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19-401, and 19-402

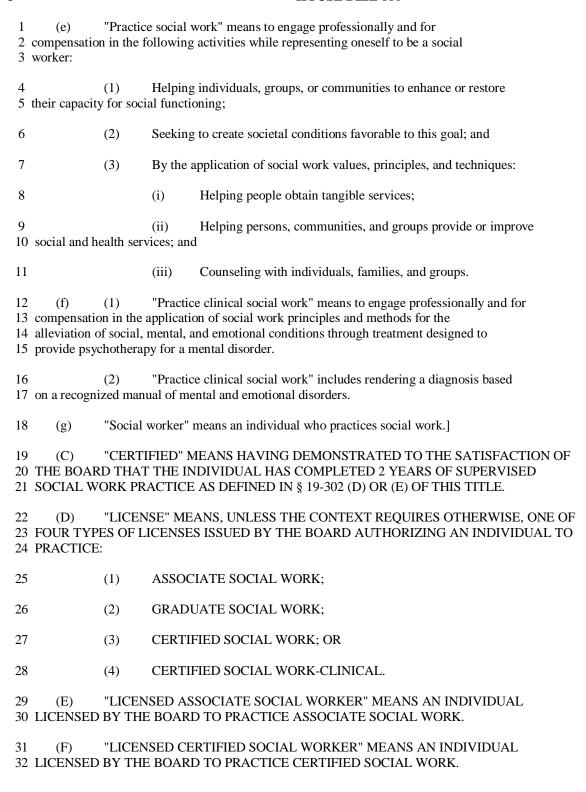
2000 Regular Session Olr2353 CF Olr2012

By: Delegates Guns, Hammen, Boutin, and Parrott						
	ntroduced and read first time: February 11, 2000					
ASSI	Assigned to: Environmental Matters					
Com	Committee Report: Favorable with amendments					
	se action: Adopted					
Read	l second time: March 23, 2000					
	CHAPTER					
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 13	work; altering certain continuing education requirements for license renewals; 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,					

19-301, 19-302, 19-303, 19-304, 19-306, 19-307, 19-308, 19-311, 19-315,

1 Annotated Code of Maryland 2 (1994 Replacement Volume and 1999 Supplement) 3 BY repealing and reenacting, without amendments, 4 Article - Health Occupations 5 Section 19-201, 19-207, 19-305, 19-310, 19-312, 19-313, 19-316, 19-317, 19-403, 19-404, 19-407, 19-501, and 19-502 6 Annotated Code of Maryland 7 8 (1994 Replacement Volume and 1999 Supplement) 9 BY repealing Article - Health Occupations 10 Section 19-305.1, 19-309, and 19-314 11 Annotated Code of Maryland 12 13 (1994 Replacement Volume and 1999 Supplement) 14 BY adding to 15 Article - Health Occupations 16 Section 19-309, 19-311.1, 19-314, and 19-318 17 Annotated Code of Maryland (1994 Replacement Volume and 1999 Supplement) 18 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 20 MARYLAND, That the Laws of Maryland read as follows: 21 **Article - Health Occupations** 22 19-101. 23 (a) In this title the following words have the meanings indicated. 24 (b) "Board" means the State Board of Social Work Examiners. 25 "License" means, unless the context requires otherwise, a license [(c)](1) 26 issued by the Board to practice social work. "License" includes: 27 (2) 1. A certified social worker license; or 28 (i) 2. A certified social worker-clinical license; 29 30 (ii) Graduate social worker license; and 31 (iii) A social work associate license. 32 "Licensed social worker" means, unless the context requires otherwise, a

33 social worker who is licensed by the Board to practice social work.



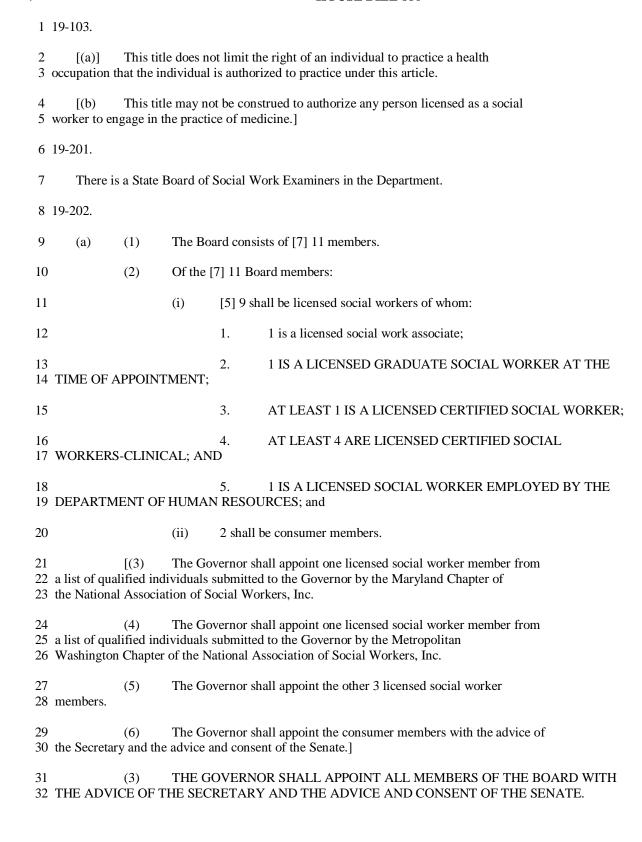
- 1 (G) "LICENSED CERTIFIED SOCIAL WORKER-CLINICAL" MEANS AN 2 INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE CLINICAL SOCIAL WORK.
 3 (H) "LICENSED GRADUATE SOCIAL WORKER" MEANS AN INDIVIDUAL
- 5 (I) "PRACTICE ASSOCIATE SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK 6 AT A BASIC LEVEL:
- 7 (1) UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL
- 8 WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED
- 9 GRADUATE SOCIAL WORKER WHO MEETS THE CONDITIONS SPECIFIED IN

