SENATE BILL 693

Unofficial Copy 2000 Regular Session
J2 (0lr2012)

ENROLLED BILL

-- *Economic and Environmental Affairs/Environmental Matters* --

Introduced by **Senator Hollinger**

Read and Examined by Proofreaders:

_____
Proofreader.

_____
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____M.

_____
President.

CHAPTER 554

AN ACT concerning

Maryland Social Workers Act - Revision

FOR the purpose of altering the membership of and method of appointing the State Board of Social Work Examiners; altering the term of the chairman and secretary of the Board; requiring the Board to appoint an executive director; requiring certain individuals to hold certain licenses before practicing social work or clinical social work in this State; altering certain exemptions from licensing; altering certain qualification, education, training, and experience requirements that applicants must meet to obtain certain social work licenses; altering certain application and examination procedures and requirements for applicants for licenses; clarifying the scope of certain licenses to practice social work; altering certain continuing education requirements for license renewals; altering certain requirements and procedures for placing certain licenses on inactive status for a certain period of time; authorizing the Board to fine a licensee a certain amount under certain circumstances; altering certain grounds for disciplinary action against applicants and licensees; altering certain requirements and procedures for reinstating certain licenses under certain

circumstances; requiring licensees to provide certain disclosures to clients; prohibiting certain acts; repealing certain obsolete provisions; defining certain terms; requiring the Board, in consultation with certain agencies, to adopt certain regulations by a certain date; and generally relating to the revision of the Maryland Social Workers Act.

BY repealing and reenacting, with amendments,
Article - Health Occupations
Section 19-101, 19-102, 19-103, 19-202, 19-203, 19-204, 19-205, 19-206, 19-301, 19-302, 19-303, 19-304, 19-306, 19-307, 19-308, 19-311, 19-315, 19-401, and 19-402
Annotated Code of Maryland
(1994 Replacement Volume and 1999 Supplement)

BY repealing and reenacting, without amendments,
Article - Health Occupations
Section 19-201, 19-207, 19-305, 19-310, 19-312, 19-313, 19-316, 19-317, 19-403, 19-404, 19-407, 19-501, and 19-502
Annotated Code of Maryland
(1994 Replacement Volume and 1999 Supplement)

BY repealing
Article - Health Occupations
Section 19-305.1, 19-309, and 19-314
Annotated Code of Maryland
(1994 Replacement Volume and 1999 Supplement)

BY adding to
Article - Health Occupations
Section 19-309, 19-311.1, 19-314, and 19-318
Annotated Code of Maryland
(1994 Replacement Volume and 1999 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health Occupations

19-101.

(a) In this title the following words have the meanings indicated.

(b) "Board" means the State Board of Social Work Examiners.

[(c) (1) "License" means, unless the context requires otherwise, a license issued by the Board to practice social work.

(2) "License" includes:

(i) 1. A certified social worker license; or

2. A certified social worker-clinical license;

(ii) Graduate social worker license; and

(iii) A social work associate license.

(d) "Licensed social worker" means, unless the context requires otherwise, a social worker who is licensed by the Board to practice social work.

(e) "Practice social work" means to engage professionally and for compensation in the following activities while representing oneself to be a social worker:

(1) Helping individuals, groups, or communities to enhance or restore their capacity for social functioning;

(2) Seeking to create societal conditions favorable to this goal; and

(3) By the application of social work values, principles, and techniques:

(i) Helping people obtain tangible services;

(ii) Helping persons, communities, and groups provide or improve social and health services; and

(iii) Counseling with individuals, families, and groups.

(f) (1) "Practice clinical social work" means to engage professionally and for compensation in the application of social work principles and methods for the alleviation of social, mental, and emotional conditions through treatment designed to provide psychotherapy for a mental disorder.

(2) "Practice clinical social work" includes rendering a diagnosis based on a recognized manual of mental and emotional disorders.

(g) "Social worker" means an individual who practices social work.]

(C) "CERTIFIED" MEANS HAVING DEMONSTRATED TO THE SATISFACTION OF THE BOARD THAT THE INDIVIDUAL HAS COMPLETED 2 YEARS OF SUPERVISED SOCIAL WORK PRACTICE AS DEFINED IN § 19-302 (D) OR (E) OF THIS TITLE.

(D) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, ONE OF FOUR TYPES OF LICENSES ISSUED BY THE BOARD AUTHORIZING AN INDIVIDUAL TO PRACTICE:

(1) ASSOCIATE SOCIAL WORK;

(2) GRADUATE SOCIAL WORK;

(3) CERTIFIED SOCIAL WORK; OR

(4) CERTIFIED SOCIAL WORK-CLINICAL.

(E) "LICENSED ASSOCIATE SOCIAL WORKER" MEANS AN INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE ASSOCIATE SOCIAL WORK.

(F) "LICENSED CERTIFIED SOCIAL WORKER" MEANS AN INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE CERTIFIED SOCIAL WORK.

(G) "LICENSED CERTIFIED SOCIAL WORKER-CLINICAL" MEANS AN INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE CLINICAL SOCIAL WORK.

(H) "LICENSED GRADUATE SOCIAL WORKER" MEANS AN INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE GRADUATE SOCIAL WORK.

(I) "PRACTICE ASSOCIATE SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK ~~AT A BASIC LEVEL~~:

(1) UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED GRADUATE SOCIAL WORKER WHO MEETS THE CONDITIONS SPECIFIED IN REGULATIONS; AND

(2) UTILIZING THE EDUCATION AND TRAINING REQUIRED UNDER § 19-302(B) OF THIS TITLE.

(J) "PRACTICE CERTIFIED SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK ~~AT AN ADVANCED LEVEL~~ UTILIZING THE EDUCATION, TRAINING, AND EXPERIENCE REQUIRED UNDER § 19-302(D) OR (E) OF THIS TITLE.

(K) "PRACTICE ~~CERTIFIED SOCIAL WORK-CLINICAL~~ CLINICAL SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK ~~AT AN ADVANCED LEVEL~~ UTILIZING THE SPECIALIZED EDUCATION, TRAINING, AND EXPERIENCE REQUIRED UNDER § 19-302(E) OF THIS TITLE.

