CONTENTS

PREFACE XI

ONE

Professional Risk Management: An Overview 1
 Professional Malpractice and Liability 2
 Key Concepts in Risk Management 3
 The Elements of Malpractice and Liability 6
 Process Versus Outcome and the Standard of Care 13
 Damages in Liability Cases 18

TWO

Confidentiality and Privileged Communication 23
The Concept of Privacy 23
Common Confidentiality Issues 27
The Concept of Privileged Communication 61
Responding to Subpoenas and Court Orders 71
Unintentional Disclosure of Confidential Information 76

THREE

▶ The Delivery of Services 86

Clients' Rights 87
Informed Consent 89
Clinical Assessment and Intervention 99
Negligent Intervention 105
Boundary Issues and Dual Relationships 110
Managing Boundary Risks 117
Undue Influence 119
Suicide 122

Involuntary Civil Commitment 129

VIII CONTENTS

Protective Services 133

Defamation of Character 141

Digital Technology and Social Media 143

FOUR

Impaired Social Workers 154
The Nature of Impairment 155
Extent of Impairment 157
Causes of Impairment 160
Sexual Abuse of Clients 163
Practitioner Substance Abuse 173
Response to Impairment 176
Risk Management Strategy 182
The Challenge for Social Work 185

FIVE

Supervision: Clients and Staff 190
Client Supervision 190
Staff Supervision 194
Supervision Case Law 199
Supervision of Volunteers 205
Liability and Social Work Education 207
Preventing Supervisory Liability 209

SIX

► Consultation, Referral, Documentation, and Records 216 Consultation in Social Work 217 Referral in Social Work 223 Social Work Documentation and Records 226 Evolution of Social Work Standards 230 Risk Management Standards and Guidelines 232

SEVEN

Deception and Fraud 251
 Self-interested Deception and Fraud 252
 Deception and Fraud Motivated by Altruism 270

CONTENTS

EIGHT

► Termination of Service 275

The Concept of Abandonment 275

Premature Termination 277

Prevention Strategy 286

NINE

▶ Responding to Lawsuits and Ethics Complaints:

The Role of Prevention 288
In the Event of a Lawsuit or Licensing Board Complaint 288
The Role of the Expert Witness 295
Preventing Lawsuits and Licensing Board Complaints: Good Practice 297
Preventing Lawsuits and Licensing Board Complaints: Good Ethics 298
Ethical Dilemmas and Decision Making 301
Conducting an Ethics Audit 306

APPENDIX: SAMPLE FORMS 311
NOTES 319
REFERENCES 327
LEGAL CITATIONS 357
INDEX 363