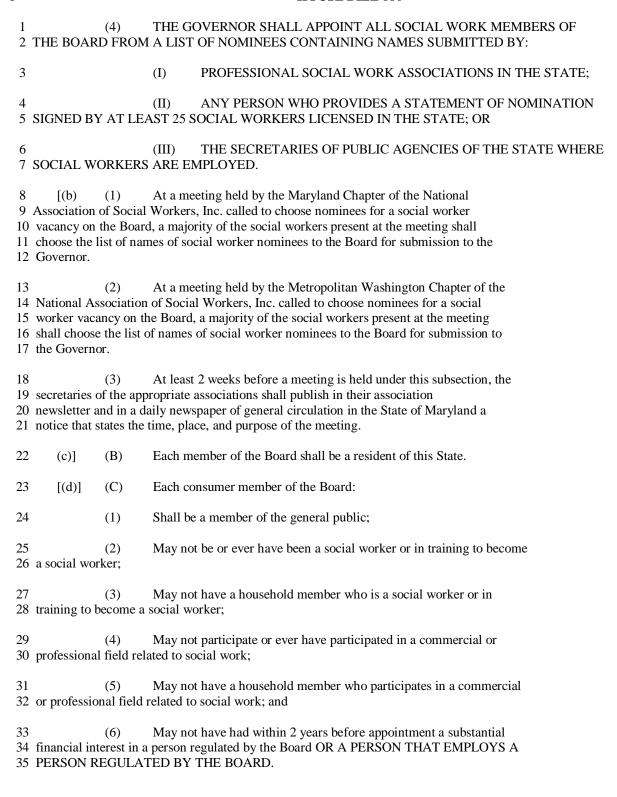
4 LICENSED BY THE BOARD TO PRACTICE GRADUATE SOCIAL WORK.

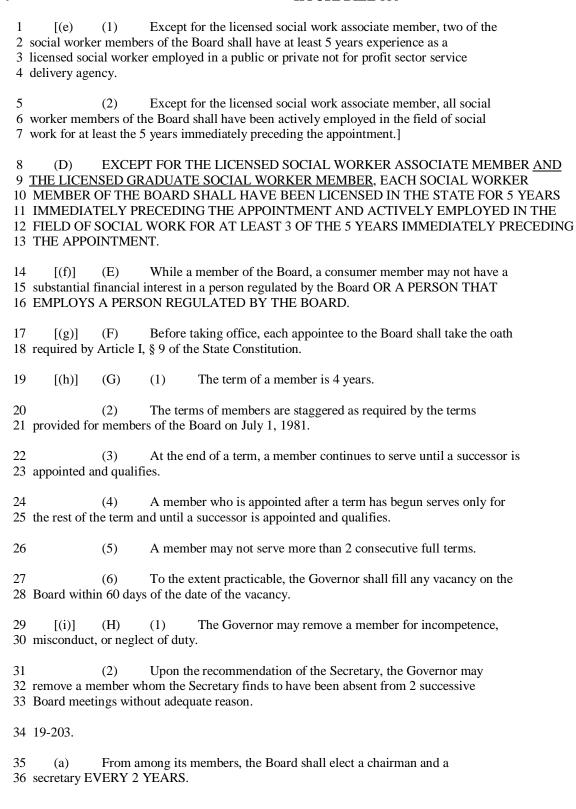
- 10 REGULATIONS: AND
- 11 (2) UTILIZING THE EDUCATION AND TRAINING REQUIRED UNDER § 12 19-302(B) OF THIS TITLE.
- 13 (J) "PRACTICE CERTIFIED SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK
- 14 AT AN ADVANCED LEVEL UTILIZING THE EDUCATION, TRAINING, AND EXPERIENCE
- 15 REQUIRED UNDER § 19-302(D) OR (E) OF THIS TITLE.
- 16 (K) "PRACTICE CERTIFIED SOCIAL WORK-CLINICAL CLINICAL SOCIAL WORK"
- 17 MEANS TO PRACTICE SOCIAL WORK AT AN ADVANCED LEVEL UTILIZING THE
- 18 SPECIALIZED EDUCATION, TRAINING, AND EXPERIENCE REQUIRED UNDER §
- 19 19-302(E) OF THIS TITLE.
- 20 (L) "PRACTICE GRADUATE SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK 21 AT AN ADVANCED LEVEL:
- 22 (1) UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL
- 23 WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED
- 24 GRADUATE SOCIAL WORKER WHO MEETS THE CONDITIONS SPECIFIED IN
- 25 REGULATIONS; AND
- 26 (2) UTILIZING THE EDUCATION AND TRAINING REQUIRED UNDER §
- 27 19-302(C) OF THIS TITLE.
- 28 (M) (1) "PRACTICE SOCIAL WORK" MEANS TO APPLY THE THEORIES,
- 29 KNOWLEDGE, PROCEDURES, METHODS, OR ETHICS DERIVED FROM A FORMAL
- 30 EDUCATIONAL PROGRAM IN SOCIAL WORK TO RESTORE OR ENHANCE SOCIAL OR
- 31 BIOPSYCHOSOCIAL FUNCTIONING OF INDIVIDUALS, COUPLES, FAMILIES, GROUPS,
- 32 ORGANIZATIONS, OR COMMUNITIES THROUGH:
- 33 (I) ASSESSMENT:
- 34 (II) FORMULATING DIAGNOSTIC IMPRESSIONS;
- 35 (III) PLANNING;
- 36 (IV) INTERVENTION;

