CHAPTER 63

Social Workers

**SECTION 40‑63‑5.** Application of chapter; conflict of laws.

Unless otherwise provided for in this chapter, Article 1, Chapter 1 of Title 40 applies to the Board of Social Work Examiners administered by the Department of Labor, Licensing and Regulation. If there is a conflict between this chapter and Article 1, Chapter 1 of Title 40, the provisions of this chapter control.

HISTORY: 2002 Act No. 189, Section 1.

Notes of Decisions

In general 1

1. In general

Administrative Law Court’s prior ruling that Board of Social Work Examiners had ability to discipline licensed social worker for behavior in activities not strictly related to social work practice was law of the case with respect to subsequent appeal from Court’s determination affirming Board’s decision prohibiting social worker from working as a guardian ad litem (GAL) and barring her from all independent social work practice based on violations of Social Work Examiners Practice Act, since social worker failed to challenge Court’s prior ruling on appeal. Forman v. South Carolina Department of Labor (S.C.App. 2016) 419 S.C. 64, 796 S.E.2d 138, rehearing denied. Licenses 38

**SECTION 40‑63‑10.** State Board of Social Work Examiners; membership; oath; expense reimbursements.

(A) There is created the State Board of Social Work Examiners to be composed of seven members appointed by the Governor, with the advice and consent of the Senate, including one lay member, two licensed baccalaureate social workers, two licensed master social workers, and two licensed independent social workers (clinical or advanced practice). All members must be residents of this State and the social workers must have been in the active practice of social work for at least five years before appointment. The terms of the members are for four years and until their successors are appointed and qualify. Members of the board are eligible for reappointment. The board shall have powers and duties as stated in Section 40‑1‑70. The board may promulgate regulations to carry out the provisions of this chapter. The Governor may remove a member in accordance with Section 1‑3‑240. No member may be removed without an opportunity to refute the charges filed against him. He must be given a copy of the charges at the time they are filed. Vacancies on the board must be filled in the manner of the original appointment for the unexpired portion of the term.

(B) The members of the board shall qualify by taking an oath of office before a notary public or other officer authorized to administer oaths in this State.

(C) Members may receive for their services mileage, expenses, subsistence, and per diem as provided by law for members of state boards, committees, and commissions.

HISTORY: 2002 Act No. 189, Section 1.

Editor’s Note

Prior Laws:1962 Code Section 56‑1600.1; 1968 (55) 2800; 1988 Act No. 568, Section 1; 1993 Act No. 181, Section 943.

CROSS REFERENCES

Licensing of professional counselors, marital and family therapists, and psycho‑educational specialists, see Section 40‑75‑10 et seq.

Regulations promulgated by the State Board of Social Work Examiners, see S.C. Code of Regulations R. 110‑1 et seq.

Library References

Licenses 21.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60.

Attorney General’s Opinions

It was the intent of the Act creating the State Board of Social Worker Registration that a separate distinct seal be devised for the board’s own use. 1969 S.C. Op.Atty.Gen. 34, 1969 S.C. Op.Atty.Gen. No. 2630, (Feb. 6, 1969) 1969 WL 10633.

**SECTION 40‑63‑20.** Definitions.

As used in this chapter:

(1) “Advanced Practice Social Worker” means a person duly licensed to practice independent advanced practice social work under this act.

(2) “Advanced Practice Supervision” means an interactional professional and educational relationship between an advanced practice supervisor and a social worker that provides evaluation and direction over the supervisee’s practice of advanced practice social work and promotes continued development of the social worker’s knowledge, skills, and abilities to engage in the practice of advanced practice social work in an ethical and competent manner.

(3) “Approved Advanced Practice Supervisor” means a licensed advanced practice social worker who has met the qualifications as determined by the board.

(4) “Approved Clinical Supervisor” means a licensed clinical social worker who has met the qualifications as determined by the board.

(5) “Approved Provider of Continuing Education” means an individual, group, professional association, school, institution, organization, or agency approved by the board to conduct educational program(s).

(6) “Baccalaureate Social Worker” means a person duly licensed to practice baccalaureate social work under this act.

(7) “Board” means the South Carolina Board of Social Work Examiners.

(8) “Case Management” means a procedure to plan, provide, and monitor services from a variety of resources on behalf of and in collaboration with a client.

(9) “Client” means the individual, couple, family, group, organization, or community that seeks or receives social work services.

(10) “Clinical Social Worker” means a person duly licensed to practice clinical social work under this act.

(11) “Clinical Supervision” means an interactional professional and educational relationship between a clinical supervisor and a social worker that provides evaluation and direction over the supervisee’s practice of clinical social work and promotes continued development of the social worker’s knowledge, skills, and abilities to engage in the practice of clinical social work in an ethical and competent manner.

