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Social Work Malpractice and Liability: Strategies for Prevention

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Social Work Malpractice and Liability: Strategies for Prevention, by Frederic G. Reamer. New York: Columbia University Press, 1994. 242 pp. \$22.50 paper. ISBN 0-231-08263-0
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The fortuitous 1994 publication of *Social Work Malpractice and Liability* could not have been better timed as we currently reexamine US social policy. This work by Frederic G. Reamer, Professor in the School of Social Work at Rhode Island College, is only the most recent in a string of articles and books by him on ethics and legal issues dating back to 1979. As clinical sociology and sociological practice move into fields crowded by other professional titles, it is fortunate that literature already exists to help us through the morass of malpractice and liability issues.

This 242 page book should be required reading. Reamer provides the reader with a short course in law, while making no pretense to be a lawyer or to outwit them. He carefully defines legal concepts in layman's language. To name only a few, he examines privacy, confidentiality (relative and absolute), standards of care, acts of commission, misfeasance, malfeasance, torts (unintentional and intentional), and the doctrine of *res ipsa loquitur* (the act speaks for itself). Each term is then followed by legal case history examples which tell the practitioner not only what is generally accepted as good practice, but the author goes further and gives examples of contrary cases as well.

For example, Reamer discusses in detail the Tarasoff case, the 1976 landmark precedent in duty-to-warn and duty-to-protect cases. The California Supreme Court held that a mental health professional has a duty to protect an intended victim from harm, even if that means disclosing confidential information. After describing several other cases which followed the Tarasoff decision, the author then presents a number of contrary decisions. He doesn't just give the reader primary material in an encyclopedic fashion, but, as in the Tarasoff example, follows the case presentations with additional material on the finer points: "Balancing Confidentiality and Protection," "The Ambiguity of *Duty to Warn*," and "The Concept of Privileged Communication."

Many of the cases cited involved psychiatrists. Medicine has more often been the recipient of lawsuits than other helping professions; but as the author points out, "90 percent of all malpractice suits ever filed in the United States have been filed in the last twenty to twenty-five years" (p. 4). Other professions outside of medicine are only now beginning to catch up. Along with the new opportunities afforded to practice sociology is a climate which is more adversarial in nature than at any previous time.

Reamer covers the work of the private practitioner, the supervisor, and consultation. He devotes a chapter to improper treatment and impaired practitioners. As he is writing primarily to a social work audience, he castigates that field for its lack of research into impaired social workers. His standard of comparison is psychology. For the sociological practitioner, this should be a wake up call to police ourselves before the courts do it for us.

Other items covered include referral, record keeping, deception and fraud, termination of services, and concluding observations on the social worker as a defendant. The Sociological Practice Association *Ethical Standards*, modeled after the standards for psychologists, documents seven primary principles: 1) responsibility, 2) competence, 3) moral and legal standards, 4) public statements, 5) confidentiality, 6) welfare of the student, client and research subject, and 7) regard for professionals and institutions. Although this book does not cover all of these areas, it presents so much material so well, that it is a must at this time of great social upheaval.

Postmodernism & Social Inquiry, edited by David R. Dickens and Andrea Fontana. New York: The Guilford Press. 1994. 259 pp. \$40.00 cloth. ISBN 0-89862-415-0. \$18.95 paper. ISBN 0-89862-422-3.

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Postmodernism & Social Inquiry is a constructive attempt to bridge the often wide divide between ever multiplying postmodern frameworks and sociological theory and methods. Sociologists should welcome this book. The authors have succeeded in demonstrating both the value and limits of various postmodern theories for sociological inquiry.

Despite its ambitious agenda, the book is relatively short. Consequently, numerous theorists, approaches and debates are missing. As a reader with particular interests in the postcolonial theory of Gayatri