

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 15-105)**

Overview and Legal and Fiscal Impact

The Department of Health and Mental Hygiene proposes amending existing regulations regarding continuing education credits for the renewal of a social work license by altering the time period required for licensees to keep documentation of completion of continuing education requirements, increasing the time period during which a licensee may request an extension of time to complete continuing education requirements to renew a license, decreasing the time period during which the board must consider and decide an extension request, and updating the a title of a license for consistency with statute.

These emergency/proposed regulations present no legal issue of concern.

There is no material fiscal impact on State agencies and no impact on local agencies.

Regulations of COMAR Affected

Department of Health and Mental Hygiene:

Board of Social Work Examiners: Continuing Education Requirements:
COMAR 10.42.06.02-.04, .07, .08, .10, and .11

Legal Analysis

Summary of Regulations

The department proposes amending existing regulations regarding continuing education requirements for the renewal of a license to practice social work. Throughout these regulations, and the only change in proposed Regulations .03, .04, .10, and .11, the department substitutes the term Licensed Bachelor Social Worker for the former term Licensed Social Worker Associates for consistency with statute.

Regulation .02 defines the term “exception.” Regulation .07 requires a social worker with an active license to retain documentation of completion of continuing education requirements for three years instead of two years after the licensing renewal date for which the report of continuing education was submitted to the Board of Social Work Examiners. Regulation .08 extends the date to October 1 from the former date of August 31 by which a licensee may request an extension of time to complete continuing education requirements for renewal of a license. This regulation also decreases the time period to 21 days from the former 45 days during which the board is required to consider and decide on granting a requested extension. The board is authorized to grant an extension and reactivate or reinstate a license with

an extension for a period not to exceed one year. This proposed regulation also requires the board to place a license on inactive status if the individual granted an extension fails to obtain the required continuing education on or before the date the 6-month extension expires.

Statutory Authority and Legislative Intent

The department cites §§ 19-205 and 19-308 of the Health Occupations Article as statutory authority for these emergency/proposed regulations.

Section 19-205 grants the board general authority to adopt rules and regulations to carry out the provisions of the title regarding the licensing and regulation of social workers. Section 19-308 requires a licensee to submit to the board satisfactory evidence of compliance with any continuing education requirements set by the board.

This authority is correct and complete. These regulations comply with the legislative intent of the law.

Reason for Emergency Status

The department has requested emergency status to begin July 1, 2015, and to expire December 27, 2015, to cover the period until final adoption of the accompanying, permanent nonemergency regulations. This emergency period is within normal time frames approved by the committee. The department indicates the emergency status is needed to accommodate individuals with an active license who wish to renew their social work license this year by giving them the increased period of time between August 31 and October 1 to request an extension to complete continuing education requirements.

Fiscal Analysis

There is no material fiscal impact on State agencies and no impact on local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs and notes that, since the Board of Social Work Examiners already processes requests for extensions to complete continuing education requirements, the board can likely process these requests within the shorter timeframe required by the regulations within existing budgeted resources.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Stacy M. Goodman – (410) 946/(301) 970-5350

Fiscal Analysis: Kathleen P. Kennedy – (410) 946/(301) 970-5510