(12) “Consultation” means a problem solving process in which expertise is offered to an individual, group, organization, or community.

(13) “Continuing Education” means education and training, which are oriented to maintain, improve, or enhance social work practice.

(14) “Continuing Education Contact Hour” means a sixty ( 60) minute clock hour of instruction, not including breaks or meals.

(15) “Counseling” means a method used by social workers to assist individuals, couples, families, and groups in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns.

(16) “Director” means the Director of the Department of Labor, Licensing and Regulation.

(17) “Examination” means a standardized test of social work knowledge, skills, and abilities approved by the board.

(18) “Independent Social Worker—Advanced Practice” means a person duly licensed to practice Independent Social Work—Advanced Practice under this act.

(19) “Independent Social Worker—Clinical Practice” means a person duly licensed to practice Independent Social Work—Clinical Practice under this act.

(20) “License” means an authorization to practice social work issued by the board pursuant to this chapter.

(21) “Licensee” means an individual who has met the requirements for licensure under this chapter and has been issued a license to practice as a social worker.

(22) “Masters Social Worker” means a person licensed to engage in the practice of Masters Social Work.

(23) “Practice of Baccalaureate Social Work” means the professional application of social work theory, knowledge, methods, principles, values, and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. The practice of Baccalaureate Social Work is a basic generalist practice that includes assessment, planning, intervention, evaluation, mediation, case management, information and referral, counseling, advocacy, supervision of employees, consultation, client education, research, community organization, and the development, implementation, and administration of policies, programs, and activities. Baccalaureate Social Workers are not qualified to diagnose and treat mental illness nor provide psychotherapy services. Baccalaureate Social Work is practiced only in organized settings such as social, medical, or governmental agencies and may not be practiced independently or privately.

(24) “Practice of Independent Social Work—Advanced Practice” means the professional application of social work theory, knowledge, methods, principles, values, and ethics, and the professional use of self to community and organizational systems (systemic and macrocosm issues) and other indirect (nonclinical) services. The Advanced Practice of Social Work includes activities such as community organization and development, social planning and policy development, administration of social work policies, programs and activities, outcome evaluation, client education, research, nonclinical supervision of employees and nonclinical consultation, nonclinical assessment and referral, mediation, expert testimony, and advocacy. A Licensed Independent Social Worker—AP may not practice clinical social work independently. The Independent Social Worker—AP may engage in the activities included under the practice of Masters Social Work. The practice of Independent Social Work—Advanced Practice may include private practice.

(25) “Practice of Independent Social Work—Clinical Practice” means the professional application of social work theory, knowledge, methods, principles, values, and ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, and direct clinical needs of organizations and communities. The practice of Clinical Social Work requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment for mental, emotional, and behavioral disorders, and conditions. Treatment methods include the provision of individual, marital, couple, family, and group counseling and psychotherapy. The practice of independent clinical social work includes case management, information and referral, mediation, client education, supervision of employees, consultation, research, advocacy, outcome evaluation, and expert testimony. The practice of Independent Social Work—Clinical Practice may include private practice. A Licensed Independent Social Worker—CP may not practice advanced practice social work independently. The Independent Social Worker—CP may engage in the activities included under the practice of Masters Social Work.

(26) “Practice of Masters Social Work” means the application of social work theory, knowledge, methods, and ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Masters Social Work Practice requires the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, mediation, client education, counseling, advocacy, supervision of employees, consultation, research, community organization and development, administration of social work policies, programs and activities, and outcome evaluation. The practice of Masters Social Work may include the practice of Clinical Social Work under clinical supervision within a recognized, organized setting such as social, medical, and governmental agencies. LMSW’s may engage only in supervised practice in such agencies and may not practice privately or independently.

(27) “Private Practice” means the provision of clinical or advanced social work services by a Licensed Independent Social Worker who assumes responsibility for the nature and quality of the services provided to the client in exchange for direct payment or third‑party reimbursement.

(28) “Psychotherapy” means the use of treatment methods utilizing a specialized, formal interaction between an appropriately Licensed Social Worker and an individual, couple, family, or group in which a therapeutic relationship is established, maintained, and sustained to understand unconscious processes, intrapersonal, interpersonal, and psychosocial dynamics, and the diagnosis and treatment of mental, emotional, and behavioral disorders, conditions, and addictions.

HISTORY: 2002 Act No. 189, Section 1.

Editor’s Note

Prior Laws:1968 (55) 2800; 1982 Act No. 453, Section 3; 1988 Act No. 568, Section 1; 1976 Code Section 40‑63‑60.

