

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	06/05/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 7/10/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 42 06 02-.04, .07, .08, .10 and .11

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

Telephone Number

410-767-5623

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201 W. Preston Street

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5. Name of Person to Call About this Document

Kristen Neville

Telephone No.

410-764-5978

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6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: May 20, 2015.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:
:
Md. R
(vol.) (issue) (page nos) (date)
Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

If yes, corresponding proposed text published in:

- same issue
- future issue
- previous issue; it appeared in
:
Md. R
(vol.) (issue) (page no's) (date)
Under Maryland Register docket no.: --E.

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Ari Elbaum, Assistant Attorney General, (telephone #410-767-1871) on May 27, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Telephone No.

410-767-6500

Date

June 5, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.06 Continuing Education Requirements

Authority: Health Occupations Article, §§19–205 and 19–308, Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary of Health and Mental Hygiene proposes to amend Regulations .02—.04, .07, .08, .10, and .11 under COMAR 10.42.06 Continuing Education Requirements.

This action was considered at a public meeting on May 8, 2015, notice of which was given on the Board's website at <http://dhmh.maryland.gov/bswe/SitePages/Home.aspx> pursuant to State Government Article § 10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to :

- 1) Give licensees until October 1 (currently the deadline is August 31) to request an extension of time to complete continuing education requirements;
- 2) Require the Board to render a decision regarding a licensee's request for an extension within 21 business days instead of 45 days;
- 3) Authorize the Board to reactive or reinstate a license with an extension of up to 1 year if a request for an extension is approved;
- 4) Require a licensee keep 3 years-worth of records regarding completed continuing education instead of 2; and
- 5) Change the term Licensed Social Work Associate to Licensed Bachelor Social Worker to be consistent with statute.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through August 10, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This proposal is not increasing or decreasing a fee or the required continuing education units for licensure.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

It is incumbent upon a licensee to complete the appropriate amount of continuing education to maintain licensure, not upon a small business.

G. Small Business Worksheet:

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Authority: Health Occupations Article, §§19–205 and 19–308, Annotated Code of Maryland

10.42.06 (downloaded 5/20/2015)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(8) (text unchanged)

(9) “*Exception*” means that the Board may grant an exception for any of the continuing education requirements for circumstances set forth in Regulation .06 of this chapter.

[(9)] (10)—[(11)] (12) (text unchanged)

.03 Continuing Education Requirements.

A. The Board shall renew a license for an additional 2-year period if the social worker:

(1) Completes 40 (30 for Licensed [Social Work Associates] *Bachelor Social Workers*) continuing education units within the renewal period, of which a minimum of:

(a) 20 (15 for Licensed [Social Work Associates] *Bachelor Social Workers*) continuing education units shall be obtained from approved programs which are Category I; and

(b) (text unchanged)

(2)—(3) (text unchanged)

B. (text unchanged)

.04 Continuing Education Activities.

A.—C. (text unchanged)

D. Of the 40 (30 for Licensed [Social Work Associates] *Bachelor Social Workers*) required continuing education units, 20 (15 for Licensed [Social Work Associates] *Bachelor Social Workers*) shall be earned and all may be earned from one or any combination of the following Category I activities:

(1)—(7) (text unchanged)

E. Of the 40 (30 for Licensed [Social Work Associates] *Bachelor Social Workers*) required continuing education units, a maximum of 20 (15 for Licensed [Social Work Associates] *Bachelor Social Workers*) continuing education units may be earned from one or any combination of the following Category II activities:

(1)—(8) (text unchanged)

.07 Reporting, Documenting, and Auditing Compliance with Continuing Education Requirements.

A.—D. (text unchanged)

E. Record Retention for Active, Expired, or Inactive License.

(1) Active Licenses.

(a) A social worker with an active license shall retain records documenting completion of continuing education requirements for [2] 3 years after the licensing renewal date for which the report of continuing education was submitted to the Board.

(b) The documentation required in §E(1)(a) of this regulation may be requested by the Board at any time within that [2-year] 3-year period.

(2) Expired Licenses. A social worker with an expired, non-renewed license shall:

(a) Retain records documenting completion of continuing education requirements for each 2-year period that the license was expired, up to a maximum of 40 (30 for Licensed [Social Work Associates] *Bachelor Social Workers*) continuing education units; and

(b) (text unchanged)

- (3) Inactive Licenses. A social worker with an inactive license shall:
- (a) Retain records documenting completion of continuing education requirements for the [2] 3 years immediately preceding reactivation; and
 - (b) (text unchanged)
- F. (text unchanged)

.08 Extension of Time.

- A. A social worker shall file a request for an extension of time, including the supporting documentation, with the Board. The request shall be in writing and filed before [August 31] *October 1* of the renewal year.
- B. The Board shall consider and render a decision on the request within [45] 21 days of receiving the written request.
- C. The Board may grant an extension and conditionally renew a license for up to 6 months *or reactivate or reinstate a license with an extension not to exceed 1 year* if the Board determines that:
 - (1)—(2) (text unchanged)
- D. Failure to obtain the required continuing education units on or before the 6-month extension *expires* shall result in [the]:
 - (1) *The social worker's inability to practice social work in Maryland*[. Alternatively, the social worker may submit an application for]; *and*
 - (2) *The Board placing the license on inactive status.*
- [E. The Board may grant an exception for all or part of the continuing education requirements for circumstances set forth in Regulation .06 of this chapter.]
- [F.] *E.*—[G.] *F.* (text unchanged)

.10 Reinstatement of Licenses.

- A social worker whose license has not been renewed is entitled to reinstatement within 5 years of the date the license expired, by:
- A. (text unchanged)
 - B. Demonstrating to the Board that the social worker has met all continuing education requirements by obtaining 40 (30 for Licensed [Social Work Associates] *Bachelor Social Workers*) continuing education units in the 2 years preceding the social worker's application for reinstatement.

.11 Reactivation of Licenses.

- A social worker whose license was placed on inactive status is entitled to reactivation within 5 years of the date the license expired, by:
- A. (text unchanged)
 - B. Demonstrating to the Board that the social worker has met all continuing education requirements by obtaining 40 (30 for Licensed [Social Work Associates] *Bachelor Social Workers*) continuing education units in the 2 years preceding the social worker's application for reactivation.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene