

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	08/29/2018	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/12/2018

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
10	42	01	01, .02, .04--.18
10	42	02	02--.06
10	42	08	01--.11
10	42	09	01, .04, and .07

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator
Michele Phinney

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5. Name of Person to Call About this Document

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: February 26, 27, 28, 2018.

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

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 General Provisions Article, §3-302(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 Rhonda Edwards, Assistant Attorney General, (telephone #410-767-6023) on April 20, 2018. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Robert R. Neall

Title

Telephone No.

Secretary

410-767-6500

Date

July 31, 2018

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.01 Regulations Governing Licensure

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.02 Social Work Practice

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.08 Supervision

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.09 Disciplinary Sanctions and Monetary Penalties

Authority: See attached

Notice of Proposed Action

□

The Secretary of Health proposes to :

(1) Amend Regulations .01 and .02, repeal Regulation .04, amend and recodify Regulations .05—.08 to be .04—.07 respectively, Regulations .12, .14, .16 and .19 to be Regulations .11, .13, .15 and .18 respectively, and recodify Regulations .09—.11, .13, .15, .17 and .18 to be Regulations .08—.10, .12, .14, .16, and .17 respectively, under COMAR 10.42.01 Regulations Governing Licensure;

(2) Amend Regulation .02, adopt new Regulations .03, .05, and .06, repeal Regulation .04, and amend and recodify Regulation .03 to be Regulation .04 under COMAR 10.42.02 Social Work Practice;

(3) Amend Regulations .01, .02 and .04, adopt new Regulations .03, .05, .10 and .11, amend and recodify Regulations .03, .05, .07 and .06 to be Regulations .06, .07, .08, and .09 respectively, and repeal in their entirety Regulations .08—.10 under COMAR 10.42.08 Supervision; and

(4) Amend Regulation .01 and .04 and adopt new Regulation .07 under COMAR 10.42.09 Disciplinary Sanctions and Monetary Penalties.

This action was considered by the Board of Social Work Examiners at a public meeting held March 9, 2018, notice of which was given by posting the proposed regulations on the Board of Social Work Examiners' website on March 7, 2018, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to :

- (1) Create new regulations and conform existing regulations to implement changes in Maryland social work law pursuant House Bill 1183 and Senate Bill 986 (Chapters 548 and 549, Acts of 2017); and
- (2) Conform existing regulations to implement changes in Maryland social work law pursuant to House Bill 806 (Chapter 391, Acts of 2013).

Specifically, this proposal:

- (1) Renames the graduate social worker license to be the master social worker license;
- (2) Includes the requirements for the approval of bachelor and master social workers to engage in independent practice;
- (3) Includes the requirements for the approval of bachelor and master social workers to engage in supervision of social work practice; and establish responsibilities and certain limitations;
- (4) Discontinues master social workers from engaging in private practice on or after January 1, 2020;
- (5) Authorizes the Criminal Justice Information System Central Repository to provide the Board with notifications of future charges thus eliminating the need for repeated background checks on a license;
- (6) Authorizes the Board to renew a license only if a licensee attests that the licensee has submitted to a State and national criminal history records check;
- (7) Requires individuals applying to the Board for reactivation, reinstatement, or reissuance of a license to submit certain evidence of having completed a State and national criminal history records check in accordance with certain provisions of law;
- (8) Requires the Board to consider the nature of the crime when using information obtained from the Central Repository to determine whether to renew, reactivate, reinstate, or reissue a license;
- (9) Authorizes the Board to issue a cease and desist order or obtain injunctive relief for a violation of certain provisions of law;
- (10) After July 1, 2019, requires a licensed bachelor social worker or licensed master social worker licensed to have practiced under the supervision of Board-approved social work for at least 3 years as an active licensee with at least 4,500 hours and a minimum of 150 hours of periodic face-to-face supervision;
- (11) Defines certain terms, alters certain definitions and makes conforming changes;
- (12) Establishes civil fines; and
- (13) Increases the minimum and maximum fines for violations of the practice.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

Licensed Bachelor Social Workers (LBSW) and Licensed Master Social Workers (LMSW) are now permitted by statute to become Board-approved supervisors. LBSWs

and LMSWs who apply to become Board approved supervisors must register with the Board and pay the required \$20 fee as set forth in COMAR 10.42.05.02A(11).

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$24,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$24,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

- A. Licensee records indicate that there are potentially 1,200 LBSWs and LMSWs eligible to apply to become Board approved supervisors. 1,200 x \$20 fee = \$24,000
- D. See A. above

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 A. Phinney, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2019

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:

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 licensees to follow statute and regulations thus small businesses will not be penalized if a licensee is found in violation.

G. Small Business Worksheet:

Attached Document:

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.01 Regulations Governing Licensure

Authority: Health Occupations Article, §§19-101—19-502, Annotated Code of Maryland

10.42.01.01 (February 26, 2018)

.01 Scope and Purpose.

A. (text unchanged)

B. The purpose of this chapter is to protect the public by:

- (1) Providing *minimum* criteria for licensure under the law for those who seek to practice social work; and
- (2) (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Accredited" means receiving:

(a) Accreditation from the Council on Social Work Education; [or]

(b) Approval of a program for an individual applicant by the Council on Social Work Education's Foreign Equivalency Determination Service that the program is equivalent to a program accredited by the Council on Social Work Education; *or*

(c) *A program in candidacy for accreditation by the Council of Social Work Education.*

(2) (text unchanged)

(3) "Board-approved supervisor" means a licensed bachelor social worker (LBSW), licensed certified social worker (LCSW), licensed certified social worker-clinical (LCSW-C) or licensed masters social worker (LMSW) approved by the Board to supervise social workers as set forth in COMAR 10.42.08.

(4) "Central repository" means the criminal justice information system central repository of the Maryland Department of Public Safety and Correctional Services.

[(3)] (5) (text unchanged)

[(4)] (6) Clinical Social Work.