CROSS REFERENCES

Communications between patients and mental health professionals privileged, see Section 44‑22‑90.

Communications between patients and mental retardation professionals privileged, see Section 44‑26‑130.

Confidences of patients suffering from mental illness or emotional conditions may not be revealed except under certain circumstances, see Section 19‑11‑95.

Psychologist licensure exemption for certain school guidance counselors or social workers, see Section 40‑55‑90.

Regulations promulgated by State Board of Social Work Examiners, see S.C. Code of Regulations R. 110‑1 et seq.

**SECTION 40‑63‑30.** License as prerequisite to practice or offer to practice; providing social work services through telephone or electronic means.

(A) No individual shall offer social work services or use the designation “Social Worker”, “Licensed Baccalaureate Social Worker”, “Licensed Masters Social Worker”, “Licensed Independent Social Worker—Clinical Practice”, “Licensed Independent Social Worker—Advanced Practice”, or the initials “LBSW”, “LMSW”, or “LISW” or any other designation indicating licensure status or hold themselves out as practicing social work or as a Baccalaureate Social Worker, Masters Social Worker, or Independent Social Worker unless licensed in accordance with this chapter.

(B) A person providing social work services to a client in this State, through telephonic, electronic, or other means, regardless of the location of the social worker, who is not licensed in this State, is practicing without a license.

HISTORY: 2002 Act No. 189, Section 1.

Editor’s Note

Prior Laws:1962 Code Section 56‑1600; 1968 (55) 2800; 1982 Act No. 453, Section 3; 1988 Act No. 568, Section 1; 1976 Code Section 40‑63‑50.

Library References

Licenses 11(1).

Westlaw Topic No. 238.

C.J.S. Licenses Sections 51, 53, 55.

**SECTION 40‑63‑40.** General public board members; nominations; appointments.

Board members from the general public may be nominated by an individual, group, or association and must be appointed by the Governor in accordance with Section 40‑1‑45, the section encouraging public and consumer membership on the boards administered by the Department of Labor, Licensing and Regulation.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 21.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑63‑50.** Powers and duties of board.

(A) In addition to the powers and duties enumerated in Section 40‑1‑50, the board shall:

(1) at the first meeting of the board in each calendar year, elect a president and vice‑president from its membership. A majority of the appointed members of the board constitutes a quorum. Regular meetings must be held four times a year. Special meetings may be held upon the call of the president or any two members of the board.

(2) have a seal and the impression must be attached to all official documents issued by it. The board shall keep a full record of all its proceedings and maintain a complete registry of all Licensed Social Workers.

(B) The board may promulgate regulations necessary to carry out the provisions of this chapter.

HISTORY: 2002 Act No. 189, Section 1.

Editor’s Note

Prior Laws:1982 Act No. 453, Section 3; 1988 Act No. 568, Section 1; 1976 Code Section 40‑63‑20.

Library References

Licenses 21.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑63‑60.** Adoption of rules governing board proceedings.

The board may adopt rules governing its proceedings.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 21.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑63‑70.** Board promulgation of regulations.

In addition to the powers and duties provided in this chapter, the board has those powers and duties set forth in Section 40‑1‑70.

HISTORY: 2002 Act No. 189, Section 1.

CROSS REFERENCES

Regulations for Board of Social Work Examiners, see S.C. Code of Regulations R. 110‑1 et seq.

Library References

Licenses 21.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑63‑80.** Power to subpoena witnesses, take evidence, and require production of documents.

For the purpose of conducting an investigation or proceeding under this chapter, the board or a person designated by the board may subpoena witnesses, take evidence, and require the production of any documents or records which the board considers relevant to the inquiry.

HISTORY: 2002 Act No. 189, Section 1.

Editor’s Note

Prior Laws:1968 (55) 2800; 1982 Act No. 453, Section 2; 1988 Act No. 568, Section 1; 1993 Act No. 181, Section 944; 1976 Code Section 40‑63‑30.

Library References

Licenses 38, 40.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 80, 82 to 100, 125 to 126.

**SECTION 40‑63‑90.** Investigation and hearing for violation or unfitness to practice; notice; rights to license; privileged communications.

(A) If the Department of Labor, Licensing and Regulation or the board has reason to believe that a person has violated a provision of this article or a regulation promulgated under this article or that a licensee has become unfit to practice as a social worker or if a person files a written complaint with the board or the director, the director of the department may initiate an investigation. The results of an investigation must be presented to the board. If it appears that a violation has occurred or that a licensee has become unfit to practice as a Licensed Social Worker, the board may, in accordance with the Administrative Procedures Act, take action as authorized by law. The board may designate a hearing officer or panel to conduct hearings or take other action as may be necessary.

(B) The board shall notify the accused licensee in writing not less than thirty days before the hearing and a copy of the accusation must be attached to the notice. The notice must be served personally or sent to the accused licensee by registered mail, return receipt requested, directed to his last mailing address furnished to the board. The post office registration receipt signed by the accused licensee, his agent, or a responsible member of his household or office staff, or, if not accepted by the person to whom addressed, the postal authority stamp showing the notice refused, is prima facie evidence of service of the notice.

(C) The accused licensee has the right to be present and present evidence and argument on all issues involved, to present and to cross‑examine witnesses, and to be represented by counsel, at the accused licensee’s expense. For the purpose of these hearings, the board may require by subpoena the attendance of witnesses and the production of documents and other evidence and may administer oaths and hear testimony, either oral or documentary, for and against the accused licensee. All investigations, inquiries, and proceedings undertaken under this chapter must be confidential, except as hereinafter provided.

(D) Every communication, whether oral or written, made by or on behalf of any complainant to the board or its agents or any hearing panel or member, pursuant to this chapter, whether by way of complaint or testimony, is privileged and no action or proceeding, civil or criminal, lies against any person by whom or on whose behalf such communication has been made, except upon proof that such communication was made with malice.

(E) No person connected with a complaint, investigation, or other proceeding before the board including, but not limited to, any witness, counsel, counsel’s secretary, board member, board employee, court reporter, or investigator may mention the existence of the complaint, investigation, or other proceeding or disclose any information pertaining to the complaint, investigation, or proceeding, except to persons involved and having a direct interest in the complaint, investigation, or other proceeding, and then only to the extent necessary for the proper disposition of the complaint, investigation, or other proceeding. However, when the board receives information in a complaint, investigation, or other proceeding before it indicating a violation of a state or federal law, the board may provide that information, to the extent the board considers necessary, to the appropriate state or federal law enforcement agency or regulatory body. Nothing contained in this section may be construed to prevent the board from making public a copy of its final order in any proceeding, as authorized or required by law.

HISTORY: 2002 Act No. 189, Section 1.

Editor’s Note

Prior Laws:1968 (55) 2800; 1982 Act No. 453, Section 2; 1988 Act No. 568, Section 1; 1993 Act No. 181, Section 944; 1976 Code Section 40‑63‑30.

Library References

Licenses 38, 40.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 80, 82 to 100, 125 to 126.

**SECTION 40‑63‑100.** Equitable relief; cease and desist order; temporary restraining order.

(A) In addition to other remedies provided for in this chapter or Chapter 1, Title 40, the board in accordance with Section 40‑1‑100 may issue a cease and desist order or may petition an administrative law judge for a temporary restraining order or other equitable relief to enjoin a violation of this chapter.

(B) If the board has reason to believe that a person is violating or intends to violate a provision of this chapter, it may, in addition to all other remedies, order the person to desist immediately and refrain from the conduct. The board may apply to an administrative law judge, as provided under Article 5 of Chapter 23 of Title 1, for an injunction restraining the person from the conduct. The judge may issue a temporary injunction ex parte not to exceed ten days and, upon notice and full hearing, may issue any other order in the matter it considers proper. No bond may be required of the board by the judge as a condition to the issuance of an injunction or order contemplated by the provisions of this section.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Injunction 89(5).

Licenses 40, 41.

Westlaw Topic Nos. 212, 238.

C.J.S. Injunctions Sections 242 to 243, 245 to 247.

C.J.S. Licenses Sections 121 to 126.

**SECTION 40‑63‑110.** Grounds for disciplinary action; misconduct; mental incompetence.

(A) The board may revoke, suspend, publicly reprimand, or otherwise restrict the practice or discipline a licensee when it is established that the licensee is guilty of misconduct as defined in this chapter.

(B) Misconduct, which constitutes grounds for revocation, suspension, or restriction of practice or limitation on, reprimand, or other discipline of a licensee is a satisfactory showing to the board that:

(1) a false, fraudulent, or forged statement or document has been used or a fraudulent, deceitful, or dishonest act has been practiced by the licensee in connection with a license requirement;

(2) the licensee has been convicted of a felony or any other crime involving moral turpitude. Forfeiture of a bond or a plea of nolo contendere is considered the equivalent of a conviction;

(3) the licensee violated a regulation, directive, or order of the board;

(4) the licensee has knowingly performed an act which in any way assists a person to practice social work illegally;

(5) the licensee has caused to be published or circulated directly or indirectly a fraudulent, false, or misleading statement as to the skill or methods of practice of a social worker;

(6) the licensee practiced social work while under either the influence of alcohol or drugs to such a degree as to adversely affect his ability to practice;

