required or no longer serve the clients' needs or interests.

(2) Social workers shall take reasonable steps to avoid abandoning clients who are still in need of services. Social workers should withdraw services precipitously only under unusual circumstances, giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects. Social workers should assist in making appropriate arrangements for continuation of services when necessary.

(3) Social workers in fee-for-service settings may terminate services to clients who are not paying an overdue balance if the financial contractual arrangements have been made clear to the client, if the client does not pose an imminent danger to self or others, and if the clinical and other consequences of the current nonpayment have been addressed and discussed with the client.

(4) Social workers shall not terminate services to pursue a social, financial, or sexual relationship with a client.

(5) Social workers who anticipate the termination or interruption of services to clients shall notify clients promptly and seek the transfer, referral, or continuation of services in relation to the clients' needs and preferences.

(6) Social workers who are leaving an employment setting shall inform clients of appropriate options for the continuation of services and of the benefits and risks of the options.

[16.63.16.8 NMAC - Rp, 16.63.16.9 NMAC, 4/24/06; A, 12/31/08; A, 06/01/09; A, 09/01/14]

16.63.16.9 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO COLLEAGUES:

A. Respect.

(1) Social workers should treat colleagues with respect and should represent accurately and fairly the qualifications, views, and obligations of colleagues.

(2) Social workers should avoid unwarranted negative criticism of colleagues in communications with clients or with other professionals. Unwarranted negative criticism may include demeaning comments that refer to colleagues' level of competence or to individuals' attributes such as race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, and mental or physical disability.

(3) Social workers shall cooperate with social work colleagues and with colleagues of other professions when such cooperation serves the well-being of clients.

B. Confidentiality. Social workers shall respect confidential information shared by colleagues in the course of their professional relationships and transactions. Social workers should ensure that such colleagues understand social workers' obligation to respect confidentiality and any exceptions related to it.

C. Interdisciplinary collaboration.

(1) Social workers who are members of an interdisciplinary team shall participate in and contribute to decisions that affect the well-being of clients by drawing on the perspectives, values, and experiences of the social

work profession. Professional and ethical obligations of the interdisciplinary team as a whole and of its individual members shall be clearly established.

(2) Social workers for whom a team decision raises ethical concerns should attempt to resolve the disagreement through appropriate channels. If the disagreement cannot be resolved, social workers shall pursue other avenues to address their concerns consistent with client well being.

D. Disputes involving colleagues.

(1) Social workers shall not take advantage of a dispute between a colleague and an employer to obtain a position or otherwise advance the social workers' own interests.

(2) Social workers shall not exploit clients in disputes with colleagues or engage clients in any inappropriate discussion of conflicts between social workers and their colleagues.

E. Consultation.

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

(2) 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.

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

F. Referral for services.

(1) Social workers shall refer clients to other professionals when the other professionals' specialized knowledge or expertise is needed to serve clients fully or when social workers believe that they are not being effective or making reasonable progress with clients and that additional service is required.

(2) Social workers who refer clients to other professionals shall take appropriate steps to facilitate an orderly transfer of responsibility. Social workers who refer clients to other professionals shall disclose, with clients' consent, all pertinent information to the new service providers.

(3) Social workers are prohibited from giving or receiving payment for a referral when no professional service is provided by the referring social worker.

G. Sexual relationships.

(1) Social workers who function as supervisors or educators shall not engage in sexual activities or contact with supervisees, students, trainees, or other colleagues over whom they exercise professional authority.

(2) Social workers shall avoid engaging in sexual relationships with colleagues when there is potential for a conflict of interest. Social workers who become involved in, or anticipate becoming involved in, a sexual relationship with a colleague have a duty to transfer professional responsibilities, when necessary, to avoid a conflict of interest.

H. Sexual harassment. Social workers shall not sexually harass supervisees, students, trainees, or colleagues. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

I. Impairment of colleagues.

(1) Social workers who have direct knowledge of a social work colleague's impairment that is due to personal problems, psychosocial distress, substance abuse, or mental health difficulties and that interferes with practice effectiveness shall consult with that colleague when feasible and assist the colleague in taking remedial action.

(2) Social workers who believe that a social work colleague's impairment interferes with practice effectiveness and that the colleague has not taken adequate steps to address the impairment shall take action through appropriate channels established by employers, agencies, licensing and regulatory bodies, and other professional organizations.

J. Incompetence of colleagues.

(1) Social workers who have direct knowledge of a social work colleague's incompetence shall consult with that colleague when feasible and assist the colleague in taking remedial action.

(2) Social workers who believe that a social work colleague is incompetent and has not taken adequate steps to address the incompetence shall take action through appropriate channels established by employers, agencies, NASW, licensing and regulatory bodies, and other professional organizations.

K. Unethical conduct of colleagues.

(1) Social workers shall take adequate measures to discourage, prevent, expose, and correct the unethical conduct of colleagues.