(L) "PRACTICE GRADUATE SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK ~~AT AN ADVANCED LEVEL~~:

(1) UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED GRADUATE SOCIAL WORKER WHO MEETS THE CONDITIONS SPECIFIED IN REGULATIONS; AND

(2) UTILIZING THE EDUCATION AND TRAINING REQUIRED UNDER § 19-302(C) OF THIS TITLE.

(M) (1) "PRACTICE SOCIAL WORK" MEANS TO APPLY THE THEORIES, KNOWLEDGE, PROCEDURES, METHODS, OR ETHICS DERIVED FROM A FORMAL

EDUCATIONAL PROGRAM IN SOCIAL WORK TO RESTORE OR ENHANCE SOCIAL ~~OR BIOPSYCHOSOCIAL~~ FUNCTIONING OF INDIVIDUALS, COUPLES, FAMILIES, GROUPS, ORGANIZATIONS, OR COMMUNITIES THROUGH:

(I) ASSESSMENT;

(II) FORMULATING DIAGNOSTIC IMPRESSIONS;

(III) PLANNING;

(IV) INTERVENTION;

(V) EVALUATION OF INTERVENTION PLANS;

(VI) CASE MANAGEMENT;

(VII) INFORMATION AND REFERRAL;

(VIII) COUNSELING THAT DOES NOT INCLUDE DIAGNOSIS OR TREATMENT OF MENTAL DISORDERS;

(IX) ADVOCACY;

(X) CONSULTATION;

(XI) EDUCATION;

(XII) RESEARCH;

(XIII) COMMUNITY ORGANIZATION; OR

(XIV) DEVELOPMENT, IMPLEMENTATION, AND ADMINISTRATION OF POLICIES, PROGRAMS, AND ACTIVITIES.

(2) FOR AN INDIVIDUAL LICENSED AS A GRADUATE SOCIAL WORKER, "PRACTICE SOCIAL WORK" ALSO INCLUDES:

(I) SUPERVISION OF OTHER SOCIAL WORKERS IF THE GRADUATE SOCIAL WORKER MEETS THE REQUIREMENTS SET OUT IN REGULATIONS; AND

(II) TREATMENT OF PSYCHOSOCIAL CONDITIONS AND MENTAL DISORDERS AND THE PROVISION OF PSYCHOTHERAPY UNDER THE DIRECT SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL.

(3) FOR AN INDIVIDUAL LICENSED AS A CERTIFIED SOCIAL WORKER, "PRACTICE SOCIAL WORK" ALSO INCLUDES:

(I) SUPERVISION OF OTHER SOCIAL WORKERS; AND

(II) TREATMENT OF PSYCHOSOCIAL CONDITIONS AND MENTAL DISORDERS AND THE PROVISION OF PSYCHOTHERAPY UNDER THE DIRECT SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL~~; AND~~

~~(III) ADDITIONAL METHODS AND PROCEDURES FOR WHICH THE SOCIAL WORKER HAS RECEIVED SPECIALIZED TRAINING AND DEMONSTRATED COMPETENCE TO PERFORM~~.

(4) FOR AN INDIVIDUAL LICENSED AS A CERTIFIED SOCIAL WORKER-CLINICAL, " PRACTICE SOCIAL WORK" ALSO INCLUDES:

(I) SUPERVISION OF OTHER SOCIAL WORKERS;

(II) EVALUATION, DIAGNOSIS, AND TREATMENT OF PSYCHOSOCIAL CONDITIONS AND MENTAL DISORDERS AS DEFINED IN § 10-101(F) OF THE HEALTH - GENERAL ARTICLE; AND

(III) THE PROVISION OF PSYCHOTHERAPY~~; AND~~

~~(IV) ADDITIONAL METHODS AND PROCEDURES FOR WHICH THE SOCIAL WORKER HAS RECEIVED SPECIALIZED TRAINING AND DEMONSTRATED COMPETENCE TO PERFORM~~.

(N) "PSYCHOTHERAPY" MEANS A METHOD FOR THE TREATMENT OF MENTAL DISORDERS AND ~~OTHER CONDITIONS WITHIN A SPECIALIZED, FORMAL INTERACTION BETWEEN A LICENSED SOCIAL WORKER AND AN INDIVIDUAL, FAMILY, OR GROUP IN WHICH A THERAPEUTIC RELATIONSHIP IS ESTABLISHED TO UNDERSTAND UNCONSCIOUS PROCESSES, INTRAPERSONAL, INTERPERSONAL, AND PSYCHOSOCIAL DYNAMICS~~ BEHAVIORAL DISTURBANCES IN WHICH A LICENSED HEALTH CARE PRACTITIONER ~~ESTABLISHES~~ *ENTERS INTO* A PROFESSIONAL CONTRACT WITH THE PATIENT AND, THROUGH A THERAPEUTIC COMMUNICATION OR INTERACTION, ATTEMPTS TO:

(1) ALLEVIATE EMOTIONAL DISTURBANCES;

(2) REVERSE OR ALTER MALADAPTIVE PATTERNS OF BEHAVIOR; OR

(3) ENCOURAGE PERSONALITY GROWTH AND DEVELOPMENT.

(O) "SUPERVISION" MEANS A FORMALIZED PROFESSIONAL RELATIONSHIP BETWEEN A SUPERVISOR AND A SUPERVISEE THAT:

(1) PROVIDES EVALUATION AND DIRECTION OF THE SUPERVISEE; AND

(2) PROMOTES CONTINUED DEVELOPMENT OF THE SUPERVISEE'S KNOWLEDGE, SKILLS, AND ABILITIES TO PROVIDE SOCIAL WORK SERVICES IN AN ETHICAL AND COMPETENT MANNER.

19-102.

(a) The General Assembly finds that the profession of social work profoundly affects the lives [and], health, SAFETY, AND WELFARE of the people of this State.

(b) The purpose of this title is to protect the public by:

(1) Setting MINIMUM qualification, education, training, and experience standards for [social workers] THE LICENSING OF INDIVIDUALS TO PRACTICE SOCIAL WORK; and

(2) Promoting AND MAINTAINING high professional standards for the practice of social work.

19-103.

[(a)] This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

[(b) This title may not be construed to authorize any person licensed as a social worker to engage in the practice of medicine.]

19-201.

There is a State Board of Social Work Examiners in the Department.

19-202.

(a) (1) The Board consists of [7] 11 members.

(2) Of the [7] 11 Board members:

(i) [5] 9 shall be licensed social workers of whom:

1. 1 is a licensed social work associate;

2. 1 IS A LICENSED GRADUATE SOCIAL WORKER AT THE TIME OF APPOINTMENT;

3. AT LEAST 1 IS A LICENSED CERTIFIED SOCIAL WORKER;

4. AT LEAST 4 ARE LICENSED CERTIFIED SOCIAL WORKERS-CLINICAL; AND

5. 1 IS A LICENSED SOCIAL WORKER EMPLOYED BY THE DEPARTMENT OF HUMAN RESOURCES; and

(ii) 2 shall be consumer members.

[(3) The Governor shall appoint one licensed social worker member from a list of qualified individuals submitted to the Governor by the Maryland Chapter of the National Association of Social Workers, Inc.

(4) The Governor shall appoint one licensed social worker member from a list of qualified individuals submitted to the Governor by the Metropolitan Washington Chapter of the National Association of Social Workers, Inc.

(5) The Governor shall appoint the other 3 licensed social worker members.

(6) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.]

(3) THE GOVERNOR SHALL APPOINT ALL MEMBERS OF THE BOARD WITH THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE SENATE.

(4) THE GOVERNOR SHALL APPOINT ALL SOCIAL WORK MEMBERS OF THE BOARD FROM A LIST OF NOMINEES CONTAINING NAMES SUBMITTED BY:

(I) PROFESSIONAL SOCIAL WORK ASSOCIATIONS IN THE STATE;

(II) ANY PERSON WHO PROVIDES A STATEMENT OF NOMINATION SIGNED BY AT LEAST 25 SOCIAL WORKERS LICENSED IN THE STATE; OR

(III) THE SECRETARIES OF PUBLIC AGENCIES OF THE STATE WHERE SOCIAL WORKERS ARE EMPLOYED.

[(b) (1) At a meeting held by the Maryland Chapter of the National Association of Social Workers, Inc. called to choose nominees for a social worker vacancy on the Board, a majority of the social workers present at the meeting shall choose the list of names of social worker nominees to the Board for submission to the Governor.

(2) At a meeting held by the Metropolitan Washington Chapter of the National Association of Social Workers, Inc. called to choose nominees for a social worker vacancy on the Board, a majority of the social workers present at the meeting shall choose the list of names of social worker nominees to the Board for submission to the Governor.

(3) At least 2 weeks before a meeting is held under this subsection, the secretaries of the appropriate associations shall publish in their association newsletter and in a daily newspaper of general circulation in the State of Maryland a notice that states the time, place, and purpose of the meeting.

(c)] (B) Each member of the Board shall be a resident of this State.

[(d)] (C) Each consumer member of the Board:

(1) Shall be a member of the general public;

(2) May not be or ever have been a social worker or in training to become a social worker;

(3) May not have a household member who is a social worker or in training to become a social worker;

(4) May not participate or ever have participated in a commercial or professional field related to social work;

(5) May not have a household member who participates in a commercial or professional field related to social work; and

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board OR A PERSON THAT EMPLOYS A PERSON REGULATED BY THE BOARD.

[(e) (1) Except for the licensed social work associate member, two of the social worker members of the Board shall have at least 5 years experience as a licensed social worker employed in a public or private not for profit sector service delivery agency.

(2) Except for the licensed social work associate member, all social worker members of the Board shall have been actively employed in the field of social work for at least the 5 years immediately preceding the appointment.]

(D) EXCEPT FOR THE LICENSED SOCIAL WORKER ASSOCIATE MEMBER <u>AND THE LICENSED GRADUATE SOCIAL WORKER MEMBER</u>, EACH SOCIAL WORKER MEMBER OF THE BOARD SHALL HAVE BEEN LICENSED IN THE STATE FOR 5 YEARS IMMEDIATELY PRECEDING THE APPOINTMENT AND ACTIVELY EMPLOYED IN THE FIELD OF SOCIAL WORK FOR AT LEAST 3 OF THE 5 YEARS IMMEDIATELY PRECEDING THE APPOINTMENT.

[(f)] (E) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board OR A PERSON THAT EMPLOYS A PERSON REGULATED BY THE BOARD.

[(g)] (F) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the State Constitution.

[(h)] (G) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than 2 consecutive full terms.

(6) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

[(i)] (H) (1) The Governor may remove a member for incompetence, misconduct, or neglect of duty.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

19-203.

(a) From among its members, the Board shall elect a chairman and a secretary EVERY 2 YEARS.

(b) The Board shall determine:

(1) The manner of election of [officers;] THE CHAIRMAN AND SECRETARY; AND

[(2) The term of office of each officer; and

(3)] (2) The duties of each officer.

19-204.

(a) A majority of the full authorized membership of the Board is a quorum to do business.

(b) The Board shall meet at least once a year, at the times and places that it determines.

(c) Each member of the Board is entitled to reimbursement for expenses at a rate determined by the Board.

(d) The Board may employ a staff in accordance with the budget of the Board.

(E) (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR.

(2) THE EXECUTIVE DIRECTOR:

(I) SERVES AT THE PLEASURE OF THE BOARD;

(II) IS THE EXECUTIVE OFFICER OF THE BOARD; AND

(III) HAS THE POWERS AND DUTIES ASSIGNED BY THE BOARD.

19-205.

In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

(1) To adopt rules and regulations to carry out the provisions of this title;

(2) To adopt a code of ethics;

(3) To adopt an official seal;

(4) To hold hearings and keep records and minutes necessary for the orderly conduct of business; and

(5) To issue a list annually of all currently licensed social workers AND ALL SOCIAL WORKERS DISCIPLINED BY THE BOARD IN THE PAST YEAR IN ACCORDANCE WITH § 10-617(H) OF THE STATE GOVERNMENT ARTICLE.

19-206.

(a) There is a State Board of Social Work Examiners Fund.

(b) (1) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.

(2) The fees charged shall be set to produce funds so as to approximate the cost of maintaining the Board.

(3) The Board may set [different fees and renewal fees for different licenses] FEES FOR THE ISSUANCE AND RENEWAL OF EACH TYPE OF LICENSE .

