
By: **Delegates Guns, Hammen, Boutin, and Parrott**
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Social Workers Act - Revision**

3 FOR the purpose of altering the membership of and method of appointing the State
4 Board of Social Work Examiners; altering the term of the chairman and
5 secretary of the Board; requiring the Board to appoint an executive director;
6 requiring certain individuals to hold certain licenses before practicing social
7 work or clinical social work in this State; altering certain exemptions from
8 licensing; altering certain qualification, education, training, and experience
9 requirements that applicants must meet to obtain certain social work licenses;
10 altering certain application and examination procedures and requirements for
11 applicants for licenses; clarifying the scope of certain licenses to practice social
12 work; altering certain continuing education requirements for license renewals;
13 altering certain requirements and procedures for placing certain licenses on
14 inactive status for a certain period of time; authorizing the Board to fine a
15 licensee a certain amount under certain circumstances; altering certain grounds
16 for disciplinary action against applicants and licensees; altering certain
17 requirements and procedures for reinstating certain licenses under certain
18 circumstances; requiring licensees to provide certain disclosures to clients;
19 prohibiting certain acts; repealing certain obsolete provisions; defining certain
20 terms; requiring the Board, in consultation with certain agencies, to adopt
21 certain regulations by a certain date; and generally relating to the revision of
22 the Maryland Social Workers Act.

23 BY repealing and reenacting, with amendments,
24 Article - Health Occupations
25 Section 19-101, 19-102, 19-103, 19-202, 19-203, 19-204, 19-205, 19-206,
26 19-301, 19-302, 19-303, 19-304, 19-306, 19-307, 19-308, 19-311, 19-315,
27 19-401, and 19-402
28 Annotated Code of Maryland
29 (1994 Replacement Volume and 1999 Supplement)

30 BY repealing and reenacting, without amendments,
31 Article - Health Occupations
32 Section 19-201, 19-207, 19-305, 19-310, 19-312, 19-313, 19-316, 19-317,

1 19-403, 19-404, 19-407, 19-501, and 19-502
2 Annotated Code of Maryland
3 (1994 Replacement Volume and 1999 Supplement)

4 BY repealing
5 Article - Health Occupations
6 Section 19-305.1, 19-309, and 19-314
7 Annotated Code of Maryland
8 (1994 Replacement Volume and 1999 Supplement)

9 BY adding to
10 Article - Health Occupations
11 Section 19-309, 19-311.1, 19-314, and 19-318
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1999 Supplement)

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

16 **Article - Health Occupations**

17 19-101.

18 (a) In this title the following words have the meanings indicated.

19 (b) "Board" means the State Board of Social Work Examiners.

20 [(c) (1) "License" means, unless the context requires otherwise, a license
21 issued by the Board to practice social work.

22 (2) "License" includes:

23 (i) 1. A certified social worker license; or

24 2. A certified social worker-clinical license;

25 (ii) Graduate social worker license; and

26 (iii) A social work associate license.

27 (d) "Licensed social worker" means, unless the context requires otherwise, a
28 social worker who is licensed by the Board to practice social work.

29 (e) "Practice social work" means to engage professionally and for
30 compensation in the following activities while representing oneself to be a social
31 worker:

1 (1) Helping individuals, groups, or communities to enhance or restore
2 their capacity for social functioning;

3 (2) Seeking to create societal conditions favorable to this goal; and

4 (3) By the application of social work values, principles, and techniques:

5 (i) Helping people obtain tangible services;

6 (ii) Helping persons, communities, and groups provide or improve
7 social and health services; and

8 (iii) Counseling with individuals, families, and groups.

9 (f) (1) "Practice clinical social work" means to engage professionally and for
10 compensation in the application of social work principles and methods for the
11 alleviation of social, mental, and emotional conditions through treatment designed to
12 provide psychotherapy for a mental disorder.

13 (2) "Practice clinical social work" includes rendering a diagnosis based
14 on a recognized manual of mental and emotional disorders.

15 (g) "Social worker" means an individual who practices social work.]

16 (C) "CERTIFIED" MEANS HAVING DEMONSTRATED TO THE SATISFACTION OF
17 THE BOARD THAT THE INDIVIDUAL HAS COMPLETED 2 YEARS OF SUPERVISED
18 SOCIAL WORK PRACTICE AS DEFINED IN § 19-302 (D) OR (E) OF THIS TITLE.

19 (D) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, ONE OF
20 FOUR TYPES OF LICENSES ISSUED BY THE BOARD AUTHORIZING AN INDIVIDUAL TO
21 PRACTICE:

22 (1) ASSOCIATE SOCIAL WORK;

23 (2) GRADUATE SOCIAL WORK;

24 (3) CERTIFIED SOCIAL WORK; OR

25 (4) CERTIFIED SOCIAL WORK-CLINICAL.

26 (E) "LICENSED ASSOCIATE SOCIAL WORKER" MEANS AN INDIVIDUAL
27 LICENSED BY THE BOARD TO PRACTICE ASSOCIATE SOCIAL WORK.

28 (F) "LICENSED CERTIFIED SOCIAL WORKER" MEANS AN INDIVIDUAL
29 LICENSED BY THE BOARD TO PRACTICE CERTIFIED SOCIAL WORK.

30 (G) "LICENSED CERTIFIED SOCIAL WORKER-CLINICAL" MEANS AN
31 INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE CLINICAL SOCIAL WORK.

32 (H) "LICENSED GRADUATE SOCIAL WORKER" MEANS AN INDIVIDUAL
33 LICENSED BY THE BOARD TO PRACTICE GRADUATE SOCIAL WORK.

1 (I) "PRACTICE ASSOCIATE SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK
2 AT A BASIC LEVEL:

3 (1) UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL
4 WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED
5 GRADUATE SOCIAL WORKER WHO MEETS THE CONDITIONS SPECIFIED IN
6 REGULATIONS; AND

7 (2) UTILIZING THE EDUCATION AND TRAINING REQUIRED UNDER §
8 19-302(B) OF THIS TITLE.

9 (J) "PRACTICE CERTIFIED SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK
10 AT AN ADVANCED LEVEL UTILIZING THE EDUCATION, TRAINING, AND EXPERIENCE
11 REQUIRED UNDER § 19-302(D) OR (E) OF THIS TITLE.

12 (K) "PRACTICE CERTIFIED SOCIAL WORK-CLINICAL" MEANS TO PRACTICE
13 SOCIAL WORK AT AN ADVANCED LEVEL UTILIZING THE SPECIALIZED EDUCATION,
14 TRAINING, AND EXPERIENCE REQUIRED UNDER § 19-302(E) OF THIS TITLE.

15 (L) "PRACTICE GRADUATE SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK
16 AT AN ADVANCED LEVEL:

17 (1) UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL
18 WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED
19 GRADUATE SOCIAL WORKER WHO MEETS THE CONDITIONS SPECIFIED IN
20 REGULATIONS; AND

21 (2) UTILIZING THE EDUCATION AND TRAINING REQUIRED UNDER §
22 19-302(C) OF THIS TITLE.

23 (M) (1) "PRACTICE SOCIAL WORK" MEANS TO APPLY THE THEORIES,
24 KNOWLEDGE, PROCEDURES, METHODS, OR ETHICS DERIVED FROM A FORMAL
25 EDUCATIONAL PROGRAM IN SOCIAL WORK TO RESTORE OR ENHANCE SOCIAL OR
26 BIOPSYCHOSOCIAL FUNCTIONING OF INDIVIDUALS, COUPLES, FAMILIES, GROUPS,
27 ORGANIZATIONS, OR COMMUNITIES THROUGH:

28 (I) ASSESSMENT;

29 (II) FORMULATING DIAGNOSTIC IMPRESSIONS;

30 (III) PLANNING;

31 (IV) INTERVENTION;

32 (V) EVALUATION OF INTERVENTION PLANS;

33 (VI) CASE MANAGEMENT;

34 (VII) INFORMATION AND REFERRAL;

35 (VIII) COUNSELING;

- 1 (IX) ADVOCACY;
2 (X) CONSULTATION;
3 (XI) EDUCATION;
4 (XII) RESEARCH;
5 (XIII) COMMUNITY ORGANIZATION; OR
6 (XIV) DEVELOPMENT, IMPLEMENTATION, AND ADMINISTRATION OF
7 POLICIES, PROGRAMS, AND ACTIVITIES.

8 (2) FOR AN INDIVIDUAL LICENSED AS A GRADUATE SOCIAL WORKER,
9 "PRACTICE SOCIAL WORK" ALSO INCLUDES:

10 (I) SUPERVISION OF OTHER SOCIAL WORKERS IF THE GRADUATE
11 SOCIAL WORKER MEETS THE REQUIREMENTS SET OUT IN REGULATIONS; AND

12 (II) TREATMENT OF PSYCHOSOCIAL CONDITIONS AND MENTAL
13 DISORDERS AND THE PROVISION OF PSYCHOTHERAPY UNDER THE DIRECT
14 SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL.

15 (3) FOR AN INDIVIDUAL LICENSED AS A CERTIFIED SOCIAL WORKER,
16 "PRACTICE SOCIAL WORK" ALSO INCLUDES:

17 (I) SUPERVISION OF OTHER SOCIAL WORKERS;

18 (II) TREATMENT OF PSYCHOSOCIAL CONDITIONS AND MENTAL
19 DISORDERS AND THE PROVISION OF PSYCHOTHERAPY UNDER THE DIRECT
20 SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL; AND

21 (III) ADDITIONAL METHODS AND PROCEDURES FOR WHICH THE
22 SOCIAL WORKER HAS RECEIVED SPECIALIZED TRAINING AND DEMONSTRATED
23 COMPETENCE TO PERFORM.

24 (4) FOR AN INDIVIDUAL LICENSED AS A CERTIFIED SOCIAL
25 WORKER-CLINICAL, " PRACTICE SOCIAL WORK" ALSO INCLUDES:

26 (I) SUPERVISION OF OTHER SOCIAL WORKERS;

27 (II) EVALUATION, DIAGNOSIS, AND TREATMENT OF PSYCHOSOCIAL
28 CONDITIONS AND MENTAL DISORDERS AS DEFINED IN § 10-101(F) OF THE HEALTH -
29 GENERAL ARTICLE;

30 (III) THE PROVISION OF PSYCHOTHERAPY; AND

31 (IV) ADDITIONAL METHODS AND PROCEDURES FOR WHICH THE
32 SOCIAL WORKER HAS RECEIVED SPECIALIZED TRAINING AND DEMONSTRATED
33 COMPETENCE TO PERFORM.

1 (N) "PSYCHOTHERAPY" MEANS A METHOD FOR THE TREATMENT OF MENTAL
2 DISORDERS AND OTHER CONDITIONS WITHIN A SPECIALIZED, FORMAL INTERACTION
3 BETWEEN A LICENSED SOCIAL WORKER AND AN INDIVIDUAL, FAMILY, OR GROUP IN
4 WHICH A THERAPEUTIC RELATIONSHIP IS ESTABLISHED TO UNDERSTAND
5 UNCONSCIOUS PROCESSES, INTRAPERSONAL, INTERPERSONAL, AND PSYCHOSOCIAL
6 DYNAMICS.

7 (O) "SUPERVISION" MEANS A FORMALIZED PROFESSIONAL RELATIONSHIP
8 BETWEEN A SUPERVISOR AND A SUPERVISEE THAT:

9 (1) PROVIDES EVALUATION AND DIRECTION OF THE SUPERVISEE; AND

10 (2) PROMOTES CONTINUED DEVELOPMENT OF THE SUPERVISEE'S
11 KNOWLEDGE, SKILLS, AND ABILITIES TO PROVIDE SOCIAL WORK SERVICES IN AN
12 ETHICAL AND COMPETENT MANNER.

13 19-102.

14 (a) The General Assembly finds that the profession of social work profoundly
15 affects the lives [and], health, SAFETY, AND WELFARE of the people of this State.

16 (b) The purpose of this title is to protect the public by:

17 (1) Setting MINIMUM qualification, education, training, and experience
18 standards for [social workers] THE LICENSING OF INDIVIDUALS TO PRACTICE
19 SOCIAL WORK; and

20 (2) Promoting AND MAINTAINING high professional standards for the
21 practice of social work.

22 19-103.

23 [(a)] This title does not limit the right of an individual to practice a health
24 occupation that the individual is authorized to practice under this article.

25 [(b)] This title may not be construed to authorize any person licensed as a social
26 worker to engage in the practice of medicine.]

27 19-201.

28 There is a State Board of Social Work Examiners in the Department.

29 19-202.

30 (a) (1) The Board consists of [7] 11 members.

31 (2) Of the [7] 11 Board members:

32 (i) [5] 9 shall be licensed social workers of whom:

33 1. 1 is a licensed social work associate;

1 2. 1 IS A LICENSED GRADUATE SOCIAL WORKER AT THE
2 TIME OF APPOINTMENT;
3 3. AT LEAST 1 IS A LICENSED CERTIFIED SOCIAL WORKER;
4 4. AT LEAST 4 ARE LICENSED CERTIFIED SOCIAL
5 WORKERS-CLINICAL; AND
6 5. 1 IS A LICENSED SOCIAL WORKER EMPLOYED BY THE
7 DEPARTMENT OF HUMAN RESOURCES; and

8 (ii) 2 shall be consumer members.

9 [(3) The Governor shall appoint one licensed social worker member from
10 a list of qualified individuals submitted to the Governor by the Maryland Chapter of
11 the National Association of Social Workers, Inc.

12 (4) The Governor shall appoint one licensed social worker member from
13 a list of qualified individuals submitted to the Governor by the Metropolitan
14 Washington Chapter of the National Association of Social Workers, Inc.

15 (5) The Governor shall appoint the other 3 licensed social worker
16 members.

17 (6) The Governor shall appoint the consumer members with the advice of
18 the Secretary and the advice and consent of the Senate.]

19 (3) THE GOVERNOR SHALL APPOINT ALL MEMBERS OF THE BOARD WITH
20 THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE SENATE.

21 (4) THE GOVERNOR SHALL APPOINT ALL SOCIAL WORK MEMBERS OF
22 THE BOARD FROM A LIST OF NOMINEES CONTAINING NAMES SUBMITTED BY:

23 (I) PROFESSIONAL SOCIAL WORK ASSOCIATIONS IN THE STATE;

24 (II) ANY PERSON WHO PROVIDES A STATEMENT OF NOMINATION
25 SIGNED BY AT LEAST 25 SOCIAL WORKERS LICENSED IN THE STATE; OR

26 (III) THE SECRETARIES OF PUBLIC AGENCIES OF THE STATE WHERE
27 SOCIAL WORKERS ARE EMPLOYED.

28 [(b) (1) At a meeting held by the Maryland Chapter of the National
29 Association of Social Workers, Inc. called to choose nominees for a social worker
30 vacancy on the Board, a majority of the social workers present at the meeting shall
31 choose the list of names of social worker nominees to the Board for submission to the
32 Governor.

33 (2) At a meeting held by the Metropolitan Washington Chapter of the
34 National Association of Social Workers, Inc. called to choose nominees for a social
35 worker vacancy on the Board, a majority of the social workers present at the meeting

1 shall choose the list of names of social worker nominees to the Board for submission to
2 the Governor.

3 (3) At least 2 weeks before a meeting is held under this subsection, the
4 secretaries of the appropriate associations shall publish in their association
5 newsletter and in a daily newspaper of general circulation in the State of Maryland a
6 notice that states the time, place, and purpose of the meeting.

7 (c)] (B) Each member of the Board shall be a resident of this State.

8 [(d)] (C) Each consumer member of the Board:

9 (1) Shall be a member of the general public;

10 (2) May not be or ever have been a social worker or in training to become
11 a social worker;

12 (3) May not have a household member who is a social worker or in
13 training to become a social worker;

14 (4) May not participate or ever have participated in a commercial or
15 professional field related to social work;

16 (5) May not have a household member who participates in a commercial
17 or professional field related to social work; and

18 (6) May not have had within 2 years before appointment a substantial
19 financial interest in a person regulated by the Board OR A PERSON THAT EMPLOYS A
20 PERSON REGULATED BY THE BOARD.

21 [(e) (1) Except for the licensed social work associate member, two of the
22 social worker members of the Board shall have at least 5 years experience as a
23 licensed social worker employed in a public or private not for profit sector service
24 delivery agency.

25 (2) Except for the licensed social work associate member, all social
26 worker members of the Board shall have been actively employed in the field of social
27 work for at least the 5 years immediately preceding the appointment.]

28 (D) EXCEPT FOR THE LICENSED SOCIAL WORKER ASSOCIATE MEMBER, EACH
29 SOCIAL WORKER MEMBER OF THE BOARD SHALL HAVE BEEN LICENSED IN THE
30 STATE FOR 5 YEARS IMMEDIATELY PRECEDING THE APPOINTMENT AND ACTIVELY
31 EMPLOYED IN THE FIELD OF SOCIAL WORK FOR AT LEAST 3 OF THE 5 YEARS
32 IMMEDIATELY PRECEDING THE APPOINTMENT.

33 [(f) (E) While a member of the Board, a consumer member may not have a
34 substantial financial interest in a person regulated by the Board OR A PERSON THAT
35 EMPLOYS A PERSON REGULATED BY THE BOARD.

1 [(g)] (F) Before taking office, each appointee to the Board shall take the oath
2 required by Article I, § 9 of the State Constitution.

3 [(h)] (G) (1) The term of a member is 4 years.

4 (2) The terms of members are staggered as required by the terms
5 provided for members of the Board on July 1, 1981.

6 (3) At the end of a term, a member continues to serve until a successor is
7 appointed and qualifies.

8 (4) A member who is appointed after a term has begun serves only for
9 the rest of the term and until a successor is appointed and qualifies.

10 (5) A member may not serve more than 2 consecutive full terms.

11 (6) To the extent practicable, the Governor shall fill any vacancy on the
12 Board within 60 days of the date of the vacancy.

13 [(i)] (H) (1) The Governor may remove a member for incompetence,
14 misconduct, or neglect of duty.

15 (2) Upon the recommendation of the Secretary, the Governor may
16 remove a member whom the Secretary finds to have been absent from 2 successive
17 Board meetings without adequate reason.

18 19-203.

19 (a) From among its members, the Board shall elect a chairman and a
20 secretary EVERY 2 YEARS.

21 (b) The Board shall determine:

22 (1) The manner of election of [officers;] THE CHAIRMAN AND
23 SECRETARY; AND

24 [(2) The term of office of each officer; and

25 (3)] (2) The duties of each officer.

26 19-204.

27 (a) A majority of the full authorized membership of the Board is a quorum to
28 do business.

29 (b) The Board shall meet at least once a year, at the times and places that it
30 determines.

31 (c) Each member of the Board is entitled to reimbursement for expenses at a
32 rate determined by the Board.

- 1 (d) The Board may employ a staff in accordance with the budget of the Board.
- 2 (E) (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR.
- 3 (2) THE EXECUTIVE DIRECTOR:
- 4 (I) SERVES AT THE PLEASURE OF THE BOARD;
- 5 (II) IS THE EXECUTIVE OFFICER OF THE BOARD; AND
- 6 (III) HAS THE POWERS AND DUTIES ASSIGNED BY THE BOARD.
- 7 19-205.

8 In addition to the powers and duties set forth elsewhere in this title, the Board
9 has the following powers and duties:

- 10 (1) To adopt rules and regulations to carry out the provisions of this title;
- 11 (2) To adopt a code of ethics;
- 12 (3) To adopt an official seal;
- 13 (4) To hold hearings and keep records and minutes necessary for the
14 orderly conduct of business; and
- 15 (5) To issue a list annually of all currently licensed social workers AND
16 ALL SOCIAL WORKERS DISCIPLINED BY THE BOARD IN THE PAST YEAR IN
17 ACCORDANCE WITH § 10-617(H) OF THE STATE GOVERNMENT ARTICLE.

18 19-206.

19 (a) There is a State Board of Social Work Examiners Fund.

20 (b) (1) The Board may set reasonable fees for the issuance and renewal of
21 licenses and its other services.

22 (2) The fees charged shall be set to produce funds so as to approximate
23 the cost of maintaining the Board.

24 (3) The Board may set [different fees and renewal fees for different
25 licenses] FEES FOR THE ISSUANCE AND RENEWAL OF EACH TYPE OF LICENSE .

26 (4) Funds to cover the expenses of the Board members shall be generated
27 by fees set under this section.

28 (c) An [examination] APPLICATION fee may be charged by the Board.

29 (d) The Board shall provide a list of the fees set under this section to each
30 applicant for a license.

1 (e) (1) The Board shall pay all funds collected under this title to the
2 Comptroller of the State.

3 (2) The Comptroller shall distribute the fees to the State Board of Social
4 Work Examiners Fund.

5 (f) (1) The Fund shall be used to cover the actual documented direct and
6 indirect costs of fulfilling the statutory and regulatory duties of the Board as provided
7 by the provisions of this article.

8 (2) The Fund is a continuing nonlapsing fund, not subject to § 7-302 of
9 the State Finance and Procurement Article.

10 (3) Any unspent portions of the Fund may not be transferred or revert to
11 the General Fund of the State, but shall remain in the Fund to be used for the
12 purposes specified in this article.

13 (4) No other State money may be used to support the Fund.

14 (g) (1) A designee of the Board shall administer the Fund.

15 (2) Moneys in the Fund may be expended only for any lawful purpose
16 authorized under the provisions of this article.

17 (h) The Legislative Auditor shall audit the accounts and transactions of the
18 Fund as provided in § 2-1220 of the State Government Article.

19 19-207.

20 A person shall have the immunity from liability described under § 5-718 of the
21 Courts and Judicial Proceedings Article for giving information to the Board or
22 otherwise participating in its activities.

23 19-301.

24 (a) Except as otherwise provided in this title, an individual shall be
25 [licensed]:

26 (1) LICENSED by the Board before the individual may practice social
27 work in this State WHILE REPRESENTING ONESELF AS A SOCIAL WORKER;

28 (2) LICENSED AS A CERTIFIED SOCIAL WORKER-CLINICAL BEFORE THE
29 INDIVIDUAL MAY PRACTICE CLINICAL SOCIAL WORK IN THIS STATE.