(a) "Clinical social work" means the professional application of social work [theory] *knowledge, skills, values, theories, and methods for the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional, [and] mental disorders, and substance use disorders [of] with individuals, groups and families.*

(b) "Clinical social work" includes [rendering] *formulating a diagnostic impression or a diagnosis based on [the Diagnostic and Statistical Manual in current use] standard diagnostic criteria.*

[(5)] (7) "Clinical social work experience" means:

(a) (text unchanged)

(b) Formulating diagnostic impressions *or a diagnosis;*

(c) Treating mental disorders and other conditions; [and]

(d) *Treating behavioral health disorders, including but not limited to substance use disorders, addictive disorders and other conditions; and*

[(d)] (e) (text unchanged)

(8) *"Criminal history records check" means the performance of both State criminal history check by the central repository and national criminal history check by the Federal Bureau of Investigation.*

(9) *"Criminal history records information" means information obtained:*

(a) *From the criminal history records check regarding an applicant's criminal arrests, charges, convictions, and the disposition of pending criminal charges; and*

(b) *Through the Rap Back service which allows the Board to receive notification of charges thus eliminating the need for repeated background checks on a licensee.*

[(6)] (10) "Documentation of clinical course work" means providing transcripts indicating the completion of clinical course work from a college or university [that is based on:] *whose bachelor's or master's program is accredited, in candidacy, or deemed equivalent by the Council on Social Work Education.*

(a) An accredited or a provisionally accredited graduate social work program; or

(b) An accredited bachelor of social work program if a student entered an accredited or provisionally accredited graduate program with advanced standing.]

[(7) "Independent practice" means the practice of a licensed social worker without the requirement of supervision.]

[(8)] (11)—[(13)] (16) (text unchanged)

[(14) "Provisionally accredited" means a social work program that currently holds formal candidacy status, but is not accredited by the Council on Social Work Education.]

(17) *"Rap Back service" means a service which allows the Board to receive notifications from the Federal Bureau of Investigation on applicants and licensees who may have future criminal charges thus eliminating the need for repeated background checks on the same applicant or licensee.*

(18) *"Reactivation" means the process of obtaining a license less than 5 years after the Board placed the license on inactive status.*

(19) *"Reinstatement" means the process of obtaining a license less than 5 years after the Board placed the license on a non-renewed status.*

(20) *"Reissuance" means the process of obtaining a license more than 5 years after the Board placed the license on inactive or non-renewed status.*

[(15)] (21) "Social Work" means the professional activity of helping individuals, families, groups, *organizations* or communities to enhance or restore their capacity for social functioning.

[(16)] (22)—[(17)] (23) (text unchanged)

[.05].04 Licensure.

A. *To obtain an initial license or a license for renewal, reactivation, reinstatement or reissuance, an applicant shall complete a criminal history records check through the central repository. In accordance with §§10-201 through 10-228 of the Criminal Procedure Article, the central repository shall provide criminal history records information to the Board.*

B. *The Board shall review the criminal history records information provided for any positive results from the criminal history records check.*

C. *An applicant is not required to complete a criminal history records check provided the applicant completes a criminal history records check under the rap back service, which will automatically alert the Board of any future criminal charges.*

[A.] D. (text unchanged)

[B.] E. [Graduate] *Master Social Worker.*

(1) The Board shall issue a [graduate] *master* social worker license to an applicant who has met the applicable qualifications in Health Occupations Article, §19-302(a) and (c), Annotated Code of Maryland.

(2) If a [graduate] *master* social worker applies for licensure in a different category, the application shall be treated as an initial application subject to the fees set forth in COMAR 10.42.05.

[C.] F. *Certified Social Worker.*

(1) (text unchanged)

(2) The applicant for a certified social worker's license shall have 2 years of supervised social work experience as a licensed [graduate] *master* social worker with supervised social work experience of at least 3,000 hours while licensed as a [graduate] *master* social worker which is:

(a)—(c) (text unchanged)

(3) A candidate shall have obtained a [graduate] *master* social worker license before beginning to obtain the 3,000 hours of supervised social work experience.

(4) A candidate shall have obtained a [graduate] *master* social worker license before applying for a certified social worker license.

(5)—(7) (text unchanged)

[(8) Unless otherwise excepted under Health Occupations Article, Title 19, Annotated Code of Maryland, or COMAR 10.42.01—.07, waiver of supervision shall be in compliance with COMAR 10.42.08.09 if performed as a social worker.]

[D.] G. Certified Social Worker—Clinical.

(1)—(2) (text unchanged)

(3) The applicant for a certified social worker—clinical license shall have 2 years of supervised clinical social work experience as a licensed [graduate] *master* social worker with supervised clinical social work experience of at least 3,000 hours while licensed as a [graduate] *master* social worker which is:

(a)—(c) (text unchanged)

(4) A candidate shall have obtained a [graduate] *master* social worker license before applying for a certified social worker—clinical license.

(5) A candidate shall have obtained a [graduate] *master* social worker license before beginning to obtain the 3,000 hours of supervised social work experience.

(6) A licensed [graduate] *master* social worker [may render] *shall formulate* a [diagnosis] *diagnostic impression* while[:]

[(a) Under] *under* the [direct] supervision of a licensed certified social worker—clinical[: or]

[(b) Obtaining] *while obtaining* the requisite 3,000 hours of supervised clinical social work experience.

(7)—(9) (text unchanged)

[.06].05 Required Hours of Supervised Social Work Experience.

A. A candidate with experience obtained in Maryland shall have obtained a licensed [graduate] *master* social worker license before beginning to obtain the requisite 3,000 hours of supervised social work experience.

B. A candidate with 3,000 hours of supervised social work experience from another state or jurisdiction of the United States *or another country* shall provide documentation that the candidate met the licensing, certification, or registration requirements in that state or jurisdiction *or country* while acquiring the requisite supervised social work experience.

[.07].06 Examinations.

