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By: Delegates Frank, Aumann, and Boteler Boteler, Hurson, Hammen, Benson, Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater, Hubbard, Kach, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon

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Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 24, 2004

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CHAPTER 530

1 AN ACT concerning

2 **Education - ~~School Social Workers - Certification~~ Certified Professional**  
3 **Personnel**

4 FOR the purpose of ~~exempting certain school social workers from certain licensing~~  
5 ~~requirements; authorizing the State Department of Education to certify certain~~  
6 ~~individuals as school social workers; and generally relating to school social~~  
7 ~~workers requiring the State Board of Education and the Professional Standards~~  
8 ~~and Teacher Education Board to certify certain social workers as professional~~  
9 ~~personnel; and generally relating to social workers employed in the education~~  
10 ~~system as certified professional personnel.~~

11 ~~BY repealing and reenacting, with amendments,~~  
12 ~~Article - Health Occupations~~  
13 ~~Section 19-301~~  
14 ~~Annotated Code of Maryland~~  
15 ~~(2000 Replacement Volume and 2003 Supplement)~~

16 BY repealing and reenacting, without amendments,  
17 Article - Education  
18 Section 1-101(l) and 6-701(b)  
19 Annotated Code of Maryland  
20 (2001 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,

1 Article - Education  
 2 Section 6-704  
 3 Annotated Code of Maryland  
 4 (2001 Replacement Volume and 2003 Supplement)

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

7 **~~Article—Health Occupations~~**

8 ~~19-301.~~

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

10 (1) Licensed by the Board before the individual may practice social work  
 11 in this State while representing oneself as a social worker;

12 (2) Licensed as a certified social worker clinical before the individual  
 13 may practice clinical social work in this State.

14 (b) This section does not apply to:

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

18 (2) AN INDIVIDUAL EMPLOYED BY THE BOARD OF EDUCATION OF A  
 19 COUNTY OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, IF THE  
 20 INDIVIDUAL IS ENGAGED IN EDUCATION RELATED SERVICES DESCRIBED IN  
 21 REGULATIONS ADOPTED BY THE STATE DEPARTMENT OF EDUCATION THAT ARE  
 22 PERFORMED BY A CERTIFIED SCHOOL SOCIAL WORKER;

23 ~~{(2)}~~ (3) An individual licensed as a social worker in another state  
 24 while responding to an emergency in this State; or

25 ~~{(3)}~~ (4) An individual who:

26 (i) Is licensed to practice social work in any other state or possesses  
 27 social work qualifications in another jurisdiction comparable to § 19-302 of this  
 28 subtitle;

29 (ii) Has an application for a license pending before the Board; and

30 (iii) Meets requirements established by the Board in regulations.

31 (c) An individual may not practice social work without a license under  
 32 subsection (b)(3) of this section for more than 6 months.

**Article - Education**

1-101.

(l) "State Board" means the State Board of Education.

6-701.

(b) "Board" means the Professional Standards and Teacher Education Board.

6-704.

(a) (1) In accordance with Title 10, Subtitle 1 of the State Government Article, both the State Board and the Board shall develop for consideration rules and regulations for:

(i) ~~The EXCEPT AS PROVIDED IN ITEM (III) OF THIS PARAGRAPH.~~  
THE certification of teachers and other professional personnel in accordance with this article; ~~and~~

(ii) Requirements for preparation of teachers and other education personnel; AND

(iii) THE CERTIFICATION OF SOCIAL WORKERS EMPLOYED BY A LOCAL SCHOOL EMPLOYER AS PROFESSIONAL PERSONNEL.

(2) Rules and regulations developed by the State Board shall be reviewed by the Board.

(3) Rules and regulations developed by the Board shall be reviewed by the State Board.

(4) Rules and regulations that are initiated by either the State Board or the Board and submitted for review to each other shall be acted upon within 60 days of their receipt by the other party.

(5) Recommendations on rules and regulations that are initiated by the Board shall be implemented unless disapproved by three-fourths of the members of the State Board.

(6) Recommendations on rules and regulations that are initiated by the State Board shall be implemented unless disapproved by the Board.

(7) If the rules or regulations are disapproved under paragraph (6) of this subsection, the rules or regulations shall be implemented if they are approved by three-fourths of the members of the State Board.

(8) An individual who is otherwise qualified may not be denied the right to receive credentials from the Board, to receive training to become a teacher, or to practice teaching in any school because that individual is totally or partially blind.

1           (9)     A county board may not refuse to contract with or engage a teacher  
2 because of blindness if the blind teacher is capable of performing the duties of the  
3 position for which he has applied.

4           (10)    The right of a school psychologist, who is certified by the Board to  
5 practice school psychology consistent with the provisions of that certification, may not  
6 be limited by Title 18 of the Health Occupations Article with respect to the practice of  
7 school psychology in an educational institution.

8           ~~(11)    THE STATE BOARD AND THE BOARD MAY ADOPT REGULATIONS FOR~~  
9 ~~THE CERTIFICATION OF SCHOOL SOCIAL WORKERS.~~

10       (b)    (1)     The Board may establish a fee, not to exceed \$10, for issuance or  
11 renewal of a teacher certificate.

12           (2)     The Board may not require a fee:

13                   (i)     For the addition of any new area of certification to a currently  
14 valid certificate; or

15                   (ii)    Except for the fee authorized under this subsection, for the  
16 evaluation of credentials for the certification of teachers.

17       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
18 effect October 1, 2004.