30 (b) This section does not apply to:

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

1 (2) Any individual who does not use any title, abbreviation, sign, card, or
2 other representation that the individual is a "social worker" or is engaged in the
3 practice of "social work";

4 (3) A student while pursuing a supervised course of study in social work
5 that the Board approves as qualifying training and experience under this title;

6 (4) An individual who recently has become a resident of this State and
7 has an application for a license pending before the Board; or

8 (5) An individual who is an attorney or a member of the clergy:

9 (i) While the individual is working within the standards and ethics
10 of the individual's respective profession; and

11 (ii) If the individual does not represent to the public by title or
12 description of services that the individual is a social worker]

13 (2) AN INDIVIDUAL LICENSED AS A SOCIAL WORKER IN ANOTHER STATE
14 WHILE RESPONDING TO AN EMERGENCY IN THIS STATE.

15 19-302.

16 (a) To qualify for a license, an applicant shall be an individual of good moral
17 character and who meets the applicable requirements of this section.

18 (b) An applicant for a social work associate license shall have a baccalaureate
19 degree:

20 (1) From an accredited college or university; and

21 (2) Based on a social work program accredited by the Council on Social
22 Work Education.

23 (c) An applicant for a graduate social worker license shall have:

24 (1) A master's degree from an accredited college or university and based
25 on a graduate social work program accredited by the Council on Social Work
26 Education; or

27 (2) A doctorate degree in social work from an accredited college or
28 university.

29 (d) (1) An applicant for a certified social worker license shall have:

30 (i) A master's degree from an accredited college or university and
31 based on a graduate social work program accredited by the Council on Social Work
32 Education; and

33 (ii) 2 years of social work experience as a social worker where
34 face-to-face supervision is part of the employment contract and the supervisor is a

1 licensed certified social worker and is provided by and accountable to the employer
2 after receiving the master's degree.

3 (2) An applicant for a certified social worker-clinical license shall have:

4 (i) A master's degree in social work and documentation of clinical
5 course work from an accredited college or university and based on a graduate social
6 work program accredited by the Council on Social Work Education; and

7 (ii) 2 years of supervised clinical social work experience of at least
8 3,000 hours after receiving the master's degree with a minimum of 144 hours of
9 periodic direct face-to-face supervision provided in not less than 2 consecutive years
10 and not more than 6 consecutive years and where the supervision is part of the
11 employment contract and the supervisor is a licensed certified social worker-clinical
12 and is provided by and accountable to the employer.

13 (e) Except as otherwise provided in this title, the applicant shall pass an
14 appropriate examination given by the Board under this subtitle.

15 (f) In determining the qualifications of a license applicant who applied for an
16 original license before December 31, 1978, the Board shall recognize equivalent
17 academic requirements for subsections (b), (c), and (d)(1)(i) of this section. The
18 equivalent academic requirements shall include degree programs from accredited
19 colleges or universities that have:

20 (1) Related academic curricula in areas other than social work, including
21 psychology and counseling; and

22 (2) As part of the degree program, field work experience in the practice
23 of social work in a licensed social service agency.]

24 (A) TO OBTAIN A LICENSE, AN APPLICANT SHALL DEMONSTRATE TO THE
25 SATISFACTION OF THE BOARD THAT THE APPLICANT:

26 (1) HAS SUBMITTED A COMPLETE WRITTEN APPLICATION IN THE FORM
27 PRESCRIBED BY THE BOARD;

28 (2) IS AT LEAST 18 YEARS OLD;

29 (3) IS OF GOOD MORAL CHARACTER;

30 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, HAS
31 SUCCESSFULLY PASSED AN EXAMINATION OR EXAMINATIONS PRESCRIBED BY THE
32 BOARD PERTINENT TO THE LICENSE SOUGHT; AND

33 (5) HAS PAID ALL APPLICABLE FEES SPECIFIED BY THE BOARD
34 RELATIVE TO THE LICENSURE PROCESS.

35 (B) TO OBTAIN A SOCIAL WORK ASSOCIATE LICENSE, AN APPLICANT SHALL:

1 (1) MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION;
2 AND

3 (2) HAVE RECEIVED A BACCALAUREATE DEGREE IN SOCIAL WORK
4 FROM A PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION.

5 (C) TO OBTAIN A GRADUATE SOCIAL WORKER LICENSE, AN APPLICANT SHALL:

6 (1) MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION;
7 AND

8 (2) HAVE RECEIVED A MASTER'S DEGREE FROM A PROGRAM
9 ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION.

10 (D) TO OBTAIN A CERTIFIED SOCIAL WORKER LICENSE, AN APPLICANT SHALL:

11 (1) MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION;

12 (2) HAVE RECEIVED A MASTER'S DEGREE FROM A PROGRAM
13 ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION; AND

14 (3) PROVIDE IN A FORM PRESCRIBED BY THE BOARD, DOCUMENTATION
15 OF HAVING COMPLETED 2 YEARS OF SUPERVISED EXPERIENCE AS A LICENSEE IN
16 THE PRACTICE OF SOCIAL WORK UNDER THE TERMS AND CONDITIONS THAT THE
17 BOARD DETERMINES BY REGULATION.

18 (E) TO OBTAIN A CERTIFIED SOCIAL WORKER-CLINICAL LICENSE, AN
19 APPLICANT SHALL:

20 (1) MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION;

21 (2) HAVE RECEIVED A MASTER'S DEGREE IN SOCIAL WORK AND
22 DOCUMENTATION OF CLINICAL COURSE WORK FROM A PROGRAM ACCREDITED BY
23 THE COUNCIL ON SOCIAL WORK EDUCATION; AND

24 (3) PROVIDE IN A FORM PRESCRIBED BY THE BOARD, DOCUMENTATION
25 OF HAVING COMPLETED 2 YEARS OF SUPERVISED EXPERIENCE AS A LICENSEE IN
26 THE ASSESSMENT, FORMULATION OF A DIAGNOSTIC IMPRESSION, AND TREATMENT
27 OF MENTAL DISORDERS OR OTHER CONDITIONS AND THE PROVISION OF
28 PSYCHOTHERAPY UNDER THE TERMS AND CONDITIONS THAT THE BOARD
29 DETERMINES BY REGULATION.

30 [(g) (1)] (F) If the supervision required for a certified social worker license
31 under [subsection (d)(1)] SUBSECTION (D)(3) of this section was not available to the
32 applicant while the applicant was obtaining the required 2 years of experience, the
33 Board may waive the supervision requirement on the request of the applicant.

34 [(2) Until January 1, 2000, on the request of an applicant, the Board may
35 grant the applicant a waiver of supervision by a licensed certified social
36 worker-clinical if the applicant obtained the supervision required for a certified social

1 worker-clinical license under subsection (d)(2)(ii) of this section in a setting in which
2 a licensed certified social worker-clinical was not available to provide the supervision
3 and the supervision was provided by a licensed certified social worker who has
4 practiced for at least 5 years.

5 (h)] (G) If an applicant who is licensed or registered to practice social work in
6 another state has obtained 2 years of supervised experience [outside an employment
7 contract] under circumstances that are otherwise equivalent to those required under
8 subsection (d) of this section, the Board may waive the SUPERVISION requirement
9 [that the supervision be part of an employment contract].

10 19-303.

11 (A) To apply for a license, an applicant shall:

12 (1) Submit an application to the Board on the form that the Board
13 requires; and

14 (2) Pay to the Board the application fee set by the Board.