(7) the licensee uses alcohol or drugs to such a degree as to adversely affect the licensee’s ability to practice social work;

(8) the licensee has sustained any physical or mental impairment or disability which renders further practice by the licensee dangerous to the public;

(9) the licensee has violated the principles of professional ethics or standards of conduct as adopted by the board and promulgated in regulations;

(10) the licensee is guilty of obtaining fees or assisting in obtaining fees under deceptive, false, or fraudulent circumstances;

(11) the licensee is guilty of the use of any intentionally false or fraudulent statement in any document connected with the practice of social work;

(12) the licensee has been found by the board to lack the professional competence to practice social work;

(13) the licensee has engaged in sexual contact with a current client or with a former client during a period of three years after the termination of the therapeutic relationship;

(14) the licensee has compromised the validity or security of licensure examinations required or recognized by the board;

(15) the licensee has engaged in unprofessional conduct as determined by the board.

(C) In addition to all other remedies and actions incorporated in this chapter, the license of a social worker adjudged mentally incompetent by a court of competent jurisdiction is automatically suspended by the board until the licensee is adjudged competent by a court of competent jurisdiction.

HISTORY: 2002 Act No. 189, Section 1.

Editor’s Note

Prior Laws:1962 Code Section 56‑1600.8; 1988 Act No. 568, Section 1; 1990 Act No. 452, Section 3.

Library References

Licenses 38.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 80, 82 to 100.

RESEARCH REFERENCES

ALR Library

165 ALR 1174 , Power to Revoke License as Affected by the Fact that the Penalty Provided by License Statute or Ordinance for Violation of Its Terms or Conditions Does Not Include Revocation.

Notes of Decisions

Evidence 3

Immunity 2

Jurisdiction 1

1. Jurisdiction

Board of Social Work Examiners had subject matter jurisdiction to make findings, in prohibiting licensed social worker from working as a guardian ad litem (GAL) and barring her from all independent social work practice, that social worker failed to perform GAL responsibilities as required by statute; Board was authorized to investigate and discipline persons licensed by Board, Board had authority to restrict the practice or discipline licensee when licensee was guilty of misconduct, and finding of wrongdoing by family court was not required for Board to discipline social worker. Forman v. South Carolina Department of Labor (S.C.App. 2016) 419 S.C. 64, 796 S.E.2d 138, rehearing denied. Licenses 38

2. Immunity

Quasi‑judicial immunity afforded to guardians ad litem (GAL) did not apply to professional disciplinary proceeding initiated by Board of Social Work Examiners against licensed social worker for allegedly asserting she had performed duties she had not actually performed while working as a GAL, in violation of Social Work Examiners Practice Act; extension of quasi‑judicial immunity to social worker in disciplinary proceedings would have hampered Board’s purpose of protecting the public. Forman v. South Carolina Department of Labor (S.C.App. 2016) 419 S.C. 64, 796 S.E.2d 138, rehearing denied. Licenses 38

3. Evidence

Substantial evidence supported Board of Social Work Examiners’ findings, in prohibiting licensed social worker from working as a guardian ad litem (GAL) and barring her from all independent social work practice, that social worker committed fraud and represented that she performed services that she had not performed in violation of Social Work Examiners Practice Act; Board’s expert witness described how social worker had failed to comply with statutory requirements in her investigations of cases in which social worker had worked as a GAL. Forman v. South Carolina Department of Labor (S.C.App. 2016) 419 S.C. 64, 796 S.E.2d 138, rehearing denied. Licenses 38

**SECTION 40‑63‑120.** Revocation or suspension of license; fines.

Upon a determination by the board that one or more of the grounds for discipline of a licensee exists, as provided for in Section 40‑63‑100 or 40‑1‑110, the board may impose sanctions as provided in Section 40‑1‑120, including suspension, restriction, or revocation of a license and may impose a fine of not more than five thousand dollars for each violation.

HISTORY: 2002 Act No. 189, Section 1.

Editor’s Note

Prior Laws:1988 Act No. 568, Section 1; 1993 Act No. 181, Section 945.

Library References

Licenses 38, 41.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 80, 82 to 100, 121 to 124.

**SECTION 40‑63‑130.** Licensure denial; grounds.

As provided for in Section 40‑1‑130, the board may deny licensure to an applicant based on the same grounds for which the board may take disciplinary action against a licensee.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 20.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 62 to 66.

**SECTION 40‑63‑140.** Prior criminal record.

As provided for in Section 40‑1‑140, a license may not be denied based solely on a person’s prior criminal record.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 20.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 62 to 66.

**SECTION 40‑63‑150.** Voluntary surrender of license.

As provided for in Section 40‑1‑150, a licensee under investigation for a violation of this chapter or a regulation promulgated under this chapter may voluntarily surrender the license.

HISTORY: 2002 Act No. 189, Section 1.

**SECTION 40‑63‑160.** Appeal.

As provided for in Section 40‑1‑160, a person aggrieved by a final action of the board may seek review of the decision.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 38, 40, 41.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 80, 82 to 100, 121 to 126.

**SECTION 40‑63‑170.** Costs of investigation and prosecution.

As provided for in Section 40‑1‑170, a person found in violation of this chapter or regulations promulgated under this chapter may be required to pay costs associated with the investigation and prosecution of the case.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 41.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 121 to 124.

**SECTION 40‑63‑180.** Costs and fines; collection and enforcement.

All costs and fines imposed pursuant to this chapter must be paid in accordance with and are subject to the collection and enforcement provisions of Section 40‑1‑180.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 41.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 121 to 124.

**SECTION 40‑63‑190.** Disclosure of client information.

No licensee, or any of his or her employees or associates, shall disclose information which he or she may have acquired during the course of service, except:

(1) as mandated by Section 63‑7‑310, requiring certain professionals to report suspected child abuse and neglect, and Section 43‑35‑85, requiring certain professionals to report suspected abuse, neglect, or exploitation of a vulnerable adult;

(2) to prevent a clear and immediate danger to a person or persons, in cases where the information is necessary to prevent the client from causing harm to himself or herself or to others;

(3) where the licensee is a defendant in a civil, criminal, or disciplinary action arising from the course of service to the client in which case confidences may be disclosed only in the course of that action;

(4) where the client is a party in a criminal or civil proceeding, and the client introduces his mental condition as an element of a claim or defense;

(5) where there is a waiver of confidentiality previously obtained in writing, such information may be disclosed in accordance with the terms of the waiver. Competent clients, or their personal representatives, may consent to the release of confidences. In circumstances where more than one person receives services conjointly, each client who is legally competent to execute a waiver must agree to the waiver referred to in this subsection. Without a waiver from each client legally competent to execute a waiver, no confidences may be disclosed under this subsection;

(6) where otherwise required by law or an order signed by a judge of a court of competent jurisdiction.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 25.

Privileged Communications and Confidentiality 423.

Westlaw Topic Nos. 238, 311H.

C.J.S. Licenses Sections 64, 77.

C.J.S. Witnesses Sections 370 to 371.

**SECTION 40‑63‑200.** Unauthorized practice; penalty.

(A) A person who practices or offers to practice as a social worker in this State in violation of this chapter or a regulation promulgated under this chapter or who knowingly submits false information to the board for the purpose of obtaining a license is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

(B) A person violating any other provision of this chapter or a regulation promulgated under this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 40 to 42.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 121 to 132.

**SECTION 40‑63‑210.** Civil penalties; injunctive relief.

In addition to initiating a criminal proceeding for a violation of this chapter, the board may seek civil penalties and injunctive relief in accordance with Section 40‑1‑210, providing for civil actions through the Administrative Law Court for injunctive relief as provided in other sections of this chapter.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Injunction 89(5).

Licenses 40, 41.

Westlaw Topic Nos. 212, 238.

C.J.S. Injunctions Sections 242 to 243, 245 to 247.

C.J.S. Licenses Sections 121 to 126.

**SECTION 40‑63‑220.** Licensure requirements; Baccalaureate Social Worker.

To be licensed as a Baccalaureate Social Worker, an applicant must:

(1) have submitted a written application in the form prescribed by the board;

(2) be at least twenty‑one years of age;

(3) be of good moral character;

(4) have received a baccalaureate degree in social work from a program accredited by a nationally recognized accrediting body for social work programs, or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body approved by the board;

(5) have successfully passed an examination prescribed by the board;

(6) have paid all applicable fees specified by the board.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 20.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 62 to 66.

**SECTION 40‑63‑230.** Licensure requirements; Masters Social Worker.

To be licensed as a Masters Social Worker, an applicant must:

(1) have submitted a written application in the form prescribed by the board;

(2) be at least twenty‑one years of age;

(3) be of good moral character;

(4) have received a masters or doctorate degree in social work from a program accredited by a nationally recognized accrediting body for social work programs, or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body as approved by the board;

(5) have successfully passed an examination prescribed by the board;

(6) have paid all applicable fees specified by the board.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 20.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 62 to 66.