(4) Funds to cover the expenses of the Board members shall be generated by fees set under this section.

(c) An [examination] APPLICATION fee may be charged by the Board.

(d) The Board shall provide a list of the fees set under this section to each applicant for a license.

(e) (1) The Board shall pay all funds collected under this title to the Comptroller of the State.

(2) The Comptroller shall distribute the fees to the State Board of Social Work Examiners Fund.

(f) (1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(2) The Fund is a continuing nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this article.

(4) No other State money may be used to support the Fund.

(g) (1) A designee of the Board shall administer the Fund.

(2) Moneys in the Fund may be expended only for any lawful purpose authorized under the provisions of this article.

(h) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

19-207.

A person shall have the immunity from liability described under § 5-718 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.

19-301.

(a) Except as otherwise provided in this title, an individual shall be [licensed]:

(1) LICENSED by the Board before the individual may practice social work in this State WHILE REPRESENTING ONESELF AS A SOCIAL WORKER;

(2) LICENSED AS A CERTIFIED SOCIAL WORKER-CLINICAL BEFORE THE INDIVIDUAL MAY PRACTICE CLINICAL SOCIAL WORK IN THIS STATE.

(b) This section does not apply to:

(1) An individual employed by any agency of the federal government while performing the duties of that employment, unless the individual chooses to apply for a license under this subtitle; OR

[(2) Any individual who does not use any title, abbreviation, sign, card, or other representation that the individual is a "social worker" or is engaged in the practice of "social work";

(3) A student while pursuing a supervised course of study in social work that the Board approves as qualifying training and experience under this title;

(4) An individual who recently has become a resident of this State and has an application for a license pending before the Board; or

(5) An individual who is an attorney or a member of the clergy:

(i) While the individual is working within the standards and ethics of the individual's respective profession; and

(ii) If the individual does not represent to the public by title or description of services that the individual is a social worker]

(2) AN INDIVIDUAL LICENSED AS A SOCIAL WORKER IN ANOTHER STATE WHILE RESPONDING TO AN EMERGENCY IN THIS STATE.

19-302.

[(a) To qualify for a license, an applicant shall be an individual of good moral character and who meets the applicable requirements of this section.

(b) An applicant for a social work associate license shall have a baccalaureate degree:

(1) From an accredited college or university; and

(2) Based on a social work program accredited by the Council on Social Work Education.

(c) An applicant for a graduate social worker license shall have:

(1) A master's degree from an accredited college or university and based on a graduate social work program accredited by the Council on Social Work Education; or

(2) A doctorate degree in social work from an accredited college or university.

(d) (1) An applicant for a certified social worker license shall have:

(i) A master's degree from an accredited college or university and based on a graduate social work program accredited by the Council on Social Work Education; and

(ii) 2 years of social work experience as a social worker where face-to-face supervision is part of the employment contract and the supervisor is a licensed certified social worker and is provided by and accountable to the employer after receiving the master's degree.

(2) An applicant for a certified social worker-clinical license shall have:

(i) A master's degree in social work and documentation of clinical course work from an accredited college or university and based on a graduate social work program accredited by the Council on Social Work Education; and

(ii) 2 years of supervised clinical social work experience of at least 3,000 hours after receiving the master's degree with a minimum of 144 hours of periodic direct face-to-face supervision provided in not less than 2 consecutive years and not more than 6 consecutive years and where the supervision is part of the employment contract and the supervisor is a licensed certified social worker-clinical and is provided by and accountable to the employer.

(e) Except as otherwise provided in this title, the applicant shall pass an appropriate examination given by the Board under this subtitle.

(f) In determining the qualifications of a license applicant who applied for an original license before December 31, 1978, the Board shall recognize equivalent academic requirements for subsections (b), (c), and (d)(1)(i) of this section. The equivalent academic requirements shall include degree programs from accredited colleges or universities that have:

(1) Related academic curricula in areas other than social work, including psychology and counseling; and

(2) As part of the degree program, field work experience in the practice of social work in a licensed social service agency.]

(A) TO OBTAIN A LICENSE, AN APPLICANT SHALL DEMONSTRATE TO THE SATISFACTION OF THE BOARD THAT THE APPLICANT:

(1) HAS SUBMITTED A COMPLETE WRITTEN APPLICATION IN THE FORM PRESCRIBED BY THE BOARD;

(2) IS AT LEAST 18 YEARS OLD;

(3) IS OF GOOD MORAL CHARACTER;

(4) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, HAS SUCCESSFULLY PASSED AN EXAMINATION OR EXAMINATIONS PRESCRIBED BY THE BOARD PERTINENT TO THE LICENSE SOUGHT; AND

(5) HAS PAID ALL APPLICABLE FEES SPECIFIED BY THE BOARD RELATIVE TO THE LICENSURE PROCESS.

(B) TO OBTAIN A SOCIAL WORK ASSOCIATE LICENSE, AN APPLICANT SHALL:

(1) MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION; AND

(2) HAVE RECEIVED A BACCALAUREATE DEGREE IN SOCIAL WORK FROM A PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION.

(C) TO OBTAIN A GRADUATE SOCIAL WORKER LICENSE, AN APPLICANT SHALL:

(1) MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION; AND

(2) HAVE RECEIVED A MASTER'S DEGREE FROM A PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION.

(D) TO OBTAIN A CERTIFIED SOCIAL WORKER LICENSE, AN APPLICANT SHALL:

(1) MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION;

(2) HAVE RECEIVED A MASTER'S DEGREE FROM A PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION; AND

(3) PROVIDE IN A FORM PRESCRIBED BY THE BOARD, DOCUMENTATION OF HAVING COMPLETED 2 YEARS ~~OF SUPERVISED EXPERIENCE~~ AS A LICENSEE WITH SUPERVISED EXPERIENCE OF AT LEAST 3,000 HOURS AFTER RECEIVING THE MASTER'S DEGREE WITH A MINIMUM OF 144 HOURS OF PERIODIC FACE-TO-FACE SUPERVISION IN THE PRACTICE OF SOCIAL WORK UNDER THE TERMS AND CONDITIONS THAT THE BOARD DETERMINES BY REGULATION.