(2) Social workers shall be knowledgeable about established policies and procedures for handling concerns about colleagues' unethical behavior. Social workers shall be familiar with national, state, and local procedures for handling ethics complaints. These include policies and procedures created by licensing and regulatory bodies, employers, agencies, and other professional organizations.

(3) Social workers who believe that a colleague has acted unethically shall seek resolution by discussing their concerns with the colleague when feasible and when such discussion is likely to be productive.

(4) Social workers who believe that a colleague has acted unethically shall take action through appropriate formal channels established by employers, agencies, licensing and regulatory bodies, and other professional organizations.

(5) Social workers should defend and assist colleagues who are unjustly charged with unethical conduct.

[16.63.16.9 NMAC - Rp, 16.63.16.10 NMAC, 4/24/06; A, 06/01/09]

16.63.16.10 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES IN PRACTICE SETTINGS:

A. Supervision and consultation.

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

(2) Social workers who provide supervision or consultation are responsible for setting clear, appropriate, and culturally sensitive boundaries.

(3) Social workers shall not engage in any dual or multiple relationships with supervisees in which there is a risk of exploitation of or potential harm to the supervisee. In instances where dual or multiple relationships are unavoidable social workers should take steps to protect supervisees and are responsible for setting clear, appropriate, and culturally sensitive boundaries.

(4) Social workers who provide supervision shall evaluate supervisees' performance in a manner that is fair and respectful.

B. Education and training.

(1) Social workers who function as educators, field instructors for students, or trainers shall provide instruction only within their areas of knowledge and competence and shall provide instruction based on the most current information and knowledge available in the profession.

(2) Social workers who function as educators or field instructors for students shall evaluate students' performance in a manner that is fair and respectful.

(3) Social workers who function as educators or field instructors for students shall take reasonable steps to ensure that clients are routinely informed when services are being provided by students.

(4) Social workers who function as educators or field instructors for students shall not engage in any dual or multiple relationships with students in which there is a risk of exploitation or potential harm to the student. In instances where dual or multiple relationships are unavoidable social work educators and field instructors are responsible for setting clear, appropriate, and culturally sensitive boundaries.

C. Performance evaluation. Social workers who have responsibility for evaluating the performance of others shall fulfill such responsibility in a fair and considerate manner and on the basis of clearly stated criteria.

D. Client records.

(1) Social workers shall take reasonable steps to ensure that documentation in records is accurate and reflects the services provided.

(2) Social workers shall include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.

(3) Social workers' documentation shall protect clients' privacy to the extent that is possible and appropriate and shall include only information that is directly relevant to the delivery of services.

(4) Social workers shall store records following the termination of services to ensure reasonable future access. These records shall be maintained by the licensee or agency employing the licensee at least for a period of seven years after the last date of service, or for the time period required by federal or state law if longer.

(5) Prior to the destruction of a client record for any reason including when a social worker or social work practice anticipates to cease or ceases operations as a result of a suspension, retirement or death of the owner, sale or other cause, including insolvency, the licensee or other individual responsible for supervising the disposition of the practice, should make reasonable effort to notify the clients of their right to retrieve current records for a period of six months. Should any client fail to retrieve the records within the six month period and unless otherwise required by law, the responsible party shall arrange the destruction of such documents in a manner to ensure confidentiality.

E. Billing. Social workers shall establish and maintain billing practices that accurately reflect the nature and extent of services provided and that identify who provided the service in the practice setting.

F. Client transfer.

(1) When an individual who is receiving services from another agency or colleague contacts a social worker for services, the social worker shall carefully consider the client's needs before agreeing to provide services. To minimize possible confusion and conflict, social workers shall discuss with potential clients the nature of the clients' current relationship with other service providers and the implications, including possible benefits or risks, of entering into a relationship with a new service provider.

(2) If a new client has been served by another agency or colleague, social workers shall discuss with the client whether consultation with the previous service provider is in the client's best interest.

G. Administration.

(1) Social work administrators shall advocate within and outside their agencies for adequate resources to meet clients' needs.

(2) Social workers shall advocate for resource allocation procedures that are open and fair. When not all clients' needs can be met, an allocation procedure shall be developed that is nondiscriminatory and based on appropriate and consistently applied principles.

(3) Social workers who are administrators shall take reasonable steps to ensure that adequate agency or organizational resources are available to provide appropriate staff supervision.

(4) Social work administrators shall take reasonable steps to ensure that the working environment for which they are responsible is consistent with and encourages compliance with the code of conduct. Social work administrators should take reasonable steps to eliminate any conditions in their organizations that violate, interfere with, or discourage compliance with the code.

H. 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 shall address current knowledge and emerging developments related to social work practice and ethics.

I. Commitments to employers.

(1) Social workers generally should adhere to commitments made to employers and employing organizations.

