

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 145

(Senators West and M. Washington)

Finance

Health and Government Operations

State Board of Social Work Examiners - Conditional Licenses to Practice Social Work

This bill authorizes the State Board of Social Work Examiners to issue a conditional license to practice bachelor social work or master social work to an applicant who, except for passing the required examination, has met the appropriate education and experience requirements for licensure. The board must submit a specified report on conditional licenses beginning December 31, 2024, and annually thereafter. Unless the board agrees to accept the surrender of a license, the holder of a conditional license may not surrender the license or allow the license to lapse while the licensee is under investigation or while charges are pending against them.

Fiscal Summary

State Effect: Board special fund revenues and expenditures may increase by an indeterminate amount as early as FY 2024 should the board issue conditional licenses, as discussed below. The board can submit the required report using existing budgeted resources. The FY 2024 budget as passed by the General Assembly includes \$75,000 in general funds for board operations, contingent on enactment of either this bill or House Bill 103 of 2023 and Senate Bill 871 of 2023.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The board may issue a conditional license if an administrative delay or an unforeseen circumstance, act, or occurrence prevents a required examination from being available to an applicant for at least 15 business days. A conditional license is valid until 180 days after the examination becomes readily available to the applicant. A conditional license authorizes the holder to practice bachelor or master social work in the State only under the supervision of a board-approved supervisor.

By December 31, 2024, and annually thereafter, the board must report to the Senate Finance Committee and the House Health and Government Operations Committee the following information for the immediately preceding 12-month period: (1) whether the examination was unavailable at any time during the reporting period; and (2) if the examination was unavailable, the number of:

- applicants who were eligible for a conditional license due to the unavailability of the examination;
- applicants who applied to take the examination;
- applicants that were delayed in processing; and
- conditional licenses issued under the bill.

Current Law: In general, to obtain a license from the State Board of Social Work Examiners, an applicant must (1) submit a written application on a board-prescribed form; (2) be at least 18 years old; (3) be of good moral character; (4) successfully pass required examinations pertinent to the license sought; (5) pay any applicable fees; (6) complete a criminal history records check; and (7) if required, complete a mental or physical examination by a board-appointed health care practitioner.

A licensed bachelor social worker (LBSW) must have a baccalaureate degree in social work from an accredited social work program. A licensed master social worker (LMSW) must have a master's degree in social work from an accredited social work program. Generally, an LBSW or an LMSW must practice social work under the supervision of another social worker, unless given approval to engage in independent practice. The board charges a \$100 application fee and an initial \$75 license fee for an LBSW or LMSW.

The board uses a national examination administered by the Association of Social Work Boards (ASWB). After the board approves a license application, the applicant must register with ASWB and pay the examination fee. The applicant can then schedule to take the examination at any Pearson VUE test center. The ASWB national examination is available any time that scheduling permits at a Pearson VUE test center.

The board may fine, reprimand, place on probation, suspend, or revoke a license for a number of reasons. Additionally, unless the board agrees to accept the surrender of a license, a licensed social worker may not surrender the license or allow the license to lapse while the licensee is under investigation or while charges are pending against the social worker. The board may set conditions on its agreement with the social worker to accept surrender of the license while the social worker is under investigation or while charges pending against them.

State Fiscal Effect: The board advises that additional staff is needed to review and approve requests for conditional licenses, process conditional license applications, track conditional license holders' access to the examination, notify conditional licensees when their license is expiring, and convert conditional licensees to permanent licenses once an individual passes the examination. The board advises that, between 2019 and 2022, an average of 875 individuals applied for an LMSW annually and 29 individuals applied for an LBSW annually. Should the board issue conditional licenses, it would likely charge one application fee (for both a conditional and permanent license) and a conditional license fee of \$75.

Under the bill, eligibility for a conditional LBSW or LMSW is triggered by an administrative delay or unforeseen circumstance, act, or occurrence that prevents a required examination from being available to an applicant for at least 15 business days. Thus, the number of applicants who will qualify for a conditional LBSW or LMSW (and the resulting need for additional staff) is unknown. To the extent the criteria for a conditional license is met, and the board elects to issue conditional licenses, board special fund revenues and expenditures increase beginning as early as fiscal 2024. The exact amount cannot be reliably estimated at this time.

The fiscal 2024 budget as passed by the General Assembly includes \$75,000 in general funds for board operations, contingent on the enactment of either this bill or House Bill 103 and Senate Bill 871. The Department of Legislative Services assumes that at least \$39,107 of the \$75,000 are spent on contractual personnel to staff the workgroup established by Chapter 228 of 2023 (Senate Bill 871). An additional \$35,893 in general funds is available in fiscal 2024 only for further board costs associated with the workgroup, accelerated notification of applicants regarding whether their application is complete as required by Chapter 228, and costs associated with implementing the conditional and temporary licensure program required by this bill. Any unspent funds revert to the general fund.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 173 of 2022 and SB 167 of 2021.

Designated Cross File: HB 103 (Delegate Bagnall, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Human Services; Department of Legislative Services

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