A. The general requirements for examination are:

(1)—(2) (text unchanged)

(3) [Receipt] *Either:*

(a) *A receipt* of an official transcript indicating completion of an accredited program from the university or school awarding the applicable social work degree attained; or[, for]

(b) *For* applicants who are expected to receive the applicable social work degree at the end of the semester, [official evidence under seal of the university or school with the accredited program indicating the] *indication on the Board's form of the:*

[(a)] (i) (text unchanged)

[(b)] (ii) Date that the applicant is expected to receive the degree[.] ; *and*

[(4) Receipt of three professional references from individuals familiar with the work of the applicant; and]

[(5)] (4) (text unchanged)

B. (text unchanged)

[.08].07 Approval Notification.

A. *An application packet for licensure is complete when the application packet is:*

(1) *Submitted to the Board signed and dated; and*

(2) *Accompanied by the required non-refundable application fee.*

B. *The application packet shall include:*

(1) *The completed application form answering all questions on the application;*

(2) *Official transcripts containing the date the degree was conferred by a program approved or deemed equivalent by the Council of Social Work Education;*

(3) *A passing score from the required examination administered by the Association of Social Work Boards; and*

(4) *Criminal history records check reports.*

C. *LCSW and LCSW-C applications shall include:*

- (1) *The contractual agreement form for supervision which has been signed and dated by the supervisor, supervisee and agency administrator before supervision was initiated;*
- (2) *Documentation of supervised social work experience; and*
- (3) *The information and documentation required in §B of this regulation.*

[A.] D.—[C.] F. (text unchanged)

G. *An applicant shall submit any additional required documentation needed to complete the application within 1 year of the Board's receipt of the application.*

[.09].08—[.11].10 (text unchanged)

[.12].11 Licensure by Endorsement.

A.—B. (text unchanged)

C. [Graduate] *Master Social Worker.*

(1) The Board shall issue a [graduate] *master* social worker license to an applicant who has met the applicable qualifications in Health Occupations Article, §19-302(a) and (c), Annotated Code of Maryland.

(2) If a [graduate] *master* social worker applies for licensure at a different level, the application shall be treated as an initial application subject to the fees set forth in COMAR 10.42.05.

D. *Certified Social Worker.*

(1)—(2) (text unchanged)

(3) The applicant for a certified social worker license with less than 5 years of advanced social work experience shall have 2 years of at least 3,000 hours of supervised social work experience, which shall be:

(a) Obtained after receiving a master's degree in social work and as a [license graduate] *licensed master* social worker, if a licensed [graduate] *master* social worker license is required in the state where the supervised experience was obtained.

(b)—(c) (text unchanged)

(4) A candidate shall have obtained a [graduate] *master* social worker license in the state where the experience was obtained if required in that jurisdiction, before applying for a certified social worker license and before beginning to obtain the 3,000 hours of supervised social work experience.

(5)—(8) (text unchanged)

E. *Certified Social Worker—Clinical.*

(1)—(3) (text unchanged)

(4) The applicant for a certified social worker—clinical license shall have 2 years of at least 3,000 hours of supervised clinical social work *experience*, which shall be:

(a) [Experience obtained] *Obtained* after receiving a master's degree in social work and as a licensed [graduate] *master* social worker, if a licensed [graduate] *master* social worker license was required in the jurisdiction where the supervised experience was obtained;

(b)—(c) (text unchanged)

(5) A candidate shall have obtained a [graduate] *master* social worker license before applying for a certified social worker—clinical license.

(6) A candidate shall have obtained a [graduate] *master* social worker license in the jurisdiction where the experience was obtained if required in that jurisdiction, before beginning to obtain the 3,000 hours of supervised social work experience.

(7)—(10) (text unchanged)

[.13].12 (text unchanged)

[.14].13 To Practice Social Work While a License Application is Pending.

A.—B. (text unchanged)

C. To practice as a [graduate] *master* social worker under this regulation, the applicant shall:

(1)—(2) (text unchanged)

D. To practice as a certified social worker under this regulation, the applicant shall:

(1)—(2) (text unchanged)

(3) Provide documentation in a form prescribed by the Board:

(a) (text unchanged)

(b) Indicating that the supervision complied with the supervision requirements of:

(i) [The other] *Another* state;

(ii) [The other] *Another* country; or

(iii) (text unchanged)

(c) (text unchanged)

E.—F. (text unchanged)

[.15].14 (text unchanged)

[.16].15 Renewal of License.

A.—E. (text unchanged)

F. The Board may not renew a bachelor or [graduate] *master* social worker license to a licensee who holds a baccalaureate or master's degree from a provisionally accredited program that was denied full accreditation.

G.—J. (text unchanged)

[.17] .16—[.18] .17 (text unchanged)

[.19] .18 Replacement of Wall Certificates.

A. The Board shall issue a replacement wall certificate upon written request by a licensee [and payment of a replacement fee set forth in COMAR 10.42.05].

B. (text unchanged)

10.42.02 [Case Management] Social Work Practice

Authority: Health Occupations Article, §19-205, Annotated Code of Maryland

10.42.02.02 (February 28, 2018)

.02 Definitions.

A. In this chapter, the following [term has] *terms* have the meaning indicated.

B. [Term defined] *Terms Defined.*

(1) "*Administration*" means the process of attaining the objectives of an organization through a system of coordinated and cooperative efforts to make social service programs effective instruments of the amelioration of social conditions and for the solution of social problems.

(2) "*Advocacy*" means the service in which the social worker acts on behalf of clients to bring about or influence change to improve the quality of life and functioning and assure the basic rights of the client.

(3) "*Assessment*" means obtaining and analyzing information about a client and the client's circumstance while using appropriate social work knowledge, skills, values, and theory to develop a service, intervention or treatment plan.

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

(5) "*Case management*" means a method of providing services by which a social worker assesses the needs of a client [for the client's family, or both, when appropriate,] and arranges, coordinates, monitors, evaluates, and advocates for [a package of multiple] services to meet the [complex] needs of the [specific] client.

(6) "*Client*" means individuals, groups, families, communities, and organizations.

(7) *Clinical Social Work.*

(a) "*Clinical social work*" means the professional application of social work knowledge, skills, values, theories and methods for the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional, mental disorders, and substance use disorders with individuals and families.