15 (B) THE BOARD SHALL:

16 (1) REVIEW EACH APPLICATION; AND

17 (2) NOTIFY EACH APPLICANT WHETHER THE APPLICANT HAS BEEN
18 APPROVED TO TAKE THE PERTINENT LICENSURE EXAMINATION WITHIN A
19 REASONABLE TIME FRAME AS DEFINED IN REGULATIONS.

20 19-304.

21 [(a) An applicant who otherwise qualifies for a license is entitled to be
22 examined for that license as provided in this section.

23 (b) The Board shall give examinations to applicants for each category of
24 license at least twice a year, at the times and places that the Board determines.

25 (c) The Board shall notify each qualified applicant of the time and place of
26 examination.

27 (d) (1) The Board shall determine the subjects, scope, form, and passing
28 score for each examination given under this subtitle.

29 (2) The examinations given under this subtitle shall be free of cultural
30 bias.

31 (e) (1) The Board may not limit the number of times an applicant may take
32 an examination required under this subtitle.

33 (2) The applicant shall pay to the Board a reexamination fee set by the
34 Board for each reexamination.]

1 (A) AN APPROVED APPLICANT IS ENTITLED TO BE EXAMINED FOR LICENSURE
2 AS PROVIDED IN THIS SECTION.

3 (B) THE BOARD SHALL ENSURE THAT A BOARD-APPROVED EXAMINATION FOR
4 EACH CATEGORY OF LICENSE IS MADE AVAILABLE FOR AN APPLICANT TO TAKE AT
5 LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

6 (C) THE BOARD SHALL NOTIFY EACH APPROVED APPLICANT OF THE
7 PROCEDURES FOR TAKING THE EXAMINATION.

8 (D) (1) THE BOARD SHALL APPROVE THE SUBJECTS, SCOPE, FORM, AND
9 PASSING SCORE FOR EACH TYPE OF EXAMINATION GIVEN UNDER THIS SUBTITLE.

10 (2) THE EXAMINATIONS GIVEN UNDER THIS SUBTITLE SHALL STRIVE TO
11 BE FREE OF CULTURAL BIAS.

12 (E) (1) THE BOARD, BY REGULATION, MAY LIMIT:

13 (I) THE NUMBER OF TIMES AN APPLICANT MAY BE REEXAMINED
14 AFTER FAILING AN EXAMINATION REQUIRED UNDER THIS SUBTITLE; AND

15 (II) THE INTERVAL BETWEEN REEXAMINATIONS.

16 (2) IF AN APPLICANT IS PERMITTED TO BE REEXAMINED UNDER
17 PARAGRAPH (1) OF THIS SUBSECTION, THE APPLICANT SHALL PAY A FEE TO THE
18 EXAMINING BODY APPROVED BY THE BOARD.

19 (f) Notwithstanding the provisions of § 19-302 of this subtitle, an applicant
20 for a certified social worker license or a certified social worker-clinical license who
21 was enrolled in a doctoral program on October 1, 1992 and has remained continuously
22 enrolled in a doctoral program and who otherwise qualifies for the applicable license
23 is entitled to be examined for that license as provided in this section.

24 (G) THE EXAMINATION SHALL BE PREPARED TO MEASURE THE COMPETENCE
25 OF THE APPLICANT TO ENGAGE IN THE PERTINENT PRACTICE OF SOCIAL WORK.

26 (H) IN THE PREPARATION, ADMINISTRATION, AND GRADING OF AN
27 EXAMINATION, THE BOARD MAY EMPLOY, COOPERATE, OR CONTRACT WITH AN
28 ORGANIZATION OR CONSULTANT.

29 19-305.

30 (a) Subject to the provisions of this section, the Board shall waive the
31 examination requirements of this title for an applicant who is licensed or registered to
32 practice social work in any other state.

33 (b) The Board may grant a waiver under this section only if the applicant:

34 (1) Pays the application fee required by the Board under § 19-303 of this
35 subtitle;

- 1 (2) Provides adequate evidence that the applicant:
- 2 (i) Meets the qualifications otherwise required by this title; and
- 3 (ii) Became licensed or registered in the other state after passing in
4 that or any other state an examination that is similar to the examination for which
5 the applicant is seeking the waiver; and
- 6 (3) Did not previously receive a waiver of the examination requirement
7 from the Board.

8 [19-305.1.

9 Until January 1, 1995, the Board shall waive the examination requirements of
10 this title for an applicant for a certified social worker-clinical license if the applicant:

- 11 (1) Pays the application fee required by the Board under § 19-303 of this
12 subtitle;
- 13 (2) Was a licensed certified social worker on July 1, 1993; and
- 14 (3) Was eligible for inclusion on the vendorship list maintained by the
15 Board on July 1, 1993.]

16 19-306.

17 (a) The Board shall issue a license to any applicant who meets the
18 requirements of this title.

19 (b) The Board shall include on each license that the Board issues:

- 20 (1) The kind of license;
- 21 (2) The full name of the licensee;
- 22 (3) A serial number;
- 23 (4) The signatures of the chairman and the secretary of the Board; [and]
- 24 (5) The seal of the Board; AND
- 25 (6) THE ORIGINAL DATE OF ISSUANCE.

26 (c) The Board [may] SHALL issue a license to replace a lost, destroyed, or
27 mutilated license if the licensee pays the license replacement fee set by the Board
28 AND DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT THE LICENSE WAS
29 LOST, DESTROYED, OR MUTILATED.

1 19-307.

2 (a) Subject to the provisions of subsections (b) and (c) of this section, a license
3 authorizes the licensee to practice social work while the license is effective.

4 [(b) A licensed social work associate may not make a clinical diagnosis of
5 mental and emotional disorders or engage in the practice of psychotherapy.

6 (c) (1) (i) Except as authorized by the Board, a licensed social work
7 associate may engage in the private practice of social work only under the direct
8 supervision of a licensed certified social worker or a licensed certified social
9 worker-clinical.

10 (ii) The Board may not authorize a licensed social work associate
11 with less than 2 years experience to engage in the private practice of social work
12 without the direct supervision of a licensed certified social worker or a licensed social
13 worker-clinical.

14 (2) Except as authorized by the Board through regulation, a licensed
15 graduate social worker may engage in the practice of social work only under the
16 supervision of a licensed certified social worker or a licensed certified social
17 worker-clinical.]

18 (B) A LICENSED SOCIAL WORKER MAY PRACTICE SOCIAL WORK ONLY WITHIN
19 THE SCOPE OF THE SPECIFIC TYPE OF LICENSE ISSUED BY THE BOARD.

20 (C) (1) A LICENSED ASSOCIATE SOCIAL WORKER MAY NOT:

21 (I) PRACTICE SOCIAL WORK WITHOUT THE SUPERVISION OF A
22 LICENSED CERTIFIED SOCIAL WORKER, LICENSED CERTIFIED SOCIAL
23 WORKER-CLINICAL, OR LICENSED GRADUATE SOCIAL WORKER WHO MEETS THE
24 REQUIREMENTS SPECIFIED IN THE REGULATIONS;

25 (II) MAKE A CLINICAL DIAGNOSIS OF A MENTAL OR EMOTIONAL
26 DISORDER; OR

27 (III) PROVIDE PSYCHOTHERAPY.

28 (2) A LICENSED GRADUATE SOCIAL WORKER MAY NOT:

29 (I) PRACTICE GRADUATE SOCIAL WORK WITHOUT THE
30 SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER, LICENSED CERTIFIED
31 SOCIAL WORKER-CLINICAL, OR LICENSED GRADUATE SOCIAL WORKER WHO MEETS
32 THE REQUIREMENTS SPECIFIED IN THE REGULATIONS;

33 (II) TREAT MENTAL OR EMOTIONAL DISORDERS OR PROVIDE
34 PSYCHOTHERAPY WITH OUT THE DIRECT SUPERVISION OF A LICENSED CERTIFIED
35 SOCIAL WORKER-CLINICAL; OR

36 (III) DIAGNOSE A MENTAL DISORDER.

1 (3) A LICENSED CERTIFIED SOCIAL WORKER MAY NOT:

2 (I) TREAT MENTAL OR EMOTIONAL DISORDERS OR PROVIDE
3 PSYCHOTHERAPY WITHOUT THE DIRECT SUPERVISION OF A LICENSED CERTIFIED
4 SOCIAL WORKER-CLINICAL; OR

5 (II) DIAGNOSE A MENTAL DISORDER.

6 19-308.

7 (a) A license expires on the date set by the Board, unless the license is
8 renewed for an additional term as provided in this section. A license may not be
9 renewed for a term longer than 2 years.

10 (b) At least 1 month before the license expires, the Board shall send to the
11 licensee, by first class mail to the last known address of the licensee, a renewal notice
12 that states:

13 (1) The date on which the current license expires;

14 (2) The date by which the renewal application must be received by the
15 Board for the renewal to be issued and mailed before the license expires; and

16 (3) The amount of the renewal fee.

17 (c) Each licensee shall notify the Board of any change in the address of the
18 licensee WITHIN 60 DAYS AFTER THE CHANGE OCCURS.

19 (d) Before the license expires, the licensee periodically may renew it for an
20 additional 2-year term, if the licensee:

21 (1) Otherwise is entitled to be licensed;

22 (2) Pays to the Board the appropriate renewal fee specified by this
23 subtitle; and

24 (3) Submits to the Board:

25 (i) A renewal application on the form that the Board requires; and

26 (ii) Satisfactory evidence of compliance with any continuing
27 education requirement set under this section for license renewal.

28 [(e) (1) For each area of specialization in the practice of social work, the
29 Board shall establish continuing education requirements as a condition to the
30 renewal of licenses under this section.

31 (2) The Board shall standardize the continuing education requirements
32 within each area of specialization and within each type of license.

1 (f) (E) (1) The Board shall renew the license of and issue a renewal
2 certificate to each licensee who meets the requirements of this section.

3 (2) The Board shall include the term of the renewal on each renewal
4 certificate that the Board issues.

5 [19-309.

6 (a) (1) The Board shall place a licensee on inactive status, if the licensee
7 submits to the Board:

8 (i) An application for inactive status on the form required by the
9 Board; and

10 (ii) The inactive status fee set by the Board.

11 (2) The Board shall issue a license to an individual who is on inactive
12 status if the individual complies with the renewal requirements that are in effect
13 when the individual requests the reactivation of the license.

14 (b) The Board, in accordance with its rules and regulations, may reinstate the
15 license of a social worker who:

16 (1) Has not placed the license on an inactive status; and

17 (2) Has failed to renew the license for any reason.]

18 19-309.

19 (A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS FOR A
20 MAXIMUM OF 5 YEARS, IF THE LICENSEE SUBMITS TO THE BOARD:

21 (I) A WRITTEN APPLICATION FOR INACTIVE STATUS IN A FORM
22 PRESCRIBED BY THE BOARD; AND

23 (II) THE INACTIVE STATUS FEE SET BY THE BOARD.

24 (2) THE BOARD SHALL PROVIDE A LICENSEE WHO HAS COMPLIED WITH
25 THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION WITH WRITTEN
26 NOTIFICATION OF:

27 (I) THE DATE THAT THE LICENSEE'S INACTIVE STATUS BECOMES
28 EFFECTIVE;

29 (II) THE DATE THAT THE LICENSEE'S INACTIVE STATUS EXPIRES;
30 AND

31 (III) THE CONSEQUENCES OF NOT RESUMING ACTIVE STATUS
32 BEFORE EXPIRATION OF INACTIVE STATUS.

1 (3) THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL ON
2 INACTIVE STATUS WHO:

3 (I) COMPLIES WITH THE RENEWAL REQUIREMENTS THAT ARE IN
4 EFFECT WHEN THE INDIVIDUAL REQUESTS THE REACTIVATION OF THE LICENSE;

5 (II) HAS COMPLETED THE NUMBER OF CREDIT HOURS OF
6 APPROVED CONTINUING EDUCATION IN SOCIAL WORK SET BY THE BOARD IN THE 2
7 YEARS PRECEDING THE LICENSEE'S APPLICATION FOR AN ACTIVE LICENSE; AND

8 (III) HAS BEEN ON INACTIVE STATUS FOR LESS THAN 5 YEARS.

9 (B) A SOCIAL WORKER WHOSE INACTIVE LICENSE EXPIRES BEFORE THE
10 SOCIAL WORKER RETURNS TO ACTIVE LICENSURE SHALL MEET THE
11 REINSTATEMENT REQUIREMENTS OF § 19-314 OF THIS SUBTITLE.

12 (C) (1) A SOCIAL WORKER WHO IS ON INACTIVE STATUS AS OF OCTOBER 1,
13 2000 SHALL HAVE A 5-YEAR PERIOD DURING WHICH TO CONTINUE ON INACTIVE
14 STATUS FOLLOWING NOTIFICATION BY THE BOARD.

15 (2) A SOCIAL WORKER WHO FAILS TO RETURN TO ACTIVE LICENSURE
16 WITHIN THAT 5-YEAR PERIOD SHALL MEET THE REINSTATEMENT REQUIREMENTS
17 OF § 19-314 OF THIS SUBTITLE.

18 19-310.

19 (a) Unless the Board agrees to accept the surrender of a license, a licensed
20 social worker may not surrender the license nor may the license lapse by operation of
21 law while the licensee is under investigation or while charges are pending against the
22 social worker.

23 (b) The Board may set conditions on its agreement with the social worker
24 under investigation or against whom charges are pending to accept surrender of the
25 social worker's license.

26 19-311.

27 Subject to the hearing provisions of § 19-312 of this subtitle, the Board may
28 deny a license to any applicant, FINE A LICENSEE, reprimand any licensee, place any
29 licensee on probation, or suspend or revoke a license if the applicant or licensee:

30 (1) Obtained or attempted to obtain a license for the applicant or licensee
31 or for another through fraud, deceit, or misrepresentation;

32 (2) Fraudulently or deceptively uses a license;

33 (3) Is [currently adjudicated by a court to be] mentally OR PHYSICALLY
34 incompetent;

35 (4) Commits any act of gross negligence, incompetence, or misconduct in
36 the practice of social work;

