



Rules of Department of Commerce and Insurance

Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

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**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE**
**Division 2263—State Committee for
Social Workers**
**Chapter 3—Ethical Standards/
Disciplinary Rules**

**20 CSR 2263-3.010 Scope of Coverage and
Organization**

PURPOSE: This rule sets forth the ethical standards and disciplinary rules inclusive to all licensees practicing social work as defined in statute in this state.

(1) The ethical standards/disciplinary rules for licensees, as set forth hereafter by the committee, are mandatory. The failure of a licensee to abide by any ethical standard/disciplinary rule in this chapter shall constitute unethical conduct and be grounds for disciplinary proceedings.

AUTHORITY: sections 337.600 and 337.630, RSMo 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.010. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed June 25, 2004, effective Dec. 30, 2004. Moved to 20 CSR 2263-3.010, effective Aug. 28, 2006. Rescinded and readopted: Filed Aug. 27, 2009, effective April 30, 2010. Amended: Filed Aug. 30, 2019, effective Feb. 29, 2020.*

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20 CSR 2263-3.020 Moral Standards

PURPOSE: This rule sets forth the moral obligations of the ethical standards/disciplinary rules.

(1) The public must be protected from those who are not qualified to be licensees by reason of a deficiency in education, experience, moral standards, or other relevant factors, but who nevertheless attempt to or actually practice social work. To assure the maintenance of high standards of the profession of social work, licensees shall assist the committee in promulgating, enforcing, and improving requirements for admission to and for the practice of social work.

(2) No licensee shall—

(A) Violate any ethical standard/disciplinary rule;

(B) Circumvent any ethical standard/disciplinary rule through the actions of another;

(C) Engage in conduct which is dishonest, deceitful, or fraudulent;

(D) Allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment or skills; or

(E) Use therapeutic relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind.

(3) Prior to recommending an applicant for licensure, a licensee should be satisfied that the applicant is of good moral character. Although a licensee should not become a self-appointed investigator or judge of applicants, a report to the committee of all unfavorable information not otherwise privileged relative to the character, education, experience, citizenship, age, or other qualifications of an applicant must be made.

(4) A licensee is subject to discipline for making a materially false statement or for deliberately failing to disclose a material fact requested in connection with an application.

(5) A licensee shall respond to all reasonable requests for information and/or all other correspondence from the committee. Failure to provide the requested information may be cause for denial of licensure, permit, and/or registration of supervision.

(6) A licensee shall not engage in any activity that exploits clients, students, or supervisees, including sexual intimacies (which means physical or other contact by either the licensee or the client), including, but not limited to:

(A) Sexual intercourse—any penetration or contact with the female sex organ by a finger, the male sex organ, or any object;

(B) Sodomy—oral or anal copulation, oral or anal copulation or sexual intercourse between two (2) or more people or a person and an animal, or any penetration of the anal opening by any body part or object;

(C) Kissing;

(D) Touching or caressing the legs, thighs, stomach, chest, breasts, genitals, or buttocks, clothed or unclothed;

(E) Exhibitionism and voyeurism (exposing one's self or encouraging another to expose him/herself); and

(F) Comments, gestures, or physical contacts of a sexual nature.

(7) A licensee shall report to the committee any known or suspected violation(s) of the laws or regulations promulgated by the committee governing the practice of social work which do not violate a client's right to privacy.

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20 CSR 2263-3.040 Client Relationships

PURPOSE: This rule sets forth the ethical standards/disciplinary rules for client relationships.

(1) A licensee shall not enter into or continue a dual or multiple relationship, including social relationship, business relationship, or sexual relationship, as defined by the committee, with a current client or with a person to whom the member has at any time rendered psychotherapy (clinical social work) or other professional social work services for the treatment or amelioration of mental and emotional conditions. Business relationships do not include purchases made by the member from the client when the client is providing necessary goods or services to the general public, and the member determines that it is not possible or reasonable to obtain the necessary goods or services from another provider.

(2) A licensee shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment.

(3) A licensee should make clear to clients the purposes, goals, techniques, rules of procedure, and limitations that may affect the professional relationship at or before the time that it is begun. A licensee shall not provide



professional services to clients without being able to justify the basis upon which those services are rendered.

(4) A licensee should be aware of his/her own mental health and emotional stability and the effect those have on his/her ability to provide appropriate services to clients. A licensee shall not undertake or continue a professional relationship with a client when the competency of the member is or reasonably could be expected to be impaired due to mental, emotional, physiologic, pharmacologic, or substance abuse conditions. If that condition develops after a professional relationship has been initiated, the member shall notify the client in writing of the termination of services and shall assist the client in obtaining services from another professional.

(5) A licensee shall not undertake and/or continue a professional relationship with a client when the objectivity or competency of the member is, or reasonably could be expected to be, impaired because of present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client. If that dual relationship develops or is discovered after the professional relationship has been initiated, the licensee shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination, and shall assist the client in obtaining services from another professional.

(6) A licensee should be knowledgeable about the services available in the community and make appropriate referrals for their clients. When a licensee has a relationship, particularly of an administrative, supervisory, and/or evaluative nature, with an individual seeking counseling services, the licensed social worker shall not serve as the practitioner for such individual but shall refer the individual to another professional.

(7) A licensee must inform clients about electronic recording of sessions, how such sessions will be used, and provide specific information about any specialized or experimental activities in which they may be expected to participate as a condition of service.

(8) A licensee shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship or when the service has been satisfactorily rendered.

(9) A licensee shall protect clients against physical threats, intimidation, and coercion in the provision of social services insofar as is reasonably possible.

(10) A licensee shall not attempt any intervention unless thoroughly trained in its use or under the supervision of an expert.

(11) A licensee rendering services to a client shall maintain professional records that include:

(A) The presenting problem(s), assessment, plan of action, and progress notes;

(B) The fee arrangement;

(C) The date and substance of each contact with the client;

(D) Notation and results of formal consults with other providers;

(E) A copy of all evaluative reports prepared or received as a part of the professional relationship; and

(F) A copy of a written communication with the client identifying the date and reason for termination of professional service if the licensed social worker is in private practice.

(12) For the purpose of these rules, the licensed social worker and temporary permit holder shall assure that professional records are maintained for at least five (5) years after the date of service is terminated.

(13) A licensee shall not falsify or permit the unauthorized destruction of client records.

AUTHORITY: sections 337.600 and 337.630, RSMo 2016, and sections 337.615 and 337.627, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.040. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2263-3.040, effective Aug. 28, 2006. Rescinded and readopted: Filed Aug. 27, 2009, effective April 30, 2010. Amended: Filed Sept. 27, 2017, effective March 30, 2018. Amended: Filed Aug. 30, 2019, effective Feb. 29, 2020.*

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20 CSR 2263-3.060 Relationships with Colleagues

PURPOSE: This rule sets forth the ethical standards/disciplinary rules for relationships with colleagues.

(1) A licensee should act with integrity in his/her relationships with colleagues, other organizations, agencies, institutions, referral

sources, and other professions so as to facilitate the contribution of all colleagues toward achieving optimum benefit for clients.

(2) A licensee shall not knowingly cause a client to terminate the service of another professional solely for personal gain.

(3) A licensee shall not exploit his/her professional relationships with supervisors, colleagues, supervisees, students, or employees either sexually, economically, or otherwise.

(4) A licensee who has direct knowledge of a social work colleague's impairment which is due to personal problems, psychosocial distress, substance abuse, or mental health difficulties, and which interferes with practice effectiveness should consult with that colleague when feasible and assist the colleague in taking remedial action.

(5) A licensee who functions as a supervisor or educator shall not engage in sexual intimacies or contact as defined in the rules promulgated by the committee, with supervisees, students, trainees, or other colleagues over whom they exercise professional authority.

