

2. The additional services contemplated and the fee to be charged therefor. In the absence of such disclosures, the social worker shall be prohibited from charging an additional fee for the advertised service; and

3. The period during which the advertised fee will remain in effect. In the absence of such disclosure, the advertisement shall be deemed to be effective for 30 days from the date of its initial publication.

(c) The advertisement of any specific fee shall not preclude the social worker from decreasing the fee or waiving the fee in individual circumstances.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), substituted a reference to social work services for a reference to professional services.

13:44G-11.6 Prohibited types or method or methods of advertising

(a) A social worker shall not guarantee that satisfaction or a cure will result from the performance of professional services.

(b) A social worker shall not communicate information that may identify a client without the client's written consent.

(c) A social worker shall not offer a professional service which the social worker knows or should know is beyond his or her ability to perform, and shall adhere to the specifications set forth in N.J.A.C. 13:44G-10.5.

(d) A social worker shall not advertise any technique or communication which appears to intimidate, exert undue pressure or unduly influence a prospective client.

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (c), required adherence to specifications set forth in N.J.A.C. 13:44G-10.5.

13:44G-11.7 Use of testimonials

(a) An advertisement containing a lay or an expert testimonial shall be based upon the testimonial giver's personal knowledge or experience obtained from a provider relationship with the social worker or upon the testimonial giver's direct personal knowledge of the subject matter of the testimonial.

(b) Prior to using the testimonial, the social worker shall obtain a signed, notarized statement and release indicating the testimonial giver's willingness to have his or her testimonial used in the advertisement.

(c) A layperson's testimonial shall not attest to any technical matter beyond the layperson's competence to comment upon.

(d) An expert testimonial shall be rendered only by an individual possessing specialized expertise sufficient to allow the rendering of a bona fide statement or opinion.

(e) A social worker shall be able to substantiate any statement of fact appearing in a testimonial.

(f) Where a social worker directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a legible and readable manner in any advertisement in the following language or its substantial equivalent:

COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (e), deleted a second sentence.

13:44G-11.8 Retention of advertisements

(a) The social worker shall retain for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The social worker shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.

(b) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of the last use. Documentation shall include, but not be limited to:

1. The name, address and telephone number of the testimonial giver;

2. The type and amount or value of compensation; and

3. The notarized statement and release required pursuant to N.J.A.C. 13:44G-11.7(b).

Amended by R.1998 d.66, effective January 20, 1998.
See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (a), substituted "or electronic media" for "media as well as a video or audio tape of every advertisement communicated by electronic media" at the end of the first sentence, and inserted a reference to dissemination in the second sentence.

SUBCHAPTER 12. CLIENT RECORDS; CONFIDENTIALITY

13:44G-12.1 Preparation and maintenance of client records

(a) A social worker shall prepare and maintain for each client a contemporaneous, permanent client record that accurately reflects the client contact with the social worker whether in an office, hospital or other treatment, evaluation or consultation setting.

(b) A social worker shall include at least the following information in the client record:

1. The client name (on each page of the record), address and telephone number;
2. The location and dates of all treatment, evaluation or consultation settings;
3. The identity of each provider of treatment, evaluation or consultation and the supervisor, if any;
4. The presenting situation;
5. Significant social history;
6. Past and current medications, when appropriate;
7. A social work assessment, unless a separate record is kept;
8. A treatment or service plan;
9. Progress notes for each session;
 - i. A social worker may dictate progress and session notes for later transcription provided the transcription is dated and identified as preliminary pending the social worker's final review and approval;
10. Information regarding referrals to other professionals and reports and records provided by other professionals; and
11. Fees charged and paid unless a separate financial record is kept.

(c) A social worker providing clinical services shall include in the client record the following information, in addition to the information required pursuant to (a) above:

1. Significant medical and psychosocial history;
2. A diagnostic assessment; and
3. Prognosis.

(d) The social worker shall periodically review and update the treatment or service plan.

(e) The social worker shall retain the permanent client record for at least seven years from the date of the last entry, unless otherwise provided by law, or in the case of a minor, until age 25.

- i. This requirement shall not apply to a social worker in an agency setting where it is not the policy of the agency to allow the social worker to maintain control over the retention of client records.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

In (b)7, added “, unless a separate record is kept”; and in (e), added i.

Amended by R.2003 d.265, effective July 7, 2003.

See: 35 N.J.R. 380(a), 35 N.J.R. 2936(b).

Deleted (f).

13:44G-12.2 Use of computer to prepare client records

(a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:

1. Contains an internal permanently activated date and time recordation for all entries;
2. Automatically prepares a back-up copy of the file; and
3. Is designed in such manner that, after the social worker “signs” by means of a confidential personal code (“CPC”), the entry cannot be changed in any manner.

(b) The social worker shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying *information*.

(c) The social worker shall finalize or “sign” the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the social worker responsible for the practice shall assure that each such person obtains a CPC and uses the program in the same manner.

(d) Social workers shall document any addenda or corrections to a client's record in a separately dated, signed and timed note.

Amended by R.1998 d.66, effective January 20, 1998.

See: 29 N.J.R. 4388(a), 30 N.J.R. 372(b).

Rewrote (d).

13:44G-12.3 Confidentiality

(a) A social worker shall preserve the confidentiality of information obtained from a client in the course of performing social work services for the client, including after the death of a client, except in the following circumstances.

1. Disclosure is required by Federal or state law or regulation.
2. Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation.
3. Disclosure is required by a court of competent jurisdiction pursuant to a judge's order.
4. The client would present a clear and present danger to the health or safety of an individual if the social worker fails to disclose the information.

5. The social worker is a party defendant to a civil, criminal or disciplinary action arising from the social work services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action.

6. The patient or client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses on that person's behalf.