- 1 (5) Knowingly violates any provision of this title;
- 2 (6) Engages in a course of conduct that is inconsistent with generally
3 accepted professional standards in the practice of social work;
- 4 (7) Violates [the code of ethics] ANY PROVISION OF THIS TITLE OR
5 REGULATIONS GOVERNING THE PRACTICE OF SOCIAL WORK adopted and published
6 by the Board;
- 7 (8) Is convicted of or pleads guilty or nolo contendere to a felony or to a
8 crime involving moral turpitude, whether or not any appeal or other proceeding is
9 pending to have the conviction or plea set aside;
- 10 (9) Provides professional services while:
- 11 (i) Under the influence of alcohol; or
- 12 (ii) Using any narcotic or controlled dangerous substance, as
13 defined in Article 27 of the Code, or other drug that is in excess of [therapeutic]
14 PRESCRIBED amounts or without valid medical indication;
- 15 (10) Is disciplined by a licensing or disciplinary authority of any [other
16 state or country or convicted or disciplined by a court of any state or country] STATE,
17 COUNTRY, BRANCH OF THE ARMED SERVICES, OR VETERANS' ADMINISTRATION for an
18 act that would be grounds for disciplinary action under [the Board's disciplinary
19 statutes] THIS SECTION;
- 20 (11) Practices social work with an unauthorized person or supervises or
21 aids an unauthorized person in the practice of social work;
- 22 (12) [Willfully] KNOWINGLY makes or files a false report or record in the
23 practice of social work;
- 24 (13) [Willfully] KNOWINGLY fails to file or record any report as required
25 by law, willfully impedes or obstructs the filing or recording of the report, or induces
26 another to fail to file the report;
- 27 (14) Submits a false statement to collect a fee;
- 28 (15) Knowingly fails to report suspected child abuse in violation of § 5-704
29 of the Family Law Article;
- 30 (16) Refuses, withholds from, denies, or discriminates against an
31 individual with regard to the provision of professional services [for which the licensee
32 is licensed and qualified to render] ON THE BASIS OF RACE, AGE, GENDER, SEXUAL
33 ORIENTATION, DISABILITY, RELIGION, OR ETHNIC ORIGIN OR because the individual
34 is HIV positive; [or]
- 35 (17) Fails to cooperate with a lawful investigation conducted by the Board;

1 (18) BY THREATS, FORCE, OR IMPROPER MEANS, INTIMIDATES OR
2 INFLUENCES, OR ATTEMPTS TO INTIMIDATE OR INFLUENCE, FOR THE PURPOSE OF:

3 (I) CAUSING ANY PERSON TO WITHHOLD OR CHANGE TESTIMONY
4 IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR OTHERWISE DELEGATED TO
5 THE OFFICE OF ADMINISTRATIVE HEARINGS;

6 (II) HINDERING, PREVENTING, OR OTHERWISE DELAYING A
7 PERSON FROM MAKING INFORMATION AVAILABLE TO THE BOARD IN FURTHERANCE
8 OF AN INVESTIGATION BY THE BOARD;

9 (19) KNOWINGLY FAILS TO REPORT SUSPECTED ABUSE OR NEGLECT OF A
10 VULNERABLE ADULT IN VIOLATION OF ARTICLE 27, § 35D OF THE CODE;

11 (20) FAILS TO COMPLY WITH THE REQUIREMENTS OF ANY ORDER
12 ENTERED BY THE BOARD AS A RESULT OF ANY DISCIPLINARY MATTER WITH THE
13 BOARD, INCLUDING PAYMENT OF COSTS AS REQUIRED BY § 19-312 OF THIS SUBTITLE;
14 OR

15 (21) FAILS TO MAINTAIN ADEQUATE PATIENT RECORDS.

16 19-311.1.

17 (A) IF AFTER A HEARING UNDER § 19-312 OF THIS SUBTITLE THE BOARD
18 FINDS THAT THERE ARE GROUNDS UNDER § 19-311 OF THIS SUBTITLE TO
19 REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR
20 REVOKE A LICENSE, THE BOARD MAY IMPOSE A FINE ON THE LICENSEE IN AN
21 AMOUNT NOT EXCEEDING \$5,000:

22 (1) INSTEAD OF REPRIMANDING THE LICENSEE, PLACING THE
23 LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE SOCIAL WORKER'S
24 LICENSE; OR

25 (2) IN ADDITION TO REPRIMANDING THE LICENSEE, PLACING THE
26 LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE SOCIAL WORKER'S
27 LICENSE.

28 (B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE
29 IMPOSITION OF FINES UNDER THIS SECTION.

30 (C) THE BOARD SHALL PAY ANY FINE COLLECTED UNDER THIS SECTION INTO
31 THE GENERAL FUND.

32 19-312.

33 (a) Except as otherwise provided in the Administrative Procedure Act, before
34 the Board takes any action under § 19-311 of this subtitle, it shall give the individual
35 against whom the action is contemplated an opportunity for a hearing before the
36 Board.

1 (b) The Board shall give notice and hold the hearing in accordance with the
2 Administrative Procedure Act.

3 (c) Over the signature of an officer or the administrator of the Board, the
4 Board may issue subpoenas and administer oaths in connection with any
5 investigation under this title and any hearings or proceedings before it.

6 (d) If, without lawful excuse, a person disobeys a subpoena from the Board or
7 an order by the Board to take an oath or to testify or answer a question, then, on
8 petition of the Board, a court of competent jurisdiction may punish the person as for
9 contempt of court.

10 (e) If after due notice the individual against whom the action is contemplated
11 fails or refuses to appear, nevertheless the Board may hear and determine the matter.

12 (f) If, after a hearing, an individual is found in violation of § 19-311 of this
13 subtitle, the individual shall pay the costs of the hearing as specified in a regulation
14 adopted by the Board.

15 19-313.

16 (a) Except as provided in this section for an action under § 19-311 of this
17 subtitle, any person aggrieved by a final decision of the Board in a contested case, as
18 defined in the Administrative Procedure Act, may:

19 (1) Appeal that decision to the Board of Review; and

20 (2) Then take any further appeal allowed by the Administrative
21 Procedure Act.

22 (b) (1) Any person aggrieved by a final decision of the Board under § 19-311
23 of this subtitle may not appeal to the Secretary or Board of Review but may take a
24 direct judicial appeal.

25 (2) The appeal shall be made as provided for judicial review of final
26 decisions in the Administrative Procedure Act.

27 [19-314.

28 If a license has been revoked under § 19-311 of this subtitle, the Board may
29 reinstate that license on the affirmative vote of a majority of the full authorized
30 membership of the Board.]

31 19-314.

32 (A) IF A LICENSE HAS BEEN SUSPENDED OR REVOKED UNDER § 19-311 OF
33 THIS SUBTITLE, THE BOARD MAY REINSTATE THAT LICENSE ONLY IN ACCORDANCE
34 WITH:

35 (1) THE TERMS AND CONDITIONS OF THE ORDER OF SUSPENSION OR
36 REVOCATION; OR

1 (2) AN ORDER OF REINSTATEMENT ISSUED BY THE BOARD.

2 (B) IF A LICENSEE HAS FAILED FOR ANY REASON TO RENEW THE LICENSE
3 FOR A PERIOD OF LESS THAN 5 YEARS, THE BOARD SHALL REINSTATE THE LICENSE
4 IF THE SOCIAL WORKER:

5 (1) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE;

6 (2) MEETS THE CONTINUING EDUCATION REQUIREMENTS OF § 19-308
7 OF THIS SUBTITLE FOR EACH 2-YEAR PERIOD THAT THE LICENSE WAS NOT
8 RENEWED; AND

9 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD.

10 (C) IF A LICENSEE HAS FAILED FOR ANY REASON TO RENEW THE LICENSE
11 FOR A PERIOD OF 5 YEARS OR MORE, THE SOCIAL WORKER SHALL MEET THE
12 CURRENT REQUIREMENTS FOR LICENSURE.

13 19-315.

14 (a) In this section, "social worker rehabilitation committee" means a
15 committee that:

16 (1) Is defined in subsection (b) of this section; and

17 (2) Performs any of the functions listed in subsection (d) of this section.