(6) A licensee must exercise appropriate supervision and provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

AUTHORITY: sections 337.600 and 337.630, RSMo 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.060. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed June 25, 2004, effective Dec. 30, 2004. Moved to 20 CSR 2263-3.060, effective Aug. 28, 2006. Rescinded and readopted: Filed Aug. 27, 2009, effective April 30, 2010. Amended: Filed Aug. 30, 2019, effective Feb. 29, 2020.*

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20 CSR 2263-3.080 Public Statements/Fees

PURPOSE: This rule sets forth the ethical standards/disciplinary rules as they pertain to public statements/fees.

(1) A licensee shall not—



(A) Give or receive a commission or rebate or any other form of remuneration for referral of clients for professional services;

(B) Engage in fraud or misrepresentation;

(C) Use relationships with therapeutic or therapy clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind; and

(D) Render services until assured that clients are aware of the fees and billing arrangements.

(2) A licensee shall use only those educational credentials in association with his/her license and practice as a licensed social worker that have been earned at an acceptable educational institution. A licensee shall not misrepresent their credentials, training, or level of education.

(3) A licensed social worker holder shall use his/her title (i.e., “licensed clinical social worker (LCSW)”, “licensed master social worker (LMSW)”, “licensed advanced macro social worker (LAMSWS)” or “licensed baccalaureate social worker (LBSW)”) in any advertising, public directory, or solicitation, including telephone directory listings, regardless of whether this presentation is made under the licensee’s name, a fictitious business or group name, or a corporate name.

(4) A licensee shall have his/her license prominently displayed at all times as proof of licensure to the client.

(5) Social workers whose licenses have lapsed or been revoked shall not hold themselves out to be currently licensed (i.e., “licensed clinical social worker”).

(6) A licensee shall not accept compensation for the professional services from anyone other than the client without disclosure to the client or his/her legal guardian.

(7) A licensee shall not accept for professional services any form of remuneration including the bartering of services which has the effect of exploiting the professional relationship or creating a dual or multiple relationship.

(8) A licensee shall consider the value of his/her services and the financial ability of clients in establishing reasonable fees for professional services.

(9) A licensee shall not accept a fee for professional services or any form of remuneration from clients who are entitled to services through an institution or agency or other ben-

efits structure, unless clients have been fully informed of the availability of, or payments for, these services from other sources.

AUTHORITY: sections 337.600 and 337.630, RSMo 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.080. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed June 25, 2004, effective Dec. 30, 2004. Moved to 20 CSR 2263-3.080, effective Aug. 28, 2006. Rescinded and readopted: Filed Aug. 27, 2009, effective April 30, 2010. Amended: Filed Aug. 30, 2019, effective Feb. 29, 2020.*

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20 CSR 2263-3.100 Confidentiality

PURPOSE: This rule sets forth the ethical standards/disciplinary rules as they pertain to confidentiality.

(1) A licensee shall take reasonable personal action, and inform responsible authorities or inform those persons at risk, when the conditions or actions of clients indicate that there is clear and imminent danger to clients or others. When the member is uncertain about the duty to protect, consultation with other professionals is appropriate.

(2) A licensee shall inform clients, at the onset of the professional relationship, of the limits of confidentiality.

(3) A licensee shall keep confidential his/her therapy relationships with clients including information obtained from this relationship with clients with the following exceptions:

(A) When the client gives written consent;

(B) When the client constitutes a danger to him/herself or to others;

(C) When the member is under court order to disclose information; or

(D) When required by law.

(4) A licensee shall make every reasonable effort to see that the member’s employer provides for maintenance, storage, and disposal of the records of clients so that unauthorized persons shall not have access to these records.

(5) A licensee shall not forward to another person, agency, or potential employer any confidential information of a client without the written consent of the client(s) or their legal guardian(s) nor shall they violate any laws or regulations of this state or the federal government with respect to this information.

(6) When providing counseling services to families, couples, or groups, a licensee 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. Participants in family, couples, or group counseling shall be informed by the member that there is no guarantee that all participants will honor such agreements.

(7) Social workers who use social media and/or other electronic means of communication and/or recordkeeping must ensure that all use of electronic communication and recordkeeping comply with all ethical duties and with all relevant statutes and regulations.