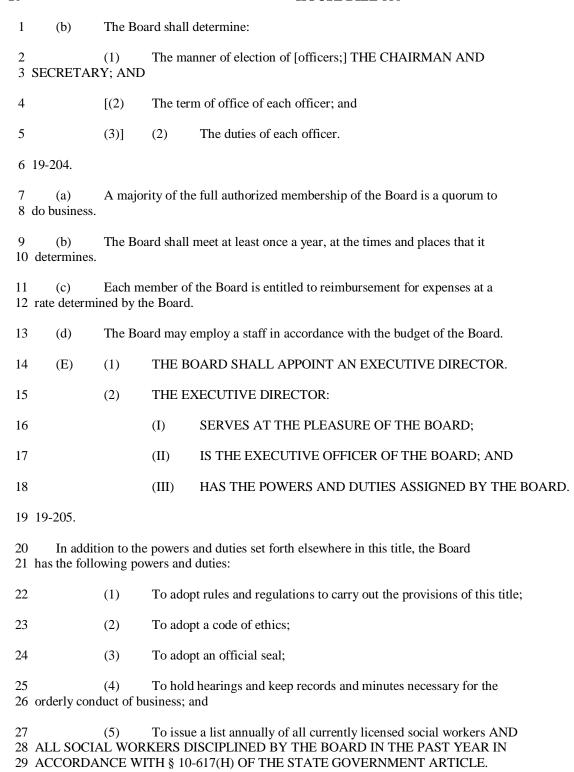
1		(V)	EVALUATION OF INTERVENTION PLANS;
2		(VI)	CASE MANAGEMENT;
3		(VII)	INFORMATION AND REFERRAL;
4 5	TREATMENT OF M	(VIII) IENTAL	COUNSELING <u>THAT DOES NOT INCLUDE DIAGNOSIS OR</u> <u>DISORDERS</u> ;
6		(IX)	ADVOCACY;
7		(X)	CONSULTATION;
8		(XI)	EDUCATION;
9		(XII)	RESEARCH;
10		(XIII)	COMMUNITY ORGANIZATION; OR
11 12	POLICIES, PROGR	(XIV) AMS, AN	,
13 14	(2) "PRACTICE SOCIA		N INDIVIDUAL LICENSED AS A GRADUATE SOCIAL WORKER, K" ALSO INCLUDES:
15 16	SOCIAL WORKER	(I) MEETS	SUPERVISION OF OTHER SOCIAL WORKERS IF THE GRADUATE THE REQUIREMENTS SET OUT IN REGULATIONS; AND
			TREATMENT OF PSYCHOSOCIAL CONDITIONS AND MENTAL OVISION OF PSYCHOTHERAPY UNDER THE DIRECT ISED CERTIFIED SOCIAL WORKER-CLINICAL.
20 21	(3) "PRACTICE SOCIA		N INDIVIDUAL LICENSED AS A CERTIFIED SOCIAL WORKER, K" ALSO INCLUDES:
22		(I)	SUPERVISION OF OTHER SOCIAL WORKERS; AND
			TREATMENT OF PSYCHOSOCIAL CONDITIONS AND MENTAL DVISION OF PSYCHOTHERAPY UNDER THE DIRECT ISED CERTIFIED SOCIAL WORKER-CLINICAL; AND
	SOCIAL WORKER COMPETENCE TO		ADDITIONAL METHODS AND PROCEDURES FOR WHICH THE CEIVED SPECIALIZED TRAINING AND DEMONSTRATED RM.
29 30	(4) WORKER-CLINIC		N INDIVIDUAL LICENSED AS A CERTIFIED SOCIAL ACTICE SOCIAL WORK" ALSO INCLUDES:
31		(I)	SUPERVISION OF OTHER SOCIAL WORKERS;

6			HOUSE BILL 886
	CONDITIONS AND GENERAL ARTICLE	MENTA	EVALUATION, DIAGNOSIS, AND TREATMENT OF PSYCHOSOCIAL L DISORDERS AS DEFINED IN § 10-101(F) OF THE HEALTH -
4		(III)	THE PROVISION OF PSYCHOTHERAPY; AND
	SOCIAL WORKER I COMPETENCE TO I		ADDITIONAL METHODS AND PROCEDURES FOR WHICH THE CEIVED SPECIALIZED TRAINING AND DEMONSTRATED M.
10 11 12 13 14	DISORDERS AND OBSTWEEN A LICENT WHICH A THERAPH UNCONSCIOUS PROTECTION BEHAVE PRACTITIONER EN	THER C SED SC EUTIC R OCESSE VIORAL ITERS IN	APY" MEANS A METHOD FOR THE TREATMENT OF MENTAL CONDITIONS WITHIN A SPECIALIZED, FORMAL INTERACTION OCIAL WORKER AND AN INDIVIDUAL, FAMILY, OR GROUP IN RELATIONSHIP IS ESTABLISHED TO UNDERSTAND OS, INTRAPERSONAL, INTERPERSONAL, AND PSYCHOSOCIAL DISTURBANCES IN WHICH A LICENSED HEALTH CARE NOTO A PROFESSIONAL CONTRACT WITH THE PATIENT AND, INTERPERSONAL, ATTEMPTS TO:
16	<u>(1)</u>	ALLEV	IATE EMOTIONAL DISTURBANCES;
17	<u>(2)</u>	REVER	SE OR ALTER MALADAPTIVE PATTERNS OF BEHAVIOR; OR
18	<u>(3)</u>	ENCOU	RAGE PERSONALITY GROWTH AND DEVELOPMENT.
19 20	` '		" MEANS A FORMALIZED PROFESSIONAL RELATIONSHIP AND A SUPERVISEE THAT:
21	(1)	PROVII	DES EVALUATION AND DIRECTION OF THE SUPERVISEE; AND
		LLS, AN	OTES CONTINUED DEVELOPMENT OF THE SUPERVISEE'S ID ABILITIES TO PROVIDE SOCIAL WORK SERVICES IN AN IT MANNER.
25	19-102.		
26 27			embly finds that the profession of social work profoundly SAFETY, AND WELFARE of the people of this State.
28	(b) The purp	ose of th	is title is to protect the public by:
	` '	workers]	MINIMUM qualification, education, training, and experience THE LICENSING OF INDIVIDUALS TO PRACTICE
32 33	(2) practice of social wor		ng AND MAINTAINING high professional standards for the



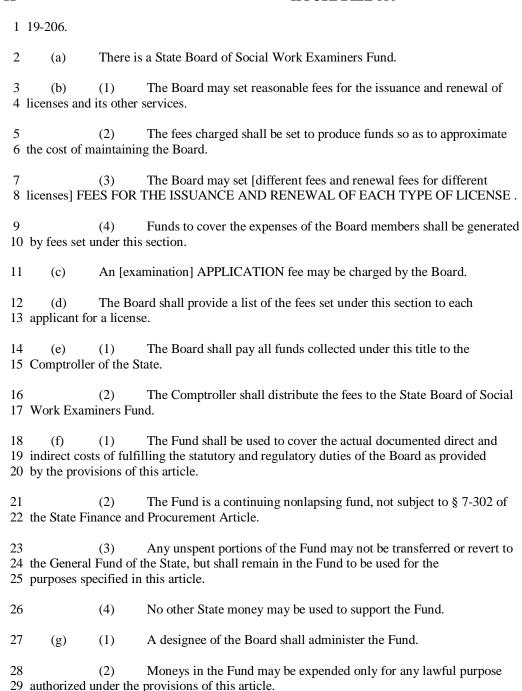






(h)

HOUSE BILL 886



The Legislative Auditor shall audit the accounts and transactions of the

31 Fund as provided in § 2-1220 of the State Government Article.

34 degree:

1 19-207. 2 A person shall have the immunity from liability described under § 5-718 of the 3 Courts and Judicial Proceedings Article for giving information to the Board or 4 otherwise participating in its activities. 5 19-301. Except as otherwise provided in this title, an individual shall be 6 (a) 7 [licensed]: LICENSED by the Board before the individual may practice social 8 (1) work in this State WHILE REPRESENTING ONESELF AS A SOCIAL WORKER; 10 LICENSED AS A CERTIFIED SOCIAL WORKER-CLINICAL BEFORE THE 11 INDIVIDUAL MAY PRACTICE CLINICAL SOCIAL WORK IN THIS STATE. 12 (b) This section does not apply to: 13 An individual employed by any agency of the federal government 14 while performing the duties of that employment, unless the individual chooses to 15 apply for a license under this subtitle; OR Any individual who does not use any title, abbreviation, sign, card, or 16 17 other representation that the individual is a "social worker" or is engaged in the 18 practice of "social work"; 19 A student while pursuing a supervised course of study in social work 20 that the Board approves as qualifying training and experience under this title; 21 An individual who recently has become a resident of this State and 22 has an application for a license pending before the Board; or 23 An individual who is an attorney or a member of the clergy: (5) While the individual is working within the standards and ethics 24 (i) of the individual's respective profession; and If the individual does not represent to the public by title or 26 (ii) 27 description of services that the individual is a social worker] AN INDIVIDUAL LICENSED AS A SOCIAL WORKER IN ANOTHER STATE 28 29 WHILE RESPONDING TO AN EMERGENCY IN THIS STATE. 30 19-302. To qualify for a license, an applicant shall be an individual of good moral 31 [(a) character and who meets the applicable requirements of this section. 33 (b) An applicant for a social work associate license shall have a baccalaureate

1		(1)	From an	accredited college or university; and	
2 3	Work Educa	(2) tion.	Based o	n a social work program accredited by the Council on Social	
4	(c)	An appl	icant for	a graduate social worker license shall have:	
	on a graduate Education; o			er's degree from an accredited college or university and based gram accredited by the Council on Social Work	
8 9	university.	(2)	A docto	rate degree in social work from an accredited college or	
10	(d)	(1)	An appl	icant for a certified social worker license shall have:	
	based on a g Education; a		(i) social wo	A master's degree from an accredited college or university and rk program accredited by the Council on Social Work	
16	4 (ii) 2 years of social work experience as a social worker where 5 face-to-face supervision is part of the employment contract and the supervisor is a 6 licensed certified social worker and is provided by and accountable to the employer 7 after receiving the master's degree.				
18		(2)	An appl	icant for a certified social worker-clinical license shall have:	
				A master's degree in social work and documentation of clinical ed college or university and based on a graduate social he Council on Social Work Education; and	
24 25 26	periodic dire and not mor employment	ect face-to e than 6 o t contract	o-face su consecuti and the	2 years of supervised clinical social work experience of at least e master's degree with a minimum of 144 hours of pervision provided in not less than 2 consecutive years we years and where the supervision is part of the supervisor is a licensed certified social worker-clinical ntable to the employer.	
28 29	(e) appropriate			rise provided in this title, the applicant shall pass an by the Board under this subtitle.	
32 33	original lice	nse befor quiremen cademic	e Decem its for sul requirem	be qualifications of a license applicant who applied for an ber 31, 1978, the Board shall recognize equivalent besections (b), (c), and (d)(1)(i) of this section. The tents shall include degree programs from accredited ave:	
35 36	psychology	(1) and coun		academic curricula in areas other than social work, including nd	

26

28

(1)

L4			HOUSE BILL 886
1 2	of social wor		As part of the degree program, field work experience in the practice ensed social service agency.]
3 4	(A) SATISFACT		TAIN A LICENSE, AN APPLICANT SHALL DEMONSTRATE TO THE THE BOARD THAT THE APPLICANT:
5 6	PRESCRIBE		HAS SUBMITTED A COMPLETE WRITTEN APPLICATION IN THE FORM HE BOARD;
7		(2)	IS AT LEAST 18 YEARS OLD;
8		(3)	IS OF GOOD MORAL CHARACTER;
		ÜLLY PA	EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, HAS ASSED AN EXAMINATION OR EXAMINATIONS PRESCRIBED BY THE T TO THE LICENSE SOUGHT; AND
12 13			HAS PAID ALL APPLICABLE FEES SPECIFIED BY THE BOARD LICENSURE PROCESS.
14	(B)	то овт	'AIN A SOCIAL WORK ASSOCIATE LICENSE, AN APPLICANT SHALL:
15 16	AND	(1)	MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION;
17 18	FROM A PI		HAVE RECEIVED A BACCALAUREATE DEGREE IN SOCIAL WORK ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION.
19	(C)	то овт	CAIN A GRADUATE SOCIAL WORKER LICENSE, AN APPLICANT SHALL:
20 21	AND	(1)	MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION;
22 23	ACCREDIT		HAVE RECEIVED A MASTER'S DEGREE FROM A PROGRAM THE COUNCIL ON SOCIAL WORK EDUCATION.
24	(D)	то овт	AIN A CERTIFIED SOCIAL WORKER LICENSE, AN APPLICANT SHALL:

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

PROVIDE IN A FORM PRESCRIBED BY THE BOARD, DOCUMENTATION

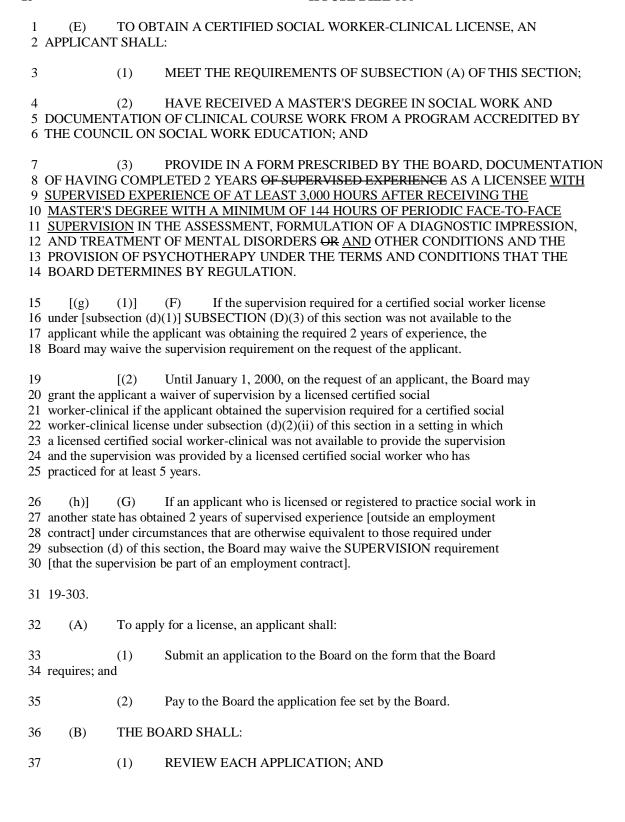
HAVE RECEIVED A MASTER'S DEGREE FROM A PROGRAM

29 OF HAVING COMPLETED 2 YEARS OF SUPERVISED EXPERIENCE AS A LICENSEE WITH

30 SUPERVISED EXPERIENCE OF AT LEAST 3,000 HOURS AFTER RECEIVING THE 31 MASTER'S DEGREE WITH A MINIMUM OF 144 HOURS OF PERIODIC FACE-TO-FACE 32 <u>SUPERVISION</u> IN THE PRACTICE OF SOCIAL WORK UNDER THE TERMS AND

27 ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION; AND

33 CONDITIONS THAT THE BOARD DETERMINES BY REGULATION.

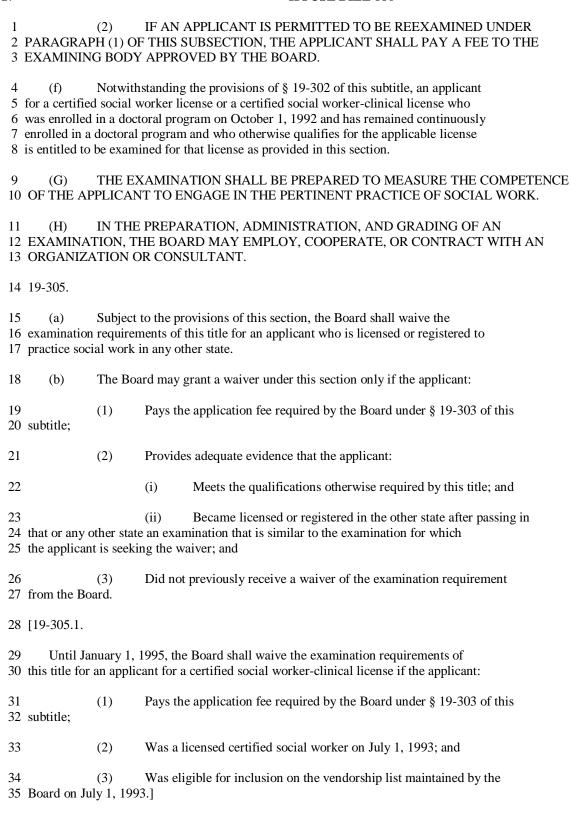


16 **HOUSE BILL 886** 1 (2) NOTIFY EACH APPLICANT WHETHER THE APPLICANT HAS BEEN 2 APPROVED TO TAKE THE PERTINENT LICENSURE EXAMINATION WITHIN A 3 REASONABLE TIME FRAME AS DEFINED IN REGULATIONS. 4 19-304. 5 An applicant who otherwise qualifies for a license is entitled to be [(a)]6 examined for that license as provided in this section. The Board shall give examinations to applicants for each category of 7 (b) 8 license at least twice a year, at the times and places that the Board determines. The Board shall notify each qualified applicant of the time and place of (c) 10 examination. 11 (d) (1) The Board shall determine the subjects, scope, form, and passing 12 score for each examination given under this subtitle. 13 (2) The examinations given under this subtitle shall be free of cultural 14 bias. The Board may not limit the number of times an applicant may take 15 (1) 16 an examination required under this subtitle. (2) The applicant shall pay to the Board a reexamination fee set by the 17 18 Board for each reexamination.] AN APPROVED APPLICANT IS ENTITLED TO BE EXAMINED FOR LICENSURE 19 (A) 20 AS PROVIDED IN THIS SECTION. 21 THE BOARD SHALL ENSURE THAT A BOARD-APPROVED EXAMINATION FOR 22 EACH CATEGORY OF LICENSE IS MADE AVAILABLE FOR AN APPLICANT TO TAKE AT 23 LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES. THE BOARD SHALL NOTIFY EACH APPROVED APPLICANT OF THE 24 25 PROCEDURES FOR TAKING THE EXAMINATION. THE BOARD SHALL APPROVE THE SUBJECTS, SCOPE, FORM, AND 27 PASSING SCORE FOR EACH TYPE OF EXAMINATION GIVEN UNDER THIS SUBTITLE. THE EXAMINATIONS GIVEN UNDER THIS SUBTITLE SHALL STRIVE TO 28 (2) 29 BE FREE OF CULTURAL BIAS. THE BOARD, BY REGULATION, MAY LIMIT: 30 (E) (1) 31 THE NUMBER OF TIMES AN APPLICANT MAY BE REEXAMINED (I)

32 AFTER FAILING AN EXAMINATION REQUIRED UNDER THIS SUBTITLE; AND

THE INTERVAL BETWEEN REEXAMINATIONS.