18 (b) For purposes of this section, a social worker rehabilitation committee is a
19 committee of the Board or a committee with representatives from [the Maryland
20 Chapter of the National Association of Social Workers, Inc. and the Metropolitan
21 Washington Chapter of the National Association of Social Workers, Inc.] ONE OR
22 MORE PROFESSIONAL SOCIAL WORK ORGANIZATIONS that:

23 (1) Is recognized by the Board; and

24 (2) Includes but is not limited to social workers.

25 (c) A rehabilitation committee of the Board or recognized by the Board may
26 function TO ASSIST PERSONS REFERRED:

27 (1) Solely [for] BY the Board; [or]

28 (2) Jointly with a rehabilitation committee representing another board
29 or boards; OR

30 (3) BY THE LICENSEE.

31 (d) For purposes of this section, [a] THE social worker rehabilitation
32 committee:

1 (1) [evaluates] EVALUATES and provides assistance to any social
2 worker, and any other individual regulated by the Board, in need of treatment and
3 rehabilitation for alcoholism, [drug abuse, chemical dependency,] SUBSTANCE ABUSE
4 OR DEPENDENCY, or other physical, emotional, or mental condition; AND

5 (2) PROVIDES INFORMATION AND RESOURCES TO ADDRESS
6 IMPAIRMENT.

7 (e) (1) Except as otherwise provided in this subsection, the proceedings,
8 records, and files of the social worker rehabilitation committee are not discoverable
9 and are not admissible in evidence in any civil action arising out of matters that are
10 being or have been reviewed and evaluated by the social worker rehabilitation
11 committee.

12 (2) Paragraph (1) of this subsection does not apply to any record or
13 document that is considered by the social worker rehabilitation committee and that
14 otherwise would be subject to discovery or introduction into evidence in a civil action.

15 (3) For purposes of this subsection, civil action does not include a
16 proceeding before the Board or judicial review of a proceeding before the Board.

17 (f) A person who acts in good faith and within the scope of jurisdiction of the
18 social worker rehabilitation committee is not civilly liable for any action as a member
19 of the social worker rehabilitation committee or for giving information to,
20 participating in, or contributing to the function of the social worker rehabilitation
21 committee.

22 19-316.

23 (a) An action may be maintained in the name of the State or the Board to
24 enjoin:

25 (1) The unauthorized practice of social work; or

26 (2) Conduct that is a ground for disciplinary action under § 19-311 of
27 this subtitle.

28 (b) An action under this section may be brought by:

29 (1) The Board, in its own name;

30 (2) The Attorney General, in the name of the State; or

31 (3) A State's Attorney, in the name of the State.

32 (c) An action under this section shall be brought in the county where the
33 defendant:

34 (1) Resides; or

35 (2) Engages in the act sought to be enjoined.

1 (d) Proof of actual damage or that any person will sustain any damage if an
2 injunction is not granted is not required for an action under this section.

3 (e) An action under this section is in addition to and not instead of criminal
4 prosecution for unauthorized practice of social work under § 19-401 of this title or
5 disciplinary action under § 19-311 of this subtitle.

6 19-317.

7 (a) While investigating an allegation against a licensee under this title, the
8 Board may require the licensee to submit to an appropriate examination by a health
9 care provider designated by the Board if the Board has reason to believe that the
10 licensee may cause harm to a person.

11 (b) In return for the privilege given to a licensee to practice social work in the
12 State, the licensee is deemed to have:

13 (1) Consented to submit to an examination under this section, if
14 requested by the Board in writing; and

15 (2) Waived any claim of privilege as to the testimony or report of a health
16 care provider who examines the licensee.

17 (c) The failure or refusal of the licensee to submit to an examination required
18 under this section is prima facie evidence of the licensee's inability to practice social
19 work competently, unless the Board finds that the failure or refusal was beyond the
20 control of the licensee.

21 (d) The Board shall pay the cost of any examination made under this section.
22 19-318.

23 (A) BEFORE A LICENSEE IN A PRIVATE INDIVIDUAL, PARTNERSHIP, OR GROUP
24 PRACTICE PROVIDES SOCIAL WORK SERVICES TO A CLIENT, THE LICENSEE SHALL
25 PROVIDE TO THE CLIENT THE FOLLOWING DISCLOSURES:

26 (1) THE LICENSEE'S PROFESSIONAL IDENTITY;

27 (2) THE SERVICES WHICH ARE OR MAY BE PROVIDED BY THE LICENSEE
28 AND THE FEES FOR EACH SERVICE OR THE HOURLY RATE ; AND

29 (3) SUFFICIENT INFORMATION FOR A PATIENT TO GIVE INFORMED
30 CONSENT REGARDING THE NATURE OF THE SERVICES TO BE PROVIDED.

31 (B) THE MANNER OF PROVIDING THESE DISCLOSURES SHALL BE AS
32 FOLLOWS:

33 (1) THE LICENSEE'S PROFESSIONAL IDENTITY MAY BE PROVIDED BY
34 BUSINESS CARD OR DISPLAY OF LICENSE IN A CONSPICUOUS LOCATION;

1 (2) THE LICENSEE'S SERVICES AND FEES MAY BE PROVIDED BY
2 DOCUMENTED DISCUSSION OR PRINTED FEE SCHEDULE; AND

3 (3) INFORMED CONSENT MAY BE PROVIDED BY DOCUMENTED
4 DISCUSSION OR A WRITTEN FORM SIGNED BY THE CLIENT WHICH IS KEPT IN THE
5 CLIENT'S FILE.

6 19-401.

7 (A) Except as otherwise provided in this title, a person may not practice,
8 attempt to practice, or offer to practice social work in this State WHILE
9 REPRESENTING ONESELF TO BE A SOCIAL WORKER unless licensed by the Board.

10 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
11 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE CLINICAL SOCIAL WORK
12 IN THIS STATE UNLESS LICENSED BY THE BOARD AS A CERTIFIED SOCIAL
13 WORKER-CLINICAL.

14 19-402.

15 Unless authorized to practice social work under this title, a person may not:

16 (1) Represent to the public that the person is a licensed social worker; or

17 (2) Use any title, abbreviation, sign, card, or other representation that
18 the person is a licensed social worker, including the use of the words "social worker"
19 or "social work" AND THE USE OF THE ABBREVIATIONS "LSWA", "LGSW", "LCSW", OR
20 "LCSW-C".

21 19-403.

22 A person may not intentionally:

23 (1) Use or attempt to use the license of another person who is a licensed
24 social worker; or

25 (2) Impersonate another person who is a licensed social worker.

26 19-404.

27 In an attempt to obtain a license, a person may not intentionally give false
28 information to the Board.

29 19-407.

30 A person who violates any provision of this subtitle is guilty of a misdemeanor
31 and on conviction is subject to a fine not exceeding \$500 or imprisonment not
32 exceeding 90 days.

1 19-501.

2 This title may be cited as the "Maryland Social Workers Act".

3 19-502.

4 Subject to the evaluation and reestablishment provisions of the Program
5 Evaluation Act, this title and all rules and regulations adopted under this title shall
6 terminate and be of no effect after July 1, 2004.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Social
8 Work Examiners, in consultation with professional social work organizations and the
9 Department of Human Resources, Department of Health and Mental Hygiene,
10 Department of Juvenile Justice, the Office of the Public Defender, and Department of
11 Public Safety and Correctional Services, shall adopt regulations by October 1, 2000 to
12 define the appropriate means of providing supervision for individuals practicing
13 social work as required by § 19-302 of the Health Occupations Article, as enacted by
14 Section 1 of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2000.