

**Position Statement on Social Workers Engaging in Contract Work**

**Purpose:** The purpose of this position statement is to clearly define the standards and expectations the Board has for social workers that engage in a formal contract agreement with an agency, PLLC, or organization that provides social work services to the public.

**Definition of Contract Social Worker:** A contract social worker is someone who is compensated for the billable clinical services delivered and associated administrative tasks such as documentation, record keeping, staff meetings, or coordination of care as determined by what is specified in the contract. This applies to full time or part-time contracts signed with agencies, PLLCs, hospitals, schools, Managed Care Organizations (MCOs), and Private or Public Insurance Provider Agreements.

**Statement:** The expectation of the Board is that those Certified and Licensed by this Board comply with [the Statute \[§90B\]](#) and [Rules \[Title 21, Chapter 63 of the North Carolina Administrative Code\]](#) that govern their certification/license, as these principles set forth the minimum standards for licensees' conduct in the profession of social work and any violation of the Board's Statutes and/or Rules may result in disciplinary action.

Pursuant to [21 NCAC 63 .0503\(d\)](#), "social workers shall practice their profession in compliance with federal, State, or local laws impacting the practice of social work." Therefore, if a social worker is found in breach of a contract, this may be considered violation of .0503(d). In an effort to provide direction to social workers entering into contracts for clinical services and relevant to the protection of the public, the Board has established this position statement to outline practitioner responsibilities and considerations.

**Social Worker Responsibilities:** The social worker is solely responsible for complying with the rules that govern their certificate/license, as the rules serve as a standard for social workers in their various professional roles, relationships and responsibilities. Social workers shall consider all the principles in the rules that bear upon any situation in which ethical judgment is to be exercised and shall select a course of action consistent with the rules [[21 NCAC 63 .0501\(c\)](#)].

Social workers shall practice only within their sphere of competence, engage in continuing professional education to maintain and enhance their competence, and shall practice their profession in compliance with legal standards [[21 NCAC 63 .0503\(a\)\(d\)](#)].

When entering a contract for clinical social work services, the social worker should-carefully review their contract(s) with the contracting agency and clarify requirements prior to signing the contract, as social workers are legally responsible for all documents they sign, all services rendered and invoicing of third-party payers [[21 NCAC 63 .0504](#) and [.0506](#)].

The social worker is responsible for ensuring that they fully understand processes and procedures for the invoicing submitted on their behalf and ensure that it accurately reflects the social work services delivered to the client, as social workers are responsible for any invoicing using their

name and license number. Social workers are also responsible for maintaining records adequate to provide proper diagnosis and treatment and to fulfill other professional responsibilities [[21 NCAC 63 0507\(d\)](#)].

LCSWAs must be under the appropriate supervision of an LCSW clinical supervisor who is responsible for oversight and guidance in diagnosing and treating clients and accepts responsibility for the clinical practice with *each client seen by the LCSWA*. This includes regularly reviewing and evaluating the professional work of each supervisee which shall include but not be limited to the content areas of clinical skills, practice management skills including review of case documentation, skills required for continuing competence, development of professional identity, and ethical practice.

If the LCSW clinical supervisor is offsite, the Board strongly encourages the LCSW supervisor to negotiate an agreement with all parties involved that specifies the details of the supervisory relationship, including the clinical supervisor's access to records and protection of private agency information.

The social worker who anticipates the termination or interruption of services shall give reasonable notice to the client. The social worker shall provide referrals as needed or upon request of the client. A social worker shall not terminate a professional relationship for the purpose of beginning a personal or business relationship with a client [[21 NCAC 63 .0504\(d\)](#)].

**Social Worker Considerations:** The contract should be read carefully and the terms and conditions should be understood by all parties before signing the contract. Prior to entering a contract for social work services, thought should be given to the following:

- Research the agency to determine exactly who you are going to enter a contract with and what the expectations are for all parties involved.
- Consult with an attorney to review the contract terms agreed between parties and to discuss the legalities associated with entering the contract for clinical services. A lawyer will explain all aspects of the contract so that you understand your rights and obligations under the contract.
- Consult with your malpractice insurance provider to discuss liabilities involved with transporting clients, transferring records, and remote work to ensure the social work services provided under the contract will be covered should an ethical dilemma arise.
- Ensure that there is a plan in place to protect client confidentiality, record keeping, and to address any conflicts of interest.
- Review and understand provider credentialing, monitoring, billing/reimbursement procedures and payment terms.
- Review the termination clause, clarify the obligations and discuss the consequences of failing to meet obligations under the contract.
- Remaining knowledgeable regarding your responsibilities as a provider with ALL entities you are credentialed, registered, certified or licensed with, in addition to regulations and mandates that may impact your license and/or social work practice.