(E) TO OBTAIN A CERTIFIED SOCIAL WORKER-CLINICAL LICENSE, AN APPLICANT SHALL:

(1) MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION;

(2) HAVE RECEIVED A MASTER'S DEGREE IN SOCIAL WORK AND DOCUMENTATION OF CLINICAL COURSE WORK FROM A PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION; AND

(3) PROVIDE IN A FORM PRESCRIBED BY THE BOARD, DOCUMENTATION OF HAVING COMPLETED 2 YEARS ~~OF SUPERVISED EXPERIENCE~~ AS A LICENSEE WITH SUPERVISED EXPERIENCE OF AT LEAST 3,000 HOURS AFTER RECEIVING THE MASTER'S DEGREE WITH A MINIMUM OF 144 HOURS OF PERIODIC FACE-TO-FACE SUPERVISION IN THE ASSESSMENT, FORMULATION OF A DIAGNOSTIC IMPRESSION, AND TREATMENT OF MENTAL DISORDERS ~~OR~~ AND OTHER CONDITIONS AND THE PROVISION OF PSYCHOTHERAPY UNDER THE TERMS AND CONDITIONS THAT THE BOARD DETERMINES BY REGULATION.

[(g) (1)] (F) If the supervision required for a certified social worker license under [subsection (d)(1)] SUBSECTION (D)(3) of this section was not available to the applicant while the applicant was obtaining the required 2 years of experience, the Board may waive the supervision requirement on the request of the applicant.

[(2) Until January 1, 2000, on the request of an applicant, the Board may grant the applicant a waiver of supervision by a licensed certified social worker-clinical if the applicant obtained the supervision required for a certified social worker-clinical license under subsection (d)(2)(ii) of this section in a setting in which a licensed certified social worker-clinical was not available to provide the supervision and the supervision was provided by a licensed certified social worker who has practiced for at least 5 years.

(h)] (G) If an applicant who is licensed or registered to practice social work in another state has obtained 2 years of supervised experience [outside an employment contract] under circumstances that are otherwise equivalent to those required under subsection (d) of this section, the Board may waive the SUPERVISION requirement [that the supervision be part of an employment contract].

19-303.

(A) To apply for a license, an applicant shall:

(1) Submit an application to the Board on the form that the Board requires; and

(2) Pay to the Board the application fee set by the Board.

(B) THE BOARD SHALL:

(1) REVIEW EACH APPLICATION; AND

(2) NOTIFY EACH APPLICANT WHETHER THE APPLICANT HAS BEEN APPROVED TO TAKE THE PERTINENT LICENSURE EXAMINATION WITHIN A REASONABLE TIME FRAME AS DEFINED IN REGULATIONS.

19-304.

[(a) An applicant who otherwise qualifies for a license is entitled to be examined for that license as provided in this section.

(b) The Board shall give examinations to applicants for each category of license at least twice a year, at the times and places that the Board determines.

(c) The Board shall notify each qualified applicant of the time and place of examination.

(d) (1) The Board shall determine the subjects, scope, form, and passing score for each examination given under this subtitle.

(2) The examinations given under this subtitle shall be free of cultural bias.

(e) (1) The Board may not limit the number of times an applicant may take an examination required under this subtitle.

(2) The applicant shall pay to the Board a reexamination fee set by the Board for each reexamination.]

(A) AN APPROVED APPLICANT IS ENTITLED TO BE EXAMINED FOR LICENSURE AS PROVIDED IN THIS SECTION.

(B) THE BOARD SHALL ENSURE THAT A BOARD-APPROVED EXAMINATION FOR EACH CATEGORY OF LICENSE IS MADE AVAILABLE FOR AN APPLICANT TO TAKE AT LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

(C) THE BOARD SHALL NOTIFY EACH APPROVED APPLICANT OF THE PROCEDURES FOR TAKING THE EXAMINATION.

(D) (1) THE BOARD SHALL APPROVE THE SUBJECTS, SCOPE, FORM, AND PASSING SCORE FOR EACH TYPE OF EXAMINATION GIVEN UNDER THIS SUBTITLE.

(2) THE EXAMINATIONS GIVEN UNDER THIS SUBTITLE SHALL STRIVE TO BE FREE OF CULTURAL BIAS.

(E) (1) THE BOARD, BY REGULATION, MAY LIMIT:

(I) THE NUMBER OF TIMES AN APPLICANT MAY BE REEXAMINED AFTER FAILING AN EXAMINATION REQUIRED UNDER THIS SUBTITLE; AND

(II) THE INTERVAL BETWEEN REEXAMINATIONS.

(2) IF AN APPLICANT IS PERMITTED TO BE REEXAMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPLICANT SHALL PAY A FEE TO THE EXAMINING BODY APPROVED BY THE BOARD.

(f) Notwithstanding the provisions of § 19-302 of this subtitle, an applicant for a certified social worker license or a certified social worker-clinical license who was enrolled in a doctoral program on October 1, 1992 and has remained continuously enrolled in a doctoral program and who otherwise qualifies for the applicable license is entitled to be examined for that license as provided in this section.

(G) THE EXAMINATION SHALL BE PREPARED TO MEASURE THE COMPETENCE OF THE APPLICANT TO ENGAGE IN THE PERTINENT PRACTICE OF SOCIAL WORK.

(H) IN THE PREPARATION, ADMINISTRATION, AND GRADING OF AN EXAMINATION, THE BOARD MAY EMPLOY, COOPERATE, OR CONTRACT WITH AN ORGANIZATION OR CONSULTANT.

19-305.

(a) Subject to the provisions of this section, the Board shall waive the examination requirements of this title for an applicant who is licensed or registered to practice social work in any other state.

(b) The Board may grant a waiver under this section only if the applicant:

(1) Pays the application fee required by the Board under § 19-303 of this subtitle;

(2) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title; and

(ii) Became licensed or registered in the other state after passing in that or any other state an examination that is similar to the examination for which the applicant is seeking the waiver; and

(3) Did not previously receive a waiver of the examination requirement from the Board.

[19-305.1.

Until January 1, 1995, the Board shall waive the examination requirements of this title for an applicant for a certified social worker-clinical license if the applicant:

(1) Pays the application fee required by the Board under § 19-303 of this subtitle;

(2) Was a licensed certified social worker on July 1, 1993; and

(3) Was eligible for inclusion on the vendorship list maintained by the Board on July 1, 1993.]