(II)



1	19-306.						
2 3	(a) The Board shall issue a license to any applicant who meets the requirements of this title.						
4	(b)	The Board shall include on each license that the Board issues:					
5		(1)	The kind of license;				
6		(2)	The full name of the licensee;				
7		(3)	A serial number;				
8		(4)	The signatures of the chairman and the secretary of the Board; [and]				
9		(5)	The seal of the Board; AND				
10		(6)	THE ORIGINAL DATE OF ISSUANCE.				
13	(c) The Board [may] SHALL issue a license to replace a lost, destroyed, or mutilated license if the licensee pays the license replacement fee set by the Board AND DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT THE LICENSE WAS LOST, DESTROYED, OR MUTILATED.						
15	19-307.						
16 17	()		to the provisions of subsections (b) and (c) of this section, a license ee to practice social work while the license is effective.				
18 19	- \ /		sed social work associate may not make a clinical diagnosis of l disorders or engage in the practice of psychotherapy.				
22	associate ma	of a licer	(i) Except as authorized by the Board, a licensed social work e in the private practice of social work only under the direct used certified social worker or a licensed certified social				
26	with less tha	direct su	(ii) The Board may not authorize a licensed social work associate s experience to engage in the private practice of social work pervision of a licensed certified social worker or a licensed social				
30		of a licer	Except as authorized by the Board through regulation, a licensed er may engage in the practice of social work only under the used certified social worker or a licensed certified social				
32 33	` /		NSED SOCIAL WORKER MAY PRACTICE SOCIAL WORK ONLY WITHIN E SPECIFIC TYPE OF LICENSE ISSUED BY THE BOARD.				

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

3	WORKER-CLINICA	L, OR L	PRACTICE SOCIAL WORK WITHOUT THE SUPERVISION OF A CIAL WORKER, LICENSED CERTIFIED SOCIAL ICENSED GRADUATE SOCIAL WORKER WHO MEETS THE D IN THE REGULATIONS;
5 6	DISORDER; OR	(II)	MAKE A CLINICAL DIAGNOSIS OF A MENTAL OR EMOTIONAL
7		(III)	PROVIDE PSYCHOTHERAPY.
8	(2)	A LICE	NSED GRADUATE SOCIAL WORKER MAY NOT:
11	SOCIAL WORKER-	CLINIC	PRACTICE GRADUATE SOCIAL WORK WITHOUT THE ISED CERTIFIED SOCIAL WORKER, LICENSED CERTIFIED AL, OR LICENSED GRADUATE SOCIAL WORKER WHO MEETS CIFIED IN THE REGULATIONS;
	PSYCHOTHERAPY SOCIAL WORKER-		TREAT MENTAL OR EMOTIONAL DISORDERS OR PROVIDE DUT THE DIRECT SUPERVISION OF A LICENSED CERTIFIED AL; OR
16		(III)	DIAGNOSE A MENTAL DISORDER.
17	(3)	A LICE	NSED CERTIFIED SOCIAL WORKER MAY NOT:
	PSYCHOTHERAPY SOCIAL WORKER-		TREAT MENTAL OR EMOTIONAL DISORDERS OR PROVIDE OUT THE DIRECT SUPERVISION OF A LICENSED CERTIFIED AL; OR
21		(II)	DIAGNOSE A MENTAL DISORDER.
22	19-308.		
		onal tern	s on the date set by the Board, unless the license is a as provided in this section. A license may not be a 2 years.
			before the license expires, the Board shall send to the the last known address of the licensee, a renewal notice
29	(1)	The date	e on which the current license expires;
30 31	(2) Board for the renewa		e by which the renewal application must be received by the sued and mailed before the license expires; and
32	(3)	The am	ount of the renewal fee.
33 34			all notify the Board of any change in the address of the AFTER THE CHANGE OCCURS.

1 2	(d) additional 2-	Before the license expires, the licensee periodically may renew it for an onal 2-year term, if the licensee:			
3		(1)	Otherwis	se is entitled to be licensed;	
4 5	subtitle; and	(2)	Pays to t	he Board the appropriate renewal fee specified by this	
6		(3)	Submits	to the Board:	
7			(i)	A renewal application on the form that the Board requires; and	
8 9	education rec	quiremen	(ii) t set unde	Satisfactory evidence of compliance with any continuing r this section for license renewal.	
	L ()		continuin	area of specialization in the practice of social work, the ag education requirements as a condition to the section.	
13 14	within each	(2) area of sp		rd shall standardize the continuing education requirements ion and within each type of license.	
15 16	(f)] certificate to	(E) each lice		The Board shall renew the license of and issue a renewal part meets the requirements of this section.	
17 18	certificate th	(2) at the Bo		rd shall include the term of the renewal on each renewal s.	
18	certificate the [19-309.	` /			
18 19 20	[19-309.	(1)	oard issue The Boa		
18 19 20 21 22	[19-309. (a)	(1)	oard issue The Boa	s.	
18 19 20 21 22	[19-309. (a) submits to the submits	(1)	The Boa	rd shall place a licensee on inactive status, if the licensee	
18 19 20 21 22 23 24 25 26	(a) submits to the Board; and	(1) ne Board: (2) individua	The Boa (i) (ii) The Boa al complie	rd shall place a licensee on inactive status, if the licensee An application for inactive status on the form required by the	
18 19 20 21 22 23 24 25 26 27 28	(a) submits to the Board; and status if the when the income	(1) ne Board: (2) individual dividual r	The Boa (i) (ii) The Boa al complied equests the standard, in accomplishment, in accom	rd shall place a licensee on inactive status, if the licensee An application for inactive status on the form required by the The inactive status fee set by the Board. rd shall issue a license to an individual who is on inactive es with the renewal requirements that are in effect ne reactivation of the license.	
18 19 20 21 22 23 24 25 26 27 28	(a) submits to the Board; and status if the when the incomplete of a status of a status of a status.	(1) ne Board: (2) individual dividual r	The Boa (i) The Boa al complie requests the	rd shall place a licensee on inactive status, if the licensee An application for inactive status on the form required by the The inactive status fee set by the Board. rd shall issue a license to an individual who is on inactive es with the renewal requirements that are in effect ne reactivation of the license.	