(b) "*Clinical social work*" includes formulating a diagnostic impression and diagnosis based on standard diagnostic criteria.

(8) "*Counseling*" means a method used by social workers to assist clients in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns.

(9) "*Independent practice*" means the practice of licensed social work without the requirement of social work supervision.

(10) "*Informed consent*" means a client's decision to agree to a proposed course of transactions between the client and the licensee after the client has received reasonably full and accurate information pertaining to the risks, benefits and possible consequences of the transaction.

(11) "*Licensed*" means that the individual possesses a license to practice social work issued by the Board.

(12) "*Licensee*" means an individual licensed by the Board.

(13) *Practice Social Work.*

(a) "*Practice social work*" has the meaning stated in Health Occupations Article, §19-101(m), Annotated Code of Maryland.

(b) "*Practice social work*" includes supervising a candidate for advanced licensure, for independent practice, or a licensee in the practice of social work.

(14) *Private Practice.*

(a) "*Private practice*" means the provision of psychotherapy by a licensed certified social worker-clinical (LCSW-C) who assumes responsibility and accountability for the nature and quality of services provided to a client in exchange for direct payment or third-party reimbursement or on a pro-bono basis as stated in Health Occupations Article, §19-101(q), Annotated Code of Maryland.

(b) "*Private practice*" includes the terms solo practice, solo private practice, or group practice.

(15) "*Pro-bono*" means the provision of psychotherapy or social work services for no or low payment based on need.

(16) "Psychotherapy" means formulating a diagnostic impression and an assessment for the treatment of mental and behavioral disturbances while utilizing a specialized formal interaction between the client and the social worker in which a therapeutic relationship is established and maintained.

(17) "Scope of practice" means procedures, actions, and processes that a licensed social worker is permitted to undertake in accordance with the terms of the license held.

(18) "Social work" means the professional activity of helping individuals, families, groups, couples, organizations, or communities to enhance or restore their capacity for social functioning.

(19) "Social worker" means an individual who:

(a) Is licensed under the Health Occupations Article, Title 19, Annotated Code of Maryland;

(b) Represents to the public by title or description which incorporates the words "social worker", "social work", or a similar designation; and

(c) Offers, attempts, or renders services involving the application of principles, methods, and procedures of the social work profession to clients.

(20) "Supervision" means a formalized professional relationship between a supervisor and supervisee in which the supervisor directs, monitors, and evaluates the supervisee's social work practice while promoting the development of the supervisee's knowledge, skills, and abilities to provide social work services in an ethical and competent manner.

(21) Technology Used.

(a) "Technology used" means the use of interactive audio, video, or other telecommunications or electronic media by a social worker to deliver social work services.

(b) "Technology used" includes, but is not limited to:

(i) Services that are provided to a client who is not physically present with the social worker;

(ii) Assessments;

(iii) Case management;

(iv) Information and Referral;

(v) Counseling;

(vi) Consultation;

(vii) Advocacy; and

(viii) Supervision.

.03 Scope of Practice.

A. Licensed Bachelor Social Worker (LBSW).

(1) An LBSW shall practice social work under a social work supervisor and may include practice social work as stated in Health Occupations Article, §19-101(m) and §19-307(c)(1), Annotated Code of Maryland.

(2) An LBSW's practice includes the basic, generalist practice of social work which includes:

(a) Assessment;

(b) Planning;

(c) Intervention;

(d) Evaluation;

(e) Case management;

(f) Information and referral;

(g) Counseling;

(h) Supervision;

(i) Consultation;

(j) Education;

(k) Advocacy;

(l) Community organization; and

(m) The development, implementation and administration of policies, programs, and activities.

(3) An LBSW's practice may not include:

(a) Making a clinical diagnosis of a mental or emotional disorder;

(b) Providing psychotherapy; or

(c) Engaging in private practice.

(4) An LBSW may not engage in the practice of social work independent of social work supervision unless approved by the Board for independent practice.

B. Licensed Master Social Worker (LMSW).

(1) An LMSW shall practice social work under a social work supervisor and may practice social work as stated in Health Occupations Article, §19-101(m) and §19-307(c)(2), Annotated Code of Maryland.

(2) An LMSW's practice is characterized by the application of specialized knowledge and advanced practice skills in the areas of:

(a) Assessment;

(b) Planning;

(c) Intervention;

(d) Evaluation;

- (e) Case management;
 - (f) Information and referral;
 - (g) Counseling;
 - (h) Supervision;
 - (i) Consultation;
 - (j) Education;
 - (k) Advocacy;
 - (l) Community organization; and
 - (m) The development, implementation and administration of policies, programs, and activities.
- (3) An LMSW's practice may not include the treatment of emotional disorders, psychotherapy, diagnosis of a mental disorder without the supervision of an LCSW-C.
- (4) An LMSW may not engage in the practice of social work independent of social work supervision unless approved by the Board for independent practice.
- (5) On or before December 31, 2019, an LMSW may not engage in private practice without the supervision of an LCSW-C.
- (6) On or after January 1, 2020 an LMSW may not engage in private practice.

C. Licensed Certified Social Worker (LCSW).

(1) An LCSW may:

(a) Practice social work as stated in Health Occupations Article, §§19-101(m) and 19-307(c)(3), Annotated Code of Maryland;

(b) Provide supervision of other social workers in accordance with COMAR 10.42.08; and

(c) Practice social work independent of supervision when the practice does not include diagnosis, treating mental disorders or providing psychotherapy.

(2) An LCSW's practice may not include the treatment of emotional disorders, psychotherapy, formulating a diagnostic impression, or diagnosis for a mental disorder without the supervision of an LCSW-C.

D. Licensed Certified Social Worker-Clinical (LCSW-C). An LCSW-C may:

(1) Practice social work as stated in Health Occupations Article, §19-101(m), Annotated Code of Maryland;

(2) Provide supervision of other social workers as set forth in COMAR 10.42.05;

(3) Evaluate, diagnose and treat biopsychosocial conditions, mental and emotional conditions and impairments, and mental disorders as defined in Health-General Article, §10-101(f), Annotated Code of Maryland;

(4) Petition for emergency evaluation under Health-General Article, Title 10, Subtitle 6, Annotated Code of Maryland;

(5) Provide person-to person psychotherapy;

(6) Have a private clinical practice; and

(7) Practice clinical social work as stated in Health Occupations Article §19-401(b), Annotated Code of Maryland.

[.03 Standards.] .04 Case Management.

A.—B. (text unchanged)

.05 Independent Practice.

A. An LCSW-C may engage in the independent practice of social work.

B. An LCSW may engage in the independent practice of social work, except when formulating a diagnostic impression, a diagnosis or providing psychotherapy.

C. An LBSW or LMSW may not engage in the independent practice of social work until the licensee is approved by the Board for independent status in accordance with this regulation.

D. An LBSW or LMSW shall practice in accordance with the restrictions set forth in Health Occupations Article, §19-307, Annotated Code of Maryland.

E. An LBSW or LMSW licensed on or before January 1, 2008 shall:

(1) Have actively practiced bachelor or master social work under social work supervision;

(2) Have completed at least 10 years of social work experience under social work supervision;

(3) Submit an application in the form prescribed by the Board as set forth in Health Occupations Article §19-302, Annotated Code of Maryland; and

(4) Provide documentation in the form prescribed by the Board as set forth in Health Occupations Article §19-302, Annotated Code of Maryland.

F. An LBSW or LMSW licensed on or after January 1, 2008 shall:

(1) Have actively practiced bachelor or master social work under social work supervision;

(2) Have completed at least 3 years as an active licensee with at least 4,500 hours and a minimum of 150 hours of periodic face-to-face supervision;

(3) Submit an application in the form prescribed by the Board as set forth in Health Occupations Article §19-302, Annotated Code of Maryland; and

(4) Provide documentation in the form prescribed by the Board as set forth in Health Occupations Article §19-302, Annotated Code of Maryland.

G. An LBSW or LMSW licensed on or after July 1, 2019 shall:

(1) Have actively practiced bachelor or master social work under the supervision of Board approved social work supervision;

(2) Have completed at least 3 years as an active licensee with at least 4,500 hours and a minimum of 150 hours of periodic face-to-face supervision;

(3) Submit an application in the form prescribed by the Board as set forth in Health Occupations Article §19-302, Annotated Code of Maryland; and

(4) Provide documentation in the form prescribed by the Board as set forth in Health Occupations Article §19-302, Annotated Code of Maryland.

H. The Board shall approve an application to engage in independent practice provided:

(1) The application is complete; and

(2) The applicant practiced social work in accordance with the statute and regulations in effect at the time the bachelor or master social worker practiced in Maryland.

I. The Board may not approve the licensee to engage in independent practice if the licensee fails to demonstrate sufficient supervised experience.

(1) The Board may require the applicant to complete up to 1,500 additional supervised social work experience; and

(2) Reapply for independent practice.

.06 Private Practice.

A. An LBSW may not engage in private practice.

B. An LCSW may not engage in private practice.

C. An LCSW-C may engage in private practice

D. On or after January 1, 2020, an LMSW may not engage in private practice.

10.42.08 Supervision

Authority: Health Occupations Article, §§19-101—19-502, Annotated Code of Maryland

10.42.08.01 (February 28, 2018)

.01 Scope.

A. This chapter establishes *qualifications and standards* [of] *for independent practice*, supervision and the responsibilities of supervisors and supervisees in the practice of social work.

B.—C. (text unchanged)

D. *Nothing in this chapter may be construed to prohibit an employer from requiring supervision of a licensed bachelor social worker (LBSW), licensed certified social worker (LCSW), licensed certified social worker-clinical (LCSW-C), or licensed master social worker (LMSW) who is approved to engage in independent practice.*

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Board-approved supervisor" means an LBSW, LCSW, LCSW-C, or LMSW approved by the Board to supervise social workers as set forth in this chapter.

[(2)] (3) Face-to-Face.

(a) "Face-to-face" means in the physical presence of *or electronic presence of* the individuals involved in the supervisory relationship during either individual or group supervision.

(b) "Face-to-face" [does not include] *includes*:

[(i)] Telephone supervision;

[(ii)] Video conferencing; or

[(iii)] Internet communication.]

(i) *Secure video conferencing; or*

(ii) *Real-time communication with both parties in each other's physical presence.*

(c) "Face-to-face" *does not include*:

(i) *Telephone supervision;*

(ii) *Written communication via the internet; or*

(iii) *Technological communication that is not visual.*

[(4)] "Registered supervisor" means a Licensed Certified Social Worker or Licensed Certified Social Worker-Clinical that meets the requirements under Regulation .04 of this chapter.]

(4) "Independent practice" means to practice bachelor social work or master social work without the requirement of supervision by a social worker.

[(3)] (5)—[(5)] (6) (text unchanged)

[(6)] (7) "Supervision training" means a course or program designed to provide information regarding the supervision process utilized by social workers in a variety of settings as [stipulated] *set forth* in regulation [.04A(2)(c)] *.04B(1) of this chapter.*

[(7)] "Unavailable" means that a supervisor who has met the requirements of Regulation .04B of this chapter, is not available within 75 miles of the licensee's place of social work practice.]

(8) "Written contract" for advanced licensure *or independent practice* means an agreement, on a form provided by the Board and initiated before beginning supervision, between the supervisee, [and the registered] *the Board-approved supervisor and administrator* that details the scope of supervision.

.03 Requirements for a Board-Approved Social Work Supervisor.

A. A social worker who intends to provide supervision to a licensed social worker for independent practice or for advanced licensure shall apply to the Board for approval as a Board-approved supervisor.

B. A current social work supervisor of a licensed social worker may continue to provide supervision without Board approval until June 30, 2019.

C. Licensed Bachelor Social Worker.

(1) The Board shall approve an application filed by an LBSW to be a Board-approved supervisor that met the requirements set forth in this regulation and in accordance with Regulations .04 and .05 of this chapter.

