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Social Workers and Disaster Relief Services

The NASW policy statement, *Disasters*, states that social workers are “uniquely suited to enter the disaster context, to advocate for effective services, and to provide leadership in essential collaborations among institutions and organizations” (NASW, 2003). In the aftermath of Hurricane Katrina social workers are responding to the call to provide disaster assistance in the affected areas, primarily Louisiana, Mississippi, and Alabama. While NASW recognizes that social workers who practiced or lived in those areas have also been affected personally and professionally by the disaster, the focus of this Legal Issue of the Month article is on the legal ethical issues for social workers who provide services to the hurricane survivors.

Social workers should note that guidelines, requirements, working conditions, and administrative support for volunteering under the auspices of specific organizations, programs, or governmental agencies may vary. Interested social workers should investigate the details of volunteer arrangements carefully and plan accordingly. Information that is available about licensure requirements for social work volunteers is presented here, and varies from state to state. Federal programs have other standards for participation as health care professionals.

Waiver by HHS of In-state Licensure and Other Federal Requirements

Pursuant to a Presidential Declaration of a major disaster in Florida, Alabama, Mississippi, Louisiana, and Texas, Secretary of HHS Michael Leavitt declared a public health emergency. Leavitt issued a statement on September 4, 2005 waiving the requirement that healthcare workers be licensed in the state where they are providing services related to federal programs long as they hold a valid license to practice in another state. These, and other provisions are waived “only to the extent necessary to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the Medicare, Medicaid and SCHIP programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of these requirements as a result of the effects of Hurricane Katrina, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud and abuse” (HHS, September 4, 2005). The waiver also temporarily lifts certain provisions of the HIPAA Medical Privacy Regulations relating to notification of family members and friends, requests for restrictions on confidentiality, and the requirement to provide a Notice of Privacy Practices. To review the complete details of the statement, see references below.

State Social Work Board Licensure Standards for Disaster Volunteers

Alabama

The Alabama Board sent a request for an order from the Governor permitting an exemption to usual licensure requirements for volunteer social workers entering the state. Volunteer social workers placed in Alabama should receive information from the agency responsible for their placement, as these groups are in contact with the Board. Updated information about this will be posted on the Alabama Board's Web site, referenced below.

Louisiana

The Louisiana State Board of Social Work Examiners has provided up-to-date information concerning the licensure requirements for volunteer social workers entering the state who are licensed to practice other states. As of September 8, 2005 the Louisiana Board had published the following statement:

Social workers actively licensed in other states that want to assist others that have been affected by the hurricane can practice in Louisiana, for a maximum of 60 days, without applying for a license under La. R.S. 37:2722.C. This statute reads as follows, "An individual licensed to practice social work in another jurisdiction who is providing services within the scope of practice designated by such license and in response to a disaster declared by the appropriate authority of the governor of the state may, upon prior written notice of the board, provide such services in this jurisdiction for a period of time not to exceed sixty consecutive days per year without applying for a license. The practitioner who provides services under this Subsection shall be deemed to have submitted to the jurisdiction of the board and be bound by the laws of this state."

While the statute allows a person to work up to 60 days in the "state of emergency" the Governor declared the state of emergency from August 26th through September 25th which is less than 60 days. Therefore, a person that is licensed in another state could only provide services during the time that the emergency is declared.

Those that are accepting permanent employment in Louisiana, must be credentialed by the Louisiana State Board of Social Work Examiners within 120 days of accepting employment.

Additional information about Louisiana social work licensure renewals and verification is provided on the NASW-LA Web site, noted below.

Renewals

The board accepts renewals through November 30th without penalty. All renewals postmarked on or after December 1st are subject to a late renewal fee. Renewal forms can be downloaded from the board's website under "Forms and Lit." If you did not have your renewal postmarked August 31, 2005, we do not consider your social work credential lapsed or inactive.

Verifications

Verification of your social work credential can be obtained from this site at "Database Search

Mississippi

As of this writing, the Mississippi Board has not yet developed standards for licensure for out-of-state social work disaster volunteers who enter Mississippi. Interested social workers may contact the board directly using the contact information provided on the Web site, referenced below.

Texas

Although the Texas State Board of Social Work Examiners does not provide an exemption from licensure requirements, it is processing requests for licensure on an expedited basis for social work evacuees and for social work volunteers seeking to activate their licenses or to enter the state in order to assist hurricane survivors who have arrived in the state (NASW-TX). According to the Texas Board, these expedited requests are being processed in one day, in many instances.

Licensure and Liability Issues for Federal Volunteers

The U.S. Department of Health and Human Services Office of the Surgeon General and the Office of Public Health Emergency Preparedness has posted an Internet notice indicating a particular need for social work volunteers in the areas affected by Hurricane Katrina. Information posted by HHS states that volunteers in this program will have an unpaid, temporary "federal employee" status, and that licensure in any state will qualify a social worker to practice in any area where the unpaid temporary employee is deployed. HHS states that workers will "be eli

for coverage under the Federal Tort Claims Act for liability coverage and Workman's Compensation when functioning as HHS employees" (HHS, 2005). These provisions apply specifically to the volunteer program organized under the auspices of HHS, noted in the refer below. Volunteers have the opportunity to submit applications online.

Client Confidentiality During Disaster Relief

According to the recently-issued HHS bulletin, HIPAA permits disclosure without client consent a number of purposes during emergency situations, including provision of treatment, notification of relatives and family members, to prevent imminent danger, and to publish facility directories.

The standard permitting disclosure of confidential information to prevent imminent harm is similar to the standard in the *NASW Code of Ethics*, which permits disclosure to prevent serious, imminent, and foreseeable harm to the client or other identifiable individual. The HIPAA standard is as follows:

IMMINENT DANGER. Providers can share patient information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public -- consistent with applicable law and the provider's standards of ethical conduct (HHS Office of Civil Rights, 2005).

Social workers providing assistance during periods of emergency will need to take into account the surrounding circumstances to determine whether the ethical standards have been met in instances where it is not possible to obtain client consent to disclosure.

NASW and Disaster Relief

The NASW Foundation has created a Social Worker Disaster Assistance Fund to receive contributions to assist social work colleagues in the areas affected by Hurricane Katrina (NASW 2005). NASW's National Office has been communicating regularly with chapters on the Hurricane Katrina aftermath and the needs of NASW members. Two key publications are available from NASW Press: *Pocket Guide to Essential Human Services*, and *When Their World Falls Apart, Helping Families and Children Manage the Effects of Disasters*.

Many NASW Chapters have organized to provide timely information and opportunity for social workers interested in providing disaster assistance, such as offering opportunities for social workers to participate in Red Cross training programs. Some chapters have initiated standing committees to address relevant disaster related issues. For example, the Massachusetts Chapter has a Social Work Disaster Resource Network (SWDRN) Committee, formed after the events of September 11, 2001, that provides a focus for disaster relief education, planning, and activities (NASW-MA).

Conclusions

Social workers responding to the call for disaster relief services should be aware of the various legal and regulatory requirements applicable to their practice when working outside the usual areas of professional services. Notably, applicable licensing requirements must be reviewed; social workers should follow the Code of Ethics and practice guidelines to provide professional services within their areas of competence. Where necessary, social workers should seek training and guidance in order to provide competent emergency and disaster relief services.

References

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U.S. Department of Health & Human Services (September 4, 2005). *HHS declares public health emergency for Hurricane Katrina* [Online]. Retrieved from <http://www.hhs.gov/katrina/ssawaiver.html> on September 12, 2005 .

Key State Social Work Boards

- Alabama State Board of Social Work Examiners [Online]. Available at <http://abswe.state.al.us/>
- Louisiana State Board of Social Work Examiners [Online]. Available at www.labswe.org
- Mississippi State Board of Examiners for Social Workers and Marriage & Family Therapists [Online]. Available at <http://www.msboeswmt.com/>
- Texas State Board of Social Work Examiners [Online]. Available at <http://www.dshs.state.tx.us/socialwork/> For expedited licensing information go to <http://www.dshs.state.tx.us/katrina/HealthProfessionsExpeditedLicensure.doc>

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