- 1 19-309.
- 2 (A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS FOR A 3 MAXIMUM OF 5 YEARS, IF THE LICENSEE SUBMITS TO THE BOARD:
- 4 (I) A WRITTEN APPLICATION FOR INACTIVE STATUS IN A FORM
- 5 PRESCRIBED BY THE BOARD; AND
- 6 (II) THE INACTIVE STATUS FEE SET BY THE BOARD.
- 7 (2) THE BOARD SHALL PROVIDE A LICENSEE WHO HAS COMPLIED WITH
- 8 THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION WITH WRITTEN
- 9 NOTIFICATION OF:
- 10 (I) THE DATE THAT THE LICENSEE'S INACTIVE STATUS BECOMES
- 11 EFFECTIVE;
- 12 (II) THE DATE THAT THE LICENSEE'S INACTIVE STATUS EXPIRES;
- 13 AND
- 14 (III) THE CONSEQUENCES OF NOT RESUMING ACTIVE STATUS
- 15 BEFORE EXPIRATION OF INACTIVE STATUS.
- 16 (3) THE BOARD SHALL ISSUE A LICENSE TO AN INDIVIDUAL ON
- 17 INACTIVE STATUS WHO:
- 18 (I) COMPLIES WITH THE RENEWAL REQUIREMENTS THAT ARE IN
- 19 EFFECT WHEN THE INDIVIDUAL REQUESTS THE REACTIVATION OF THE LICENSE;
- 20 (II) HAS COMPLETED THE NUMBER OF CREDIT HOURS OF
- $21\,$ APPROVED CONTINUING EDUCATION IN SOCIAL WORK SET BY THE BOARD IN THE $2\,$
- 22 YEARS PRECEDING THE LICENSEE'S APPLICATION FOR AN ACTIVE LICENSE; AND
- 23 (III) HAS BEEN ON INACTIVE STATUS FOR LESS THAN 5 YEARS.
- 24 (B) A SOCIAL WORKER WHOSE INACTIVE LICENSE EXPIRES BEFORE THE
- 25 SOCIAL WORKER RETURNS TO ACTIVE LICENSURE SHALL MEET THE
- 26 REINSTATEMENT REQUIREMENTS OF § 19-314 OF THIS SUBTITLE.
- 27 (C) (1) A SOCIAL WORKER WHO IS ON INACTIVE STATUS AS OF OCTOBER 1,
- 28 2000 SHALL HAVE A 5-YEAR PERIOD DURING WHICH TO CONTINUE ON INACTIVE
- 29 STATUS FOLLOWING NOTIFICATION BY THE BOARD.
- 30 (2) A SOCIAL WORKER WHO FAILS TO RETURN TO ACTIVE LICENSURE
- 31 WITHIN THAT 5-YEAR PERIOD SHALL MEET THE REINSTATEMENT REQUIREMENTS
- 32 OF § 19-314 OF THIS SUBTITLE.
- 33 19-310.
- 34 (a) Unless the Board agrees to accept the surrender of a license, a licensed
- 35 social worker may not surrender the license nor may the license lapse by operation of

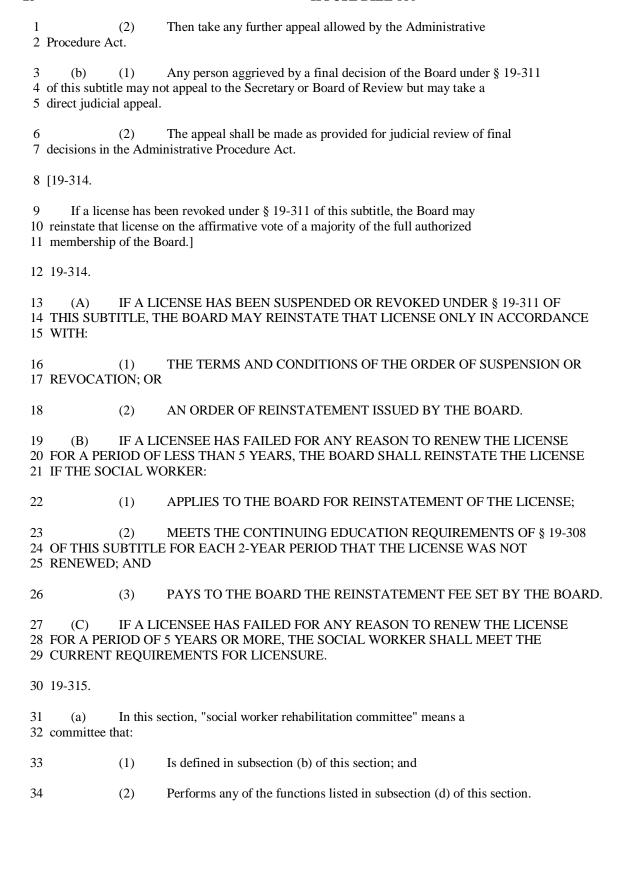
1 law while the licensee is under investigation or while charges are pending against the 2 social worker. 3 (b) The Board may set conditions on its agreement with the social worker 4 under investigation or against whom charges are pending to accept surrender of the 5 social worker's license. 6 19-311. 7 Subject to the hearing provisions of § 19-312 of this subtitle, the Board may 8 deny a license to any applicant, FINE A LICENSEE, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee: 10 (1) Obtained or attempted to obtain a license for the applicant or licensee 11 or for another through fraud, deceit, or misrepresentation; 12 (2) Fraudulently or deceptively uses a license; 13 Is [currently adjudicated by a court to be] mentally OR PHYSICALLY (3) 14 incompetent; Commits any act of gross negligence, incompetence, or misconduct in 15 16 the practice of social work; 17 (5) Knowingly violates any provision of this title; 18 (6)Engages in a course of conduct that is inconsistent with generally 19 accepted professional standards in the practice of social work; Violates [the code of ethics] ANY PROVISION OF THIS TITLE OR 20 (7) 21 REGULATIONS GOVERNING THE PRACTICE OF SOCIAL WORK adopted and published 22 by the Board; 23 Is convicted of or pleads guilty or nolo contendere to a felony or to a (8)24 crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; 26 (9)Provides professional services while: 27 Under the influence of alcohol; or (i) 28 Using any narcotic or controlled dangerous substance, as (ii) 29 defined in Article 27 of the Code, or other drug that is in excess of [therapeutic] 30 PRESCRIBED amounts or without valid medical indication: 31 Is disciplined by a licensing or disciplinary authority of any [other 32 state or country or convicted or disciplined by a court of any state or country STATE. 33 COUNTRY, BRANCH OF THE ARMED SERVICES, OR VETERANS' ADMINISTRATION for an