(2) The LBSW applicant for a Board-approved supervisor shall:

(a) Obtain independent status in accordance with COMAR 10.42.02;

(b) Obtain the additional hours of experience as an LBSW in accordance with COMAR 10.42.02;

(c) File with the Board the supervisory registration form and pay the required fee;

(d) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;

(e) Meet the training requirement as set forth in Regulation .04B(1) of this chapter; and

(f) Be approved as a supervisor by the Board.

(3) A bachelor social work supervisor may only supervise an LBSW in the practice of social work.

(4) A bachelor social work supervisor may not supervise a licensed social worker for advanced licensure.

D. Licensed Master Social Worker.

(1) The Board shall approve an application filed by an LMSW to be a Board-approved supervisor that met the requirements set forth in this regulation and in accordance with Regulations .04 and .05 of this chapter.

(2) The LMSW applicant for a Board-approved supervisor shall:

(a) Obtain independent status in accordance with COMAR 10.42.02;

(b) Obtain the additional hours of experience as an LMSW in accordance with COMAR 10.42.02.

(c) File with the Board the supervisory registration form and pay the required fee;

(d) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;

(e) Meet the training requirement as set forth in Regulation .04B(1) of this chapter; and

(f) Be approved as a supervisor by the Board.

(3) An LMSW may supervise an LBSW and an LMSW in the practice of social work.

(4) An LMSW supervisor may not supervise a licensed social worker for advanced licensure.

E. Licensed Certified Social Worker.

(1) The Board shall approve an application filed by an LCSW to be a Board-approved supervisor that met the requirements set forth in this regulation and in accordance with Regulations .04 and .05 of this chapter.

(2) The LCSW applicant for Board-approved supervisor shall:

(a) Obtain 18 months of active social work experience after obtaining the certified license;

(b) File with the Board the supervisory form and pay the required fee;

(c) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;

(d) Meet the training requirement as set forth in Regulation .04B(1) of this chapter; and

(e) Be approved as a supervisor by the Board.

(3) An LCSW supervisor may supervise an LBSW and an LMSW in the practice of social work.

(4) An LCSW supervisor may not supervise an LCSW for advanced clinical licensure.

F. Licensed Certified Social Worker-Clinical.

(1) The Board shall approve an application filed by an LCSW-C to be a Board-approved supervisor that met the requirements set forth in this regulation and in accordance with Regulations .04 and .05 of this chapter.

(2) The LCSW-C applicant for Board-approved supervisor shall:

(a) Obtain 18 months of active social work experience after obtaining the certified license;

(b) File with the Board the supervisory form and pay the required fee;

(c) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;

(d) Meet the training requirement as set forth in Regulation .04B(1) of this chapter; and

(e) Be approved as a supervisor by the Board.

.04 Qualifications [, Education, and Responsibilities of] for a Board-Approved Supervisor.

[A. Qualifications.]

[(1)] A. License.

[(a)] (1) For social workers licensed by the Maryland Board of Social Work Examiners a supervisor shall hold an active license as a:

- [(i)] (a) *Bachelor social worker (LBSW)*;
- (b) *Certified Social Worker (LCSW)*; [or]
- [(ii)] (c) *Certified Social Worker-Clinical (LCSW-C)*; or
- (d) *Masters social worker (LMSW)*.

[(b)] (2) For social workers licensed by an out-of-State licensing board, a [Supervisor] *supervisor* shall hold an active license comparable to the:

- [(i)] (a) *Bachelor social worker (LBSW)*;
- (b) *Certified Social Worker (LCSW)*; [or]
- [(ii)] (c) *Certified Social Worker-Clinical (LCSW-C)*; or
- (d) *Licensed Masters Social Worker (LMSW)*.

[(2)] B. Education.

[(a)] (1) Social workers licensed by the Maryland Board of Social Work shall have:

- [(i)] (a)—[(iii)] (c) (text unchanged)

[(b)] (2) Social workers licensed as social workers by an out-of-State licensing Board at a level comparable to the *LBSW, LCSW, [or] LCSW-C, or LMSW* shall:

- [(i)] (a) Have the same qualifications under §A(2)(a) of this regulation; [or] *and*
- [(ii)] (b) Complete the education requirement within 12 months of obtaining [an] *a Maryland LBSW, LCSW,*

[or] *LCSW-C, or LMSW*.

[(c)] (3) Supervision training required in [§A(2)(a) of this regulation] *Regulation .04B(1)* shall be obtained in Category I or Category II and may include, but is not limited to:

- [(i)] (a)—[(vi)] (f) (text unchanged)

[(3)] C. Experience. A supervisor shall have completed:

- [(a)] (1)—[(b)] (2) (text unchanged)

[(c) 60] (3) 24 months of social work experience as [a] *an independent licensed [graduate] master social worker* or its equivalent before obtaining an the *LCSW or LCSW-C license or 60 months of social work experience as an LMSW or its equivalent before obtaining an LCSW or LCSW-C license*; or

[(d) 96] (4) 24 months of social work experience as [a] *an independent licensed [social work associate] bachelor social worker* or its equivalent before obtaining the *LCSW or LCSW-C license or 60 months of social work experience as an LBSW or its equivalent before obtaining an LCSW or LCSW-C license*.

[B. Additional Responsibilities. In addition to the requirements under §A of this regulation, the supervisor for advanced licensure shall:

- (1) Have filed with the Board the supervisory registration form;
- (2) Have a license that is unencumbered and without restrictions or conditions due to disciplinary action for the 5 years preceding supervisor status;
- (3) Have been approved as a supervisor by the Board; and
- (4) Have established and maintained a written contract for advanced licensure to provide supervision with the supervisee.

C. A supervisor shall be:

- (1) An agency-designated supervisor; or
- (2) An independent supervisor.]

.05 Registration.

