**Section 1470.96 Unethical, Unauthorized and Unprofessional Conduct**

a) The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 19 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

1) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);

2) Revealing facts, data or information relating to a client or examinee, except as allowed under Section 16 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]. The release of information "with the consent of the client" as provided for in Section 16 of the Act is interpreted to mean that the social worker, prior to the release of the information, obtained written consent and made certain that the client understood the possible uses or distributions of the information. Case history material may be used for teaching or research purposes or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client(s) or examinee(s) involved;

3) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her treatments or remedies, or those of another practitioner;

4) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;

5) Refusing to divulge to the Division techniques or procedures used in his/her professional activities upon request;

6) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered. Social workers shall not participate in illegal fee-splitting arrangements, nor shall they give or accept kickbacks for referrals. However, it is not unethical for social workers to utilize referral services for which a fee is charged, nor to participate in contractual arrangements under which they agree to discount fees;

7) Impersonating another person holding a clinical social work or social work license or allowing another person to use his/her license;

8) The commission of any dishonest, corrupt or fraudulent act that is substantially related to the functions or duties of a social worker providing services or supervising services;

9) The commission of any act of sexual misconduct, sexual abuse or sexual relations with one's client, patient, student supervisee or with an ex-client within 24 months after termination of treatment;

10) Entering a treatment relationship in which professional judgment may be compromised by prior association with or knowledge of a client;

11) Permitting an intern or trainee under the social worker's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training. Disclosure of the intern's status and the name of the supervisor is required;

12) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors;

13) Failing to disclose conflicts of interests, dual relationships between social worker and clients, and/or obligations associated with service that might affect the client's decision to enter into or continue the relationship;

14) Discriminating based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle or sexual orientation;

15) Knowingly providing services to a client when the social worker's objectivity or effectiveness is impaired. A social worker who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if an active practice continues. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems;

16) Failing to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons. Social workers are responsible for insuring that the content and disposition of all records are in compliance with all relevant State laws and rules.

b) The Division hereby incorporates by reference:

1) the "Code of Ethics of the National Association of Social Workers", National Association of Social Workers, 750 First Street NE, Suite 700, Washington, D.C. 20002-4241, July 1, 1999, with no later amendments or editions;

2) the "Code of Ethics", Clinical Social Work Federation, P.O. Box 3740, Arlington, Virginia 22203, 1997, with no later amendments or editions.

(Source: Amended at 28 Ill. Reg. 16467, effective December 8, 2004)