AUTHORITY: sections 337.600 and 337.630, RSMo 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.100. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed June 25, 2004, effective Dec. 30, 2004. Moved to 20 CSR 2263-3.100, effective Aug. 28, 2006. Rescinded and readopted: Filed Aug. 27, 2009, effective April 30, 2010. Amended: Filed Feb. 22, 2019, effective Sept. 30, 2019. Amended: Filed Aug. 30, 2019, effective Feb. 29, 2020.*

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20 CSR 2263-3.120 Research on Human Subjects

PURPOSE: This rule sets forth the ethical standards/disciplinary rules as they pertain to research on human subjects.

(1) A licensee shall ensure that the welfare of a client is in no way compromised in any experimentation and/or that the client is not participating in any experimentation against his/her will.



(2) In presenting case studies in classes, professional meetings, or publications, licensed licensees shall disguise the identity of clients to assure full confidentiality.

(3) In conducting any research on human subjects, a licensee shall not violate any laws or regulations of this state or the federal government.

(4) When planning any research activity dealing with human subjects, a licensee shall ensure that research problems, design, and execution are in full compliance with Protection of Human Subjects as published in the *Code of Federal Regulations* 45 CFR 46.

(5) A licensee in evaluation or research must obtain voluntary and written informed consent from participants 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 must include information about the nature, extent, and duration of the participation requested and disclosure of the risks and benefits in the research.

AUTHORITY: sections 337.600 and 337.630, RSMo 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.120. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed June 25, 2004, effective Dec. 30, 2004. Moved to 20 CSR 2263-3.120, effective Aug. 28, 2006. Rescinded and readopted: Filed Aug. 27, 2009, effective April 30, 2010. Amended: Filed Aug. 30, 2019, effective Feb. 29, 2020.*

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20 CSR 2263-3.140 Competence

PURPOSE: This rule is promulgated pursuant to section 337.630.2(15), RSMo, and sets forth the ethical standards/disciplinary rules as they pertain to competence.

(1) A licensee shall:

(A) Limit his/her practice to the area(s) for which he/she are trained;

(B) Utilize consultation on an as-needed, self-determined basis;

(C) Be knowledgeable about how and when to utilize the expertise of other professional disciplines for their clients;

(D) Maintain accessibility to clients;

(E) Make every effort to foster maximum self-determination on the part of the client;

(F) Stress the personal risks involved in any services and help clients explore their readiness to face these risks;

(G) Promote the welfare of clients in the selection, utilization, and interpretation of assessment measures and strategies of intervention;

(H) Recognize the effects of socioeconomic, ethnic, gender, sexual orientation, disability, and racial and cultural factors on clients in assessment and planning services;

(I) Use careful deliberation before assuming responsibility for the client when a client's judgment is seriously impaired. The client should resume responsibility for him/herself as quickly as possible;

(J) Seek treatment for personal medical, substance abuse, psychological, and emotional problems to ensure that they do not interfere with their ability to provide services to clients; and

(K) Take all necessary and reasonable steps to maintain continued competence in the practice of social work by completing at least thirty (30) clock hours of continuing education on or before the expiration of the license for each renewal period.

(2) A licensee shall not engage in the practice of social work beyond the scope of his/her competence, as is demonstrated by his/her education, training, or experience. A licensee shall make a referral to other professionals when the services required are beyond his/her competence.

AUTHORITY: sections 337.600 and 337.630, RSMo 2016, and sections 337.615, 337.618, 337.627, 337.662, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.140. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed July 26, 1999, effective Jan. 30, 2000. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2263-3.140, effective Aug. 28, 2006. Rescinded and readopted: Filed Aug. 27, 2009, effective April 30, 2010. Amended: Filed Aug. 30, 2019, effective Feb. 29, 2020.*

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337.630, RSMo 1989, amended 1997, 2007; 337.662, RSMo 2001, amended 2007; and 337.665, RSMo 2001, amended 2004, 2007, 2018.