A. A supervisor shall

- (1) *Have filed with the Board the form designated as the supervisory registration form;*
- (2) *Have a license that is unencumbered and without restrictions or conditions due to disciplinary action for the 5 years preceding supervisor status;*
- (3) *Have been approved as a supervisor by the Board; and*
- (4) *Have established and maintained a written contract, on a form provided by the Board prior to initiating supervision for advanced licensure and independent practice in order to provide supervision with the supervisee.*

B. A supervisor shall be:

- (1) *An agency-designated supervisor; or*
- (2) *An independent supervisor.*

[.03].06 Standards for Supervision.

A. (text unchanged)

B. In addition to the requirements of §A of this regulation, the supervisor shall specifically instruct and provide guidance relating to the supervisee's scope of practice of social work under Health Occupations Article, §§19-301 and 19-307, Annotated Code of Maryland, including:

(1)—(7) (text unchanged)
(8) Administrative skills; [and]
(9) Supervision; and
(10) Documentation and record keeping requirements as set forth in Health-General Article, Title 4, Annotated Code of Maryland, and in accordance with COMAR 10.42.03.

C. Supervision of Candidates for a Certified Social Worker—Clinical License. In addition to the other requirements of this regulation, the supervisor of a certified social worker-clinical candidate shall instruct and provide guidance in:

(1) Appropriate billing practices if applicable to the practice site, including:

(a) Establishment and disclosure to clients of:

(i)—(iv) (text unchanged)

(v) Terms and conditions of service; [and]

(b) Financial record keeping and disclosure; and

(c) Documentation and record keeping requirements as set forth in Health-General Article, Title 4, Annotated Code of Maryland, and in accordance with COMAR 10.42.03.

(2)—(3) (text unchanged)

D. (text unchanged)

E. A licensed [graduate] *master social worker in independent practice* may [not] provide supervision for [a] *bachelor or master social [worker] workers under the terms and conditions set forth in Regulations .04 and .05 and in accordance with COMAR 10.42.02.*

F. A licensed *bachelor social [work associate] worker* may [not] provide supervision for [a] *bachelor social [worker] workers under the terms and conditions set forth in Regulations .04 and .05 and in accordance with COMAR 10.42.02.*

[.05].07 Responsibilities of a Supervisor.

A. *A social work supervisor shall be Board-approved before providing supervision to licensed social workers for advanced practice or independent practice.*

B. *A Board-approved supervisor shall remain knowledgeable of the statutes and regulations as set forth in Health Occupations Article, Title 19, Annotated Code of Maryland and COMAR 10.42.01—10.42.09.*

[A. Responsibilities.] C. A supervisor shall:

(1)—(4) (text unchanged)

(5) Provide a *minimum of [3 hours] 1 hour* of face-to-face supervision [per month] *for every 40 hours worked [with] by each supervisee;*

(6) Ensure that a supervisee has read and is knowledgeable about Health Occupations Article, Title 19, Annotated Code of Maryland, and COMAR 10.42.01—[10.42.08] *10.42.09;*

(7) Within a reasonable period of time before termination of supervision, provide the supervisee and employer with a notice of termination to avoid or minimize any harmful effect on the supervisee's clients or patients; [and]

(8) At the time of license renewal, demonstrate to the Board completion of 3 of the required Category I or Category II continuing education units in a content area focusing on supervision training as stipulated in Regulation .04A(2)(c) of this chapter[.];

[B. Additional Responsibilities. In addition to the requirements of §A of this regulation, the supervisor for advanced licensure shall:]

[(1)] (9) Establish a written contract, [for advanced licensure] initiated before beginning supervision, *on the form provided by the Board;*

[(2)] (10)—[(6)] (14) (text unchanged)

[.07].08 Responsibilities of a Supervisee.

A. A supervisee shall:

(1) *Receive social work supervision for social work practice as set forth in Health Occupations Article, §19-101, Annotated Code of Maryland.*

[(1)] (2) Participate in a minimum of [3 hours] *1 hour* of face-to-face supervision [per month] *for every 40 hours worked with the supervisee's supervisor;*

[(2)] (3) Prepare for supervision using case materials related to the supervisee's social work practice; [and]

[(3)] (4) Maintain documentation, for at least 5 years, of the supervisory sessions, including the dates, duration, and focus of the supervisory sessions[.];

[B. A supervisee may not engage in the practice of social work independent of supervision.]

[C. In addition to the requirements of §§A and B of this regulation, the supervisee for advanced licensure:]

[(1) Shall establish] (5) *Establish* a written contract, *on a form provided by the Board,* for advanced licensure or *independent practice,* initiated before beginning supervision;

[(2) Shall attend] (6) *Attend* and participate in supervision as agreed *upon* in the written contract for advanced licensure or *independent practice;* and

[(3) May] B. *A supervisee may* contract for supervision outside of the employment setting *as approved by the agency administrator.*

[.06] .09 Group Supervision for Advanced Licensure.

A. [Only 72 hours of group supervision may count towards the 144 hours of supervision required for advanced licensure by Health Occupations Article, §19-302, Annotated Code of Maryland.] *Group supervision is an optional form of supervision and may not be used as the sole form of supervision.*

B. *Only half of the required hours of supervision may be obtained from group supervision.*

[B.] C.—[C.] D. (text unchanged)

.10 Status of Independent Practice.

The Board shall maintain an indication that the licensee is approved for independent practice on its roster of licensees on the web site.

.11 Status of Board-Approved Supervisor.

The Board shall maintain an indication that the licensee is a Board-approved supervisor on its roster of licensees on the web site.

10.42.09 Disciplinary Sanctions and Monetary Penalties

Authority: Health Occupations Article, §§19-311 and 19-311.1, Annotated Code of Maryland

10.42.09.01 (February 27, 2018)

.01 Scope.

This chapter establishes standards for sanctions and monetary penalties not exceeding [\$5,000] \$10,000 against any social worker in the State if, after a hearing, the Board finds that there are grounds under Health Occupations Article, §19-311.1, Annotated Code of Maryland, to impose a sanction or monetary penalty.

.04 Guidelines for Disciplinary Sanctions and Imposition of Penalties.