(2) Social workers should work to improve employing agencies' policies and procedures and the efficiency and effectiveness of their services.

(3) Social workers should take reasonable steps to ensure that employers are aware of social workers' ethical obligations as set forth in the code of conduct and of the implications of those obligations for social work practice.

(4) Social workers shall not allow an employing organization's policies, procedures, regulations, or administrative orders to interfere with their ethical practice of social work. Social workers should take reasonable steps to ensure that their employing organizations' practices are consistent with the code of conduct.

(5) Social workers shall act to prevent and eliminate discrimination in the employing organization's work assignments and in its employment policies and practices.

(6) Social workers should accept employment or arrange student field placements only in organizations that exercise fair personnel practices.

(7) Social workers should be diligent stewards of the resources of their employing organizations, wisely conserving funds where appropriate and never misappropriating funds or using them for unintended purposes.

J. Labor-management disputes.

(1) Social workers may engage in organized action, including the formation of and participation in labor unions, to improve services to clients and working conditions.

(2) The actions of social workers who are involved in labor-management disputes, job actions, or labor strikes should be guided by the profession's values, ethical principles, and ethical standards. Reasonable differences of opinion exist among social workers concerning their primary obligation as professionals during an actual or threatened labor strike or job action. Social workers should carefully examine relevant issues and their possible impact on clients before deciding on a course of action.

[16.63.16.10 NMAC - N, 4/24/06; A, 06/01/09]

16.63.16.11 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES AS PROFESSIONALS:

A. Competence.

(1) Social workers shall accept responsibility or employment only on the basis of existing competence or the intention to acquire the necessary competence.

(2) Social workers shall 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.

(3) Social workers shall base practice on recognized knowledge, including empirically based knowledge, relevant to social work and social work ethics.

B. Nondiscrimination. A social worker shall not discriminate against a client, student or supervisee on the basis of age, gender, sexual orientation, race, color, national origin, religion, diagnosis, disability, political affiliation, or social or economic status. If the social worker is unable to offer services because of a concern about potential discrimination against a client, student or supervisee, the social worker shall make an appropriate and timely referral. When a referral is not possible the social worker shall obtain supervision or consultation to address the concerns.

C. Private conduct. Social workers shall not permit their private conduct to interfere with their ability to fulfill their professional responsibilities.

D. Dishonesty, fraud, and deception. Social workers shall not participate in, condone, or be associated with dishonesty, fraud, or deception.

E. Impairment.

(1) Social workers shall not allow their own personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties to interfere with their professional judgment and performance or to jeopardize the best interests of people for whom they have a professional responsibility.

(2) Social workers whose personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties interfere with their professional judgment and performance shall immediately seek consultation and take appropriate remedial action by seeking professional help, making adjustments in workload, terminating practice, or taking any other steps necessary to protect clients and others.

F. Misrepresentation.

(1) Social workers shall make clear distinctions between statements made and actions engaged in as a private individual and as a representative of the social work profession, a professional social work organization, or the social worker's employing agency.

(2) Social workers who speak on behalf of professional social work organizations should accurately represent the official and authorized positions of the organizations.

(3) Social workers shall ensure that their representations to clients, agencies, and the public of professional qualifications, credentials, education, competence, affiliations, services provided, or results to be achieved are accurate. Social workers should claim only those relevant professional credentials they actually possess and take steps to correct any inaccuracies or misrepresentations of their credentials by others.

G. Solicitations.

(1) Social workers shall not engage in uninvited solicitation of potential clients who, because of their circumstances, are vulnerable to undue influence, manipulation, or coercion.

(2) Social workers shall not engage in solicitation of testimonial endorsements (including solicitation of consent to use a client's prior statement as a testimonial endorsement) from current clients or from other people who, because of their particular circumstances, are vulnerable to undue influence.

H. Acknowledging credit.

(1) Social workers shall take responsibility and credit, including authorship credit, only for work they have actually performed and to which they have contributed.

(2) Social workers shall honestly acknowledge the work of and the contributions made by others.
[16.63.16.11 NMAC - N, 4/24/06; A, 06/01/09]

16.63.16.12 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO THE SOCIAL WORK PROFESSION:

A. Integrity of the profession.

(1) Social workers shall work toward the maintenance and promotion of high standards of practice.

(2) Social workers shall uphold and advance the values, ethics, knowledge, and mission of the profession. Social workers shall protect, enhance, and improve the integrity of the profession through appropriate study and research, active discussion, and responsible criticism of the profession.

(3) Social workers should contribute time and professional expertise to activities that promote respect for the value, integrity, and competence of the social work profession. These activities may include teaching, research, consultation, service, legislative testimony, presentations in the community, and participation in their professional organizations.