19-306.

(a) The Board shall issue a license to any applicant who meets the requirements of this title.

(b) The Board shall include on each license that the Board issues:

(1) The kind of license;

(2) The full name of the licensee;

(3) A serial number;

(4) The signatures of the chairman and the secretary of the Board; [and]

(5) The seal of the Board; AND

(6) THE ORIGINAL DATE OF ISSUANCE.

(c) The Board [may] SHALL issue a license to replace a lost, destroyed, or mutilated license if the licensee pays the license replacement fee set by the Board AND DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT THE LICENSE WAS LOST, DESTROYED, OR MUTILATED.

19-307.

(a) Subject to the provisions of subsections (b) and (c) of this section, a license authorizes the licensee to practice social work while the license is effective.

[(b) A licensed social work associate may not make a clinical diagnosis of mental and emotional disorders or engage in the practice of psychotherapy.

(c) (1) (i) Except as authorized by the Board, a licensed social work associate may engage in the private practice of social work only under the direct supervision of a licensed certified social worker or a licensed certified social worker-clinical.

(ii) The Board may not authorize a licensed social work associate with less than 2 years experience to engage in the private practice of social work without the direct supervision of a licensed certified social worker or a licensed social worker-clinical.

(2) Except as authorized by the Board through regulation, a licensed graduate social worker may engage in the practice of social work only under the supervision of a licensed certified social worker or a licensed certified social worker-clinical.]

(B) A LICENSED SOCIAL WORKER MAY PRACTICE SOCIAL WORK ONLY WITHIN THE SCOPE OF THE SPECIFIC TYPE OF LICENSE ISSUED BY THE BOARD.

(C) (1) A LICENSED ASSOCIATE SOCIAL WORKER MAY NOT:

(I) PRACTICE SOCIAL WORK WITHOUT THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED GRADUATE SOCIAL WORKER WHO MEETS THE REQUIREMENTS SPECIFIED IN THE REGULATIONS;

(II) MAKE A CLINICAL DIAGNOSIS OF A MENTAL OR EMOTIONAL DISORDER; OR

(III) PROVIDE PSYCHOTHERAPY.

(2) A LICENSED GRADUATE SOCIAL WORKER MAY NOT:

(I) PRACTICE GRADUATE SOCIAL WORK WITHOUT THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED GRADUATE SOCIAL WORKER WHO MEETS THE REQUIREMENTS SPECIFIED IN THE REGULATIONS;

(II) TREAT MENTAL OR EMOTIONAL DISORDERS OR PROVIDE PSYCHOTHERAPY WITH OUT THE DIRECT SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL; OR

(III) DIAGNOSE A MENTAL DISORDER.

(3) A LICENSED CERTIFIED SOCIAL WORKER MAY NOT:

(I) TREAT MENTAL OR EMOTIONAL DISORDERS OR PROVIDE PSYCHOTHERAPY WITHOUT THE DIRECT SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL; OR

(II) DIAGNOSE A MENTAL DISORDER.

19-308.

(a) A license expires on the date set by the Board, unless the license is renewed for an additional term as provided in this section. A license may not be renewed for a term longer than 2 years.

(b) At least 1 month before the license expires, the Board shall send to the licensee, by first class mail to the last known address of the licensee, a renewal notice that states:

(1) The date on which the current license expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

(c) Each licensee shall notify the Board of any change in the address of the licensee WITHIN 60 DAYS AFTER THE CHANGE OCCURS.

(d) Before the license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board the appropriate renewal fee specified by this subtitle; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education requirement set under this section for license renewal.

[(e) (1) For each area of specialization in the practice of social work, the Board shall establish continuing education requirements as a condition to the renewal of licenses under this section.

(2) The Board shall standardize the continuing education requirements within each area of specialization and within each type of license.

(f)] (E) (1) The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

(2) The Board shall include the term of the renewal on each renewal certificate that the Board issues.

[19-309.

(a) (1) The Board shall place a licensee on inactive status, if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) The Board shall issue a license to an individual who is on inactive status if the individual complies with the renewal requirements that are in effect when the individual requests the reactivation of the license.

(b) The Board, in accordance with its rules and regulations, may reinstate the license of a social worker who:

(1) Has not placed the license on an inactive status; and

(2) Has failed to renew the license for any reason.]

19-309.

(A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS FOR A MAXIMUM OF 5 YEARS, IF THE LICENSEE SUBMITS TO THE BOARD:

(I) A WRITTEN APPLICATION FOR INACTIVE STATUS IN A FORM PRESCRIBED BY THE BOARD; AND

(II) THE INACTIVE STATUS FEE SET BY THE BOARD.

(2) THE BOARD SHALL PROVIDE A LICENSEE WHO HAS COMPLIED WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION WITH WRITTEN NOTIFICATION OF:

(I) THE DATE THAT THE LICENSEE'S INACTIVE STATUS BECOMES EFFECTIVE;

(II) THE DATE THAT THE LICENSEE'S INACTIVE STATUS EXPIRES; AND

(III) THE CONSEQUENCES OF NOT RESUMING ACTIVE STATUS BEFORE EXPIRATION OF INACTIVE STATUS.

(3) THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL ON INACTIVE STATUS WHO:

(I) COMPLIES WITH THE RENEWAL REQUIREMENTS THAT ARE IN EFFECT WHEN THE INDIVIDUAL REQUESTS THE REACTIVATION OF THE LICENSE;

(II) HAS COMPLETED THE NUMBER OF CREDIT HOURS OF APPROVED CONTINUING EDUCATION IN SOCIAL WORK SET BY THE BOARD IN THE 2 YEARS PRECEDING THE LICENSEE'S APPLICATION FOR AN ACTIVE LICENSE; AND

(III) HAS BEEN ON INACTIVE STATUS FOR LESS THAN 5 YEARS.

(B) A SOCIAL WORKER WHOSE INACTIVE LICENSE EXPIRES BEFORE THE SOCIAL WORKER RETURNS TO ACTIVE LICENSURE SHALL MEET THE REINSTATEMENT REQUIREMENTS OF § 19-314 OF THIS SUBTITLE.

(C) (1) A SOCIAL WORKER WHO IS ON INACTIVE STATUS AS OF OCTOBER 1, 2000 SHALL HAVE A 5-YEAR PERIOD DURING WHICH TO CONTINUE ON INACTIVE STATUS FOLLOWING NOTIFICATION BY THE BOARD.

(2) A SOCIAL WORKER WHO FAILS TO RETURN TO ACTIVE LICENSURE WITHIN THAT 5-YEAR PERIOD SHALL MEET THE REINSTATEMENT REQUIREMENTS OF § 19-314 OF THIS SUBTITLE.

19-310.

(a) Unless the Board agrees to accept the surrender of a license, a licensed social worker may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the social worker.

(b) The Board may set conditions on its agreement with the social worker under investigation or against whom charges are pending to accept surrender of the social worker's license.

19-311.

Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny a license to any applicant, FINE A LICENSEE, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(1) Obtained or attempted to obtain a license for the applicant or licensee or for another through fraud, deceit, or misrepresentation;

(2) Fraudulently or deceptively uses a license;

(3) Is [currently adjudicated by a court to be] mentally OR PHYSICALLY incompetent;

(4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;

(5) Knowingly violates any provision of this title;

(6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;

(7) Violates [the code of ethics] ANY PROVISION OF THIS TITLE OR REGULATIONS GOVERNING THE PRACTICE OF SOCIAL WORK adopted and published by the Board;

(8) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(9) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of [therapeutic] PRESCRIBED amounts or without valid medical indication;

(10) Is disciplined by a licensing or disciplinary authority of any [other state or country or convicted or disciplined by a court of any state or country] STATE, COUNTRY, BRANCH OF THE ARMED SERVICES, OR VETERANS' ADMINISTRATION for an act that would be grounds for disciplinary action under [the Board's disciplinary statutes] THIS SECTION;

(11) Practices social work with an unauthorized person or supervises or aids an unauthorized person in the practice of social work;

(12) [Willfully] KNOWINGLY makes or files a false report or record in the practice of social work;

(13) [Willfully] KNOWINGLY fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file the report;

(14) Submits a false statement to collect a fee;

(15) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article;

(16) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services [for which the licensee is licensed and qualified to render] ON THE BASIS OF RACE, AGE, GENDER, SEXUAL ORIENTATION, DISABILITY, RELIGION, OR ETHNIC ORIGIN OR because the individual is HIV positive; [or]

(17) Fails to cooperate with a lawful investigation conducted by the Board;

(18) BY THREATS, FORCE, OR IMPROPER MEANS, INTIMIDATES OR INFLUENCES, OR ATTEMPTS TO INTIMIDATE OR INFLUENCE, FOR THE PURPOSE OF:

(I) CAUSING ANY PERSON TO WITHHOLD OR CHANGE TESTIMONY IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR OTHERWISE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS;

(II) HINDERING, PREVENTING, OR OTHERWISE DELAYING A PERSON FROM MAKING INFORMATION AVAILABLE TO THE BOARD IN FURTHERANCE OF AN INVESTIGATION BY THE BOARD;

(19) KNOWINGLY FAILS TO REPORT SUSPECTED ABUSE OR NEGLECT OF A VULNERABLE ADULT IN VIOLATION OF ARTICLE 27, § 35D OF THE CODE;

(20) FAILS TO COMPLY WITH THE REQUIREMENTS OF ANY ORDER ENTERED BY THE BOARD AS A RESULT OF ANY DISCIPLINARY MATTER WITH THE

BOARD, INCLUDING PAYMENT OF COSTS AS REQUIRED BY § 19-312 OF THIS SUBTITLE; OR

(21) FAILS TO MAINTAIN ADEQUATE PATIENT RECORDS.

19-311.1.

(A) IF AFTER A HEARING UNDER § 19-312 OF THIS SUBTITLE THE BOARD FINDS THAT THERE ARE GROUNDS UNDER § 19-311 OF THIS SUBTITLE TO REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE, THE BOARD MAY IMPOSE A FINE ON THE LICENSEE IN AN AMOUNT NOT EXCEEDING $5,000:

(1) INSTEAD OF REPRIMANDING THE LICENSEE, PLACING THE LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE SOCIAL WORKER'S LICENSE; OR

(2) IN ADDITION TO REPRIMANDING THE LICENSEE, PLACING THE LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE SOCIAL WORKER'S LICENSE.

(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE IMPOSITION OF FINES UNDER THIS SECTION.

(C) THE BOARD SHALL PAY ANY FINE COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND.

19-312.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 19-311 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) Over the signature of an officer or the administrator of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(d) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.

(e) If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

(f) If, after a hearing, an individual is found in violation of § 19-311 of this subtitle, the individual shall pay the costs of the hearing as specified in a regulation adopted by the Board.

19-313.

(a) Except as provided in this section for an action under § 19-311 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may:

(1) Appeal that decision to the Board of Review; and

(2) Then take any further appeal allowed by the Administrative Procedure Act.

(b) (1) Any person aggrieved by a final decision of the Board under § 19-311 of this subtitle may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

[19-314.

If a license has been revoked under § 19-311 of this subtitle, the Board may reinstate that license on the affirmative vote of a majority of the full authorized membership of the Board.]

19-314.

(A) IF A LICENSE HAS BEEN SUSPENDED OR REVOKED UNDER § 19-311 OF THIS SUBTITLE, THE BOARD MAY REINSTATE THAT LICENSE ONLY IN ACCORDANCE WITH:

(1) THE TERMS AND CONDITIONS OF THE ORDER OF SUSPENSION OR REVOCATION; OR

(2) AN ORDER OF REINSTATEMENT ISSUED BY THE BOARD.

(B) IF A LICENSEE HAS FAILED FOR ANY REASON TO RENEW THE LICENSE FOR A PERIOD OF LESS THAN 5 YEARS, THE BOARD SHALL REINSTATE THE LICENSE IF THE SOCIAL WORKER:

(1) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE;

(2) MEETS THE CONTINUING EDUCATION REQUIREMENTS OF § 19-308 OF THIS SUBTITLE FOR EACH 2-YEAR PERIOD THAT THE LICENSE WAS NOT RENEWED; AND

(3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD.

(C) IF A LICENSEE HAS FAILED FOR ANY REASON TO RENEW THE LICENSE FOR A PERIOD OF 5 YEARS OR MORE, THE SOCIAL WORKER SHALL MEET THE CURRENT REQUIREMENTS FOR LICENSURE.