A. Subject to the provisions of this section, the Board may impose sanctions and penalties for violations of the Maryland Social Workers Act, [and its regulations] *Health Occupations Article, §19-311, Annotated Code of Maryland, and according to the guidelines set forth in the following chart:*

VIOLATION	Minimum SANCTION/PENALTY	Maximum SANCTION/PENALTY
(1) Fraudulently or deceptively obtains, or attempts to obtain a license	Active suspension for 90 days, or [\$1,000] \$2,000 fine, or both	Denial of a license application or revocation, or [\$5,000] \$10,000 fine, or both
(2) Fraudulently uses a license	Active suspension for 90 days, or [\$1,000] \$2,000 fine, or both	Denial of a license application or revocation, or [\$5,000] \$10,000 fine, or both
(3) (text unchanged)		
(4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work	Probation for 1 year, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(5) Knowingly violates any provision of Health Occupations Article, Title 19, Annotated Code of Maryland	Probation for 1 year, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work	Probation for 1 year, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(7) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(8) Is convicted of or pleads guilty or nolo contendere to a felony or crime of moral turpitude	Probation for 1 year, or [\$500] \$1,000 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(9) Provides professional services while: under the influence of alcohol; or using any narcotic or controlled dangerous substance	Probation for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both

(10) Reciprocal discipline	Reprimand, or [\$100] \$200 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(11) Practices social work with an unauthorized person or supervises or aids an unauthorized person in the practice of social work	Reprimand, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(12) Knowingly makes or files a false report in the practice of social work	Probation for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(13) Knowingly fails to file or record any report as required under law	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(14) Knowingly fails to report suspected child abuse in violation of Family Law Article, §5-704, Annotated Code of Maryland	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(15) Submits a false statement to collect a fee	Probation for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(16) Discrimination	Reprimand, or [\$100] \$200 fine, or both	Probation for 2 years, or [\$1,000] \$2,000 fine, or both
(17) Failure to cooperate with a lawful investigation conducted by the Board	Reprimand, or [\$100] \$200 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(18) Exploitation/undue influence	Active suspension for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(19) Knowingly fails to report suspected abuse or neglect of a vulnerable adult in violation of Criminal Law Article, §3-604 or 3- 605, Annotated Code of Maryland	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(20) Fails to comply with the requirements of any order entered by the Board	Reprimand, or [\$1,000] \$2,000 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(21) (text unchanged)		
(22) Sexual misconduct or boundary violations within the professional relationship	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(23) Violations of COMAR 10.42.03 Code of Ethics	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both

B.—D. (text unchanged)

.07 Civil Fines.

A. The Board may impose a civil fine of no less than \$1,000 and no more than \$50,000 against an individual who:

(1) Practices social work without a license in violation of Health Occupations Article, §19-311, Annotated Code of Maryland; or

(2) Misrepresents or implies to the public use of protected titles in violation of Health Occupations Article, §19-402, Annotated Code of Maryland.

B. Factors to be used in determining the amount of the fine may include, but are not limited to, the following:

(1) The extent to which the individual derived any financial benefit from the unauthorized practice or misrepresentation of title;

(2) The willfulness of the unauthorized practice or misrepresentation of title;

(3) Actual or potential harm caused by the unauthorized practice or misrepresentation of title;

(4) The cost of the investigation; and

(5) The length of time in which the individual engaged in the unauthorized practice or misrepresentation of title.

ROBERT R. NEALL

Secretary of Health

FEE JUSTIFICATION

(1) Explain/justify why an increase or decrease is necessary:

A revision in the statute will permit Licensed Bachelor Social Workers (LBSW) and Licensed Master Social Workers (LMSW) to become Board approved supervisors. LBSWs and LMSWs who apply to become Board approved supervisors must register with the Board and pay the required \$20 fee as set forth in COMAR 10.42.05.02A(11).

(2) How much money is needed to operate effectively or to eliminate an operating fund deficit? N/A

(3) In what year was the most recent fee increase? The last fee increase was in 2015.

(4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam? Retained

(5) Describe any measures taken to mitigate the need for increased revenue:

No measures were taken as the fee to register as a supervisor was established in 2008. It was changed from \$10 to \$20 in 2015.

(6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.

N/A

(7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.

N/A

(8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.

From February 2016 to January 2017 the following professionals took an active and crucial role in developing and drafting a bill, "State Board of Social Work Examiners – Revisions" for submission to the 2017 Legislature - Amy D. Habeger, LCSW-C, Salisbury University; Robert Anderson, LCSW-C, Department of Juvenile Services; Daphne McClellan, LCSW-C, NASW-MD Chapter; Gisele R. Ferretto, LCSW-C, University of Maryland; Gilbert Bliss, LCSW-C; Jennifer Klingler, LCSW-C, NASW-MD Chapter; Lynda Sowbel, Hood College; Michael Demidenko, LCSW-C, Howard County DSS, Terence Proctor, LGSW, Department of Juvenile Services; Michael Hyman, LCSW-C, University of MD Medical Center; Catherine Meyers; Judy Gallant, Maryland Clinical SW Coalition; Judith Schagrin, LCSW-C, Baltimore County DSS; Joel Kanter, LCSW-C; Dionne Brown-Bushrod, LCSW-C, Private Practice.

On December 8, 2017 the Board held an open forum at its Open Meeting regarding COMAR 10.42.01 and COMAR 10.42.08. The following professionals provided oral and written testimony: Daphne McClellan, Executive Director, NASW-MD Chapter; Jamie Wilson, LCSW-C, The Children's Guild; Robert Anderson, LCSW-C, Maryland Department of Juvenile Services; Arthur Flax, LCSW-C, Seante Hatcher, LCSW-C, University of Maryland School of Social Work; Gisele Ferretto, LCSW-C, University of Maryland School of Social Work; Samara Stone, LCSW-C, The Stone Foundation; Sharon Iannacone, LCSW-C, Harford County Office of Family Court Services; Heather Schultz, LGSW; Rebecca Bradley, LGSW; Christina Bullman,

On March 9, 2018 the Board held an Open Meeting and voted to accept the draft regulations. No groups were present at this meeting.