(4) Social workers should contribute to the knowledge base of social work and share with colleagues their knowledge related to practice, research, and ethics. Social workers should seek to contribute to the profession's literature and to share their knowledge at professional meetings and conferences.

(5) Social workers should act to prevent the unauthorized and unqualified practice of social work.

B. Evaluation and research.

(1) Social workers should monitor and evaluate policies, the implementation of programs, and practice interventions.

(2) Social workers should promote and facilitate evaluation and research to contribute to the development of knowledge.

(3) Social workers should critically examine and keep current with emerging knowledge relevant to social work and fully use evaluation and research evidence in their professional practice.

(4) Social workers engaged in evaluation or research shall carefully consider possible consequences and shall follow guidelines developed for the protection of evaluation and research participants. Appropriate institutional review boards shall be consulted.

(5) Social workers engaged in evaluation or research shall obtain voluntary and written informed consent from participants, when appropriate, without any implied or actual deprivation or penalty for refusal to participate; without undue inducement to participate; and with due regard for participants' well-being, privacy, and dignity. Informed consent shall include information about the nature, extent, and duration of the participation requested and disclosure of the risks and benefits of participation in the research.

(6) When evaluation or research participants are incapable of giving informed consent, social workers shall provide an appropriate explanation to the participants, obtain the participants' assent to the extent they are able, and obtain written consent from an appropriate proxy.

(7) Social workers shall never design or conduct evaluation or research that does not use consent procedures, such as certain forms of naturalistic observation and archival research, unless rigorous and responsible review of the research has found it to be justified because of its prospective scientific, educational, or applied value and unless equally effective alternative procedures that do not involve waiver of consent are not feasible.

(8) Social workers shall inform participants of their right to withdraw from evaluation and research at any time without penalty.

(9) Social workers shall take appropriate steps to ensure that participants in evaluation and research have access to appropriate supportive services.

(10) Social workers engaged in evaluation or research shall protect participants from unwarranted physical or mental distress, harm, danger, or deprivation.

(11) Social workers engaged in the evaluation of services shall discuss collected information only for professional purposes and only with people professionally concerned with this information.

(12) Social workers engaged in evaluation or research shall ensure the anonymity or confidentiality of participants and of the data obtained from them. Social workers shall inform participants of any limits of confidentiality, the measures that will be taken to ensure confidentiality, and when any records containing research data will be destroyed.

(13) Social workers who report evaluation and research results shall protect participants' confidentiality by omitting identifying information unless proper consent has been obtained authorizing disclosure.

(14) Social workers shall report evaluation and research findings accurately. They shall not fabricate or falsify results and shall take steps to correct any errors later found in published data using standard publication methods.

(15) Social workers engaged in evaluation or research shall be alert to and avoid conflicts of interest and dual relationships with participants, shall inform participants when a real or potential conflict of interest arises, and shall take steps to resolve the issue in a manner that makes participants' interests primary.

(16) Social workers shall educate themselves, their students, and their colleagues about responsible research practices.

[16.63.16.12 NMAC - Rp, 16.63.16.12 NMAC, 4/24/06; A, 06/01/09]

16.63.16.13 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO THE BROADER SOCIETY:

A. Social welfare. Social workers should promote the general welfare of society, from local to global levels, and the development of people, their communities, and their environments. Social workers should advocate for living conditions conducive to the fulfillment of basic human needs and should promote social, economic, political, and cultural values and institutions that are compatible with the realization of social justice.

B. Public participation. Social workers should facilitate informed participation by the public in shaping social policies and institutions.

C. Public emergencies. Social workers should provide appropriate professional services in public emergencies to the greatest extent possible.

D. Social and political action.

(1) Social workers should engage in social and political action that seeks to ensure that all people have equal access to the resources, employment, services, and opportunities they require to meet their basic human needs and to develop fully. Social workers should be aware of the impact of the political arena on practice and should advocate for changes in policy and legislation to improve social conditions in order to meet basic human needs and promote social justice.

(2) Social workers should act to expand choice and opportunity for all people, with special regard for vulnerable, disadvantaged, oppressed, and exploited people and groups.

(3) Social workers should promote conditions that encourage respect for cultural and social diversity within the United States and globally. Social workers should promote policies and practices that demonstrate respect for difference, support the expansion of cultural knowledge and resources, advocate for programs and institutions that demonstrate cultural competence, and promote policies that safeguard the rights of and confirm equity and social justice for all people.

(4) Social workers should act to prevent and eliminate domination of, exploitation of, and discrimination against any person, group, or class on the basis of race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, or mental or physical disability.

[16.63.16.13 NMAC - Rp, 16.63.16.13 NMAC, 4/24/06]

HISTORY OF 16.63.16 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

Rule 16, Code of Conduct, 5/22/92.

History of Repealed Material:

16.63.16 NMAC, Code of Conduct, filed 5/20/2002 - Repealed effective 4/24/2006.