**SECTION 40‑63‑240.** Licensure requirements; Independent Social Worker‑Clinical Practice.

(A) To be licensed as an Independent Social Worker—Clinical Practice, an applicant must:

(1) have submitted a written application in the form prescribed by the board;

(2) be at least twenty‑one years of age;

(3) be of good moral character;

(4) have received a masters or doctorate degree in social work from a program accredited by a nationally recognized accrediting body for social work programs, or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body as approved by the board;

(5) course work content from a program accredited by a nationally recognized accrediting body for social work programs or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body as approved by the board shall include forty‑five academic contact hours each of:

(a) psychopathology;

(b) psychodiagnostics;

(6) demonstrate to the board the satisfactory completion of three thousand hours of social work practice under clinical supervision, which meets the following criteria, or demonstrate to the board’s satisfaction equivalent supervised experience in the practice of Clinical Social Work. The board may review extraordinary circumstances related to supervised practice. Supervised practice under clinical supervision shall meet the following requirements:

(a) must have occurred after licensure as a Masters Social Worker and over a minimum two‑year and maximum four‑year period;

(b) must include face‑to‑face meetings between the approved clinical supervisor and the supervisee for a minimum of one hundred hours of direct clinical supervision equitably distributed;

(c) be documented by a plan for clinical supervision, filed with the board before beginning the period of supervision, (properly amended by submission of a notice of the end of supervision and a termination evaluation if a supervisory change is made) and submitted to the board with a termination evaluation at the end of the supervisory period;

(7) have obtained fifteen academic contact hours or twenty continuing education contact hours in professional ethics during the course of the professional supervision period, or have completed a board sponsored specialty course in professional ethics;

(8) have successfully passed an examination prescribed by the board;

(9) have paid all applicable fees specified by the board.

(B) To be licensed as an Independent Social Worker—Advanced Practice, an applicant must:

(1) have submitted a written application in the form prescribed by the board;

(2) be at least twenty‑one years of age;

(3) be of good moral character;

(4) have received a masters or doctorate degree in social work from a program accredited by a nationally recognized accrediting body for social work programs, or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body as approved by the board;

(5) course work content shall include ninety academic contact hours of course work in advanced social work practice with communities and organizations;

(6) demonstrate to the board the satisfactory completion of three thousand hours of social work practice under advanced practice supervision, which meets the following criteria, or demonstrate to the board’s satisfaction equivalent supervised experience in the practice of advanced practice social work. The board may review extraordinary circumstances related to supervised practice. Supervised practice under advanced practice supervision shall meet the following requirements:

(a) must have occurred after licensure as a Masters Social Worker and over a minimum two‑year and maximum four‑year period;

(b) must include face‑to‑face meetings between the approved advanced practice supervisor and the supervisee for a minimum of one hundred hours of direct advanced practice supervision equitably distributed;

(c) be documented by a plan for advanced practice supervision, filed with the board before beginning the period of supervision, (properly amended by submission of a notice of the end of supervision and a termination evaluation if a supervisory change is made) and submitted to the board with a termination evaluation at the end of the supervisory period;

(7) have obtained fifteen academic contact hours or twenty continuing education contact hours in professional ethics during the course of the professional supervision period, or have completed a board sponsored specialty course in professional ethics;

(8) have successfully passed an examination prescribed by the board;

(9) have paid all applicable fees specified by the board.

(C) The qualifications for an Approved Advanced Practice Supervisor are that the licensee must:

(1) be a Licensed Independent Social Worker—Advanced Practice;

(2) have successfully passed an examination prescribed by the board;

(3) have a minimum of four thousand five hundred hours of advanced practice earned over a period of not less than three years beyond receipt of an LISW‑AP;

(4) have obtained forty‑five academic contact hours or forty‑five continuing education contact hours in supervision.

(D) The qualifications for a Clinical Practice Supervisor are that the licensee must:

(1) be a Licensed Independent Social Worker—Clinical Practice;

(2) have successfully passed an examination prescribed by the board;

(3) have a minimum of four thousand five hundred hours of clinical practice earned over a period of not less than three years beyond receipt of an LISW‑CP;

(4) have obtained forty‑five academic contact hours or forty‑five continuing education contact hours in supervision.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 20.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 62 to 66.

**SECTION 40‑63‑250.** Issuance of license; display; indication of title on documents; renewal; lapse.

(A) If an applicant satisfies all licensure requirements required in this chapter, the board may issue a license to the applicant. A license is a personal right and not transferable, and the issuance of a license is evidence that the person is entitled to all rights and privileges of a licensed social worker while the license remains current and unrestricted. However, the license is the property of the State and upon suspension or revocation immediately must be returned to the board.

(B) A licensee under this chapter must display the license in a prominent and conspicuous place in the primary place of practice.

(C) A licensee under this chapter must indicate his or her category of licensure following his or her name or signature on all professional documents.

(D) Licenses issued under this chapter must be renewed every two years upon the payment of a renewal fee and upon the fulfillment of continuing education as determined by the board in regulation.

(E) Any licensee who allows his license to lapse by failing to renew the license as provided in this section may be reinstated by the board upon satisfactory explanation by the licensee of his failure to renew his license and upon payment of a reinstatement fee and the current renewal fee to be determined by the board. If a license has lapsed for more than one year, the board may impose further educational requirements for reinstatement. If a license has lapsed for more than two years, the person must reapply for licensure. Any person practicing as a social worker during the time that his license has lapsed has engaged in unlicensed practice and is subject to penalties provided for in Section 40‑63‑30.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 22, 25, 37.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 64, 70 to 72, 77, 81.

**SECTION 40‑63‑260.** Applicants licensed in another jurisdiction; licensure; equivalent designations recognized.

(A) In order for a social worker currently licensed in another jurisdiction to obtain a license as a social worker in this State, the applicant must:

(1) have submitted a written application in the form prescribed by the board;

(2) be at least twenty‑one years of age;

(3) be of good moral character;

(4) have received a baccalaureate, masters, or doctorate degree in social work from a program accredited by a nationally recognized accrediting body for social work programs, or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body as approved by the board;

(5) have successfully passed an examination prescribed by the board;

(6) have presented to the board evidence that all social work licenses possessed by the applicant are current and in good standing;

(7) have presented to the board proof that no professional licenses granted to the applicant in any other state have been suspended, revoked, or restricted for any reason except nonrenewal or for the failure to obtain the required continuing education; and

(8) have paid all applicable fees specified by the board.

(B) An applicant for licensure under this section is only eligible for licensure at the equivalent designation recognized in the jurisdiction in which he or she is currently licensed.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 20.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 62 to 66.

**SECTION 40‑63‑270.** Patient notification; professional disclosure and statement of rights; prescribing or dispensing medications.

(A) A licensee shall make available to each client a copy of a statement of professional disclosure. The statement of professional disclosure shall include the licensee’s address and telephone number, fee schedule, educational training, and areas of specialization. All social workers subject to this chapter must provide the client with a statement of their rights and procedures to file a complaint prescribed by the board.

(B) No licensee may engage in prescribing or in dispensing medications.

HISTORY: 2002 Act No. 189, Section 1.

Library References

Licenses 25.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 64, 77.

**SECTION 40‑63‑280.** Promulgation of regulations; standards of conduct; practice of impaired licensees.

The Board of Social Work Examiners may promulgate regulations setting forth standards of conduct for persons licensed by the board and may establish regulations pertaining to the practice of impaired licensees.

HISTORY: 2002 Act No. 189, Section 1.

CROSS REFERENCES

Regulations for Board of Social Work Examiners, see S.C. Code of Regulations R. 110‑1 et seq.

Library References

Licenses 21, 25.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60, 64, 77.

**SECTION 40‑63‑290.** Persons exempt from licensure requirement.

Nothing in this chapter prevents:

(1) members of the clergy and licensed, registered, certified, or qualified professionals including, but not limited to, physicians, elementary or secondary teachers, nurses, psychologists, licensed professional counselors, licensed marriage and family therapists, and licensed psychoeducation specialists and attorneys from practicing their professions and delivering similar services within the scope of their respective practices provided they do not hold themselves out to the public by any title or description as being social workers;

(2) employees of licensed hospitals in this State from performing services commonly within the definition of social work if the services are performed within the course of and scope of their employment as an employee of the hospital, and the employee is not identified in any way as a social worker;

(3) persons from rendering services that are the same as or similar to those within the scope of practice provided for in this chapter if the person receives no remuneration from any source for the rendering of the service and the person is not identified in any way as a social worker;

(4) students who are engaged in field placements or other closely supervised practice while enrolled in accredited programs of study leading to social work degrees from practicing social work;

(5) employees of the State of South Carolina from performing services commonly within the definition of social work if the services are performed within the course of and scope of their employment with the State, and if he has been specifically trained to perform these services and the employee is not identified in any way as a social worker;

(6) social workers so licensed in another jurisdiction may, after notice to the board, practice within the scope of their licenses during or immediately following a declared or recognized emergency for a period not to exceed sixty days.

HISTORY: 2002 Act No. 189, Section 1.

Editor’s Note

Prior Laws:1988 Act No. 568, Section 1; 1976 Code Section 40‑63‑130.

Library References

Licenses 19(3).

Westlaw Topic No. 238.

**SECTION 40‑63‑300.** Severability.

If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this chapter is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this chapter, the General Assembly hereby declaring that it would have passed this chapter, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

HISTORY: 2002 Act No. 189, Section 1.