19-315.

(a) In this section, "social worker rehabilitation committee" means a committee that:

(1) Is defined in subsection (b) of this section; and

(2) Performs any of the functions listed in subsection (d) of this section.

(b) For purposes of this section, a social worker rehabilitation committee is a committee of the Board or a committee with representatives from [the Maryland Chapter of the National Association of Social Workers, Inc. and the Metropolitan Washington Chapter of the National Association of Social Workers, Inc.] ONE OR MORE PROFESSIONAL SOCIAL WORK ORGANIZATIONS that:

(1) Is recognized by the Board; and

(2) Includes but is not limited to social workers.

(c) A rehabilitation committee of the Board or recognized by the Board may function TO ASSIST PERSONS REFERRED:

(1) Solely [for] BY the Board; [or]

(2) Jointly with a rehabilitation committee representing another board or boards; OR

(3) BY THE LICENSEE.

(d) For purposes of this section, [a] THE social worker rehabilitation committee:

(1) [evaluates] EVALUATES and provides assistance to any social worker, and any other individual regulated by the Board, in need of treatment and rehabilitation for alcoholism, [drug abuse, chemical dependency,] SUBSTANCE ABUSE OR DEPENDENCY, or other physical, emotional, or mental condition; AND

(2) PROVIDES INFORMATION AND RESOURCES TO ADDRESS IMPAIRMENT.

(e) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the social worker rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the social worker rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the social worker rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) A person who acts in good faith and within the scope of jurisdiction of the social worker rehabilitation committee is not civilly liable for any action as a member of the social worker rehabilitation committee or for giving information to, participating in, or contributing to the function of the social worker rehabilitation committee.

19-316.

(a) An action may be maintained in the name of the State or the Board to enjoin:

(1) The unauthorized practice of social work; or

(2) Conduct that is a ground for disciplinary action under § 19-311 of this subtitle.

(b) An action under this section may be brought by:

(1) The Board, in its own name;

(2) The Attorney General, in the name of the State; or

(3) A State's Attorney, in the name of the State.

(c) An action under this section shall be brought in the county where the defendant:

(1) Resides; or

(2) Engages in the act sought to be enjoined.

(d) Proof of actual damage or that any person will sustain any damage if an injunction is not granted is not required for an action under this section.

(e) An action under this section is in addition to and not instead of criminal prosecution for unauthorized practice of social work under § 19-401 of this title or disciplinary action under § 19-311 of this subtitle.

19-317.

(a) While investigating an allegation against a licensee under this title, the Board may require the licensee to submit to an appropriate examination by a health care provider designated by the Board if the Board has reason to believe that the licensee may cause harm to a person.

(b) In return for the privilege given to a licensee to practice social work in the State, the licensee is deemed to have:

(1) Consented to submit to an examination under this section, if requested by the Board in writing; and

(2) Waived any claim of privilege as to the testimony or report of a health care provider who examines the licensee.

(c) The failure or refusal of the licensee to submit to an examination required under this section is prima facie evidence of the licensee's inability to practice social work competently, unless the Board finds that the failure or refusal was beyond the control of the licensee.

(d) The Board shall pay the cost of any examination made under this section.

19-318.

(A) BEFORE A LICENSEE IN A PRIVATE INDIVIDUAL, PARTNERSHIP, OR GROUP PRACTICE PROVIDES SOCIAL WORK SERVICES TO A CLIENT, THE LICENSEE SHALL PROVIDE TO THE CLIENT THE FOLLOWING DISCLOSURES:

(1) THE LICENSEE'S PROFESSIONAL IDENTITY;

(2) THE SERVICES WHICH ARE OR MAY BE PROVIDED BY THE LICENSEE AND THE FEES FOR EACH SERVICE OR THE HOURLY RATE ; AND

(3) SUFFICIENT INFORMATION FOR A PATIENT TO GIVE INFORMED CONSENT REGARDING THE NATURE OF THE SERVICES TO BE PROVIDED.

(B) THE MANNER OF PROVIDING THESE DISCLOSURES SHALL BE AS FOLLOWS:

(1) THE LICENSEE'S PROFESSIONAL IDENTITY MAY BE PROVIDED BY BUSINESS CARD OR DISPLAY OF LICENSE IN A CONSPICUOUS LOCATION;

(2) THE LICENSEE'S SERVICES AND FEES MAY BE PROVIDED BY DOCUMENTED DISCUSSION OR PRINTED FEE SCHEDULE; AND

(3) INFORMED CONSENT MAY BE PROVIDED BY DOCUMENTED DISCUSSION OR A WRITTEN FORM SIGNED BY THE CLIENT WHICH IS KEPT IN THE CLIENT'S FILE.

19-401.

(A) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice social work in this State WHILE REPRESENTING ONESELF TO BE A SOCIAL WORKER unless licensed by the Board.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE CLINICAL SOCIAL WORK

IN THIS STATE UNLESS LICENSED BY THE BOARD AS A CERTIFIED SOCIAL WORKER-CLINICAL.

19-402.

Unless authorized to practice social work under this title, a person may not:

(1) Represent to the public that the person is a licensed social worker; or

(2) Use any title, abbreviation, sign, card, or other representation that the person is a licensed social worker, including the use of the words "social worker" or "social work" AND THE USE OF THE ABBREVIATIONS "LSWA", "LGSW", "LCSW", OR "LCSW-C".

19-403.

A person may not intentionally:

(1) Use or attempt to use the license of another person who is a licensed social worker; or

(2) Impersonate another person who is a licensed social worker.

19-404.

In an attempt to obtain a license, a person may not intentionally give false information to the Board.

19-407.

A person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 or imprisonment not exceeding 90 days.

19-501.

This title may be cited as the "Maryland Social Workers Act".

19-502.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, 2004.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Social Work Examiners, in consultation with professional social work organizations and the Department of Human Resources, Department of Health and Mental Hygiene, Department of Juvenile Justice, the Office of the Public Defender, and Department of Public Safety and Correctional Services, shall adopt regulations by October 1, 2000 to define the appropriate means of providing supervision for individuals practicing

social work as required by § 19-302 of the Health Occupations Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2000.