34 act that would be grounds for disciplinary action under [the Board's disciplinary

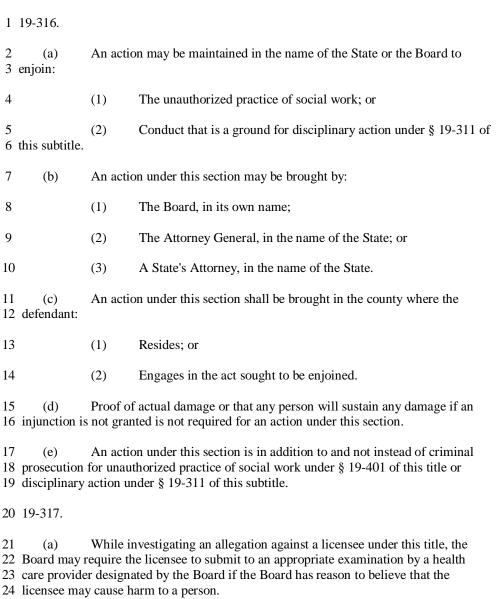
35 statutes] THIS SECTION;

- 1 Practices social work with an unauthorized person or supervises or (11)2 aids an unauthorized person in the practice of social work; [Willfully] KNOWINGLY makes or files a false report or record in the (12)4 practice of social work; [Willfully] KNOWINGLY fails to file or record any report as required (13)6 by law, willfully impedes or obstructs the filing or recording of the report, or induces 7 another to fail to file the report; 8 (14)Submits a false statement to collect a fee; (15)Knowingly fails to report suspected child abuse in violation of § 5-704 10 of the Family Law Article; Refuses, withholds from, denies, or discriminates against an 12 individual with regard to the provision of professional services [for which the licensee 13 is licensed and qualified to render] ON THE BASIS OF RACE, AGE, GENDER, SEXUAL 14 ORIENTATION, DISABILITY, RELIGION, OR ETHNIC ORIGIN OR because the individual 15 is HIV positive; [or] Fails to cooperate with a lawful investigation conducted by the Board; 16 (17)17 BY THREATS, FORCE, OR IMPROPER MEANS, INTIMIDATES OR 18 INFLUENCES, OR ATTEMPTS TO INTIMIDATE OR INFLUENCE, FOR THE PURPOSE OF: 19 (I) CAUSING ANY PERSON TO WITHHOLD OR CHANGE TESTIMONY 20 IN HEARINGS OR PROCEEDINGS BEFORE THE BOARD OR OTHERWISE DELEGATED TO 21 THE OFFICE OF ADMINISTRATIVE HEARINGS; 22 HINDERING, PREVENTING, OR OTHERWISE DELAYING A (II)
- 23 PERSON FROM MAKING INFORMATION AVAILABLE TO THE BOARD IN FURTHERANCE
- 24 OF AN INVESTIGATION BY THE BOARD;
- KNOWINGLY FAILS TO REPORT SUSPECTED ABUSE OR NEGLECT OF A 26 VULNERABLE ADULT IN VIOLATION OF ARTICLE 27, § 35D OF THE CODE;
- FAILS TO COMPLY WITH THE REQUIREMENTS OF ANY ORDER
- 28 ENTERED BY THE BOARD AS A RESULT OF ANY DISCIPLINARY MATTER WITH THE
- 29 BOARD, INCLUDING PAYMENT OF COSTS AS REQUIRED BY § 19-312 OF THIS SUBTITLE;
- 30 OR
- (21)FAILS TO MAINTAIN ADEQUATE PATIENT RECORDS. 31
- 32 19-311.1.
- IF AFTER A HEARING UNDER § 19-312 OF THIS SUBTITLE THE BOARD 33 (A)
- 34 FINDS THAT THERE ARE GROUNDS UNDER § 19-311 OF THIS SUBTITLE TO
- 35 REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR

- 1 REVOKE A LICENSE, THE BOARD MAY IMPOSE A FINE ON THE LICENSEE IN AN 2 AMOUNT NOT EXCEEDING \$5,000:
- 3 (1) INSTEAD OF REPRIMANDING THE LICENSEE, PLACING THE 4 LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE SOCIAL WORKER'S 5 LICENSE; OR
- 6 (2) IN ADDITION TO REPRIMANDING THE LICENSEE, PLACING THE 7 LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE SOCIAL WORKER'S 8 LICENSE.
- 9 (B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE 10 IMPOSITION OF FINES UNDER THIS SECTION.
- 11 (C) THE BOARD SHALL PAY ANY FINE COLLECTED UNDER THIS SECTION INTO 12 THE GENERAL FUND.
- 13 19-312.
- 14 (a) Except as otherwise provided in the Administrative Procedure Act, before
- 15 the Board takes any action under § 19-311 of this subtitle, it shall give the individual
- 16 against whom the action is contemplated an opportunity for a hearing before the
- 17 Board.
- 18 (b) The Board shall give notice and hold the hearing in accordance with the
- 19 Administrative Procedure Act.
- 20 (c) Over the signature of an officer or the administrator of the Board, the
- 21 Board may issue subpoenas and administer oaths in connection with any
- 22 investigation under this title and any hearings or proceedings before it.
- 23 (d) If, without lawful excuse, a person disobeys a subpoena from the Board or
- 24 an order by the Board to take an oath or to testify or answer a question, then, on
- 25 petition of the Board, a court of competent jurisdiction may punish the person as for
- 26 contempt of court.
- 27 (e) If after due notice the individual against whom the action is contemplated
- 28 fails or refuses to appear, nevertheless the Board may hear and determine the matter.
- 29 (f) If, after a hearing, an individual is found in violation of § 19-311 of this
- 30 subtitle, the individual shall pay the costs of the hearing as specified in a regulation
- 31 adopted by the Board.
- 32 19-313.
- 33 (a) Except as provided in this section for an action under § 19-311 of this
- 34 subtitle, any person aggrieved by a final decision of the Board in a contested case, as
- 35 defined in the Administrative Procedure Act, may:
- 36 (1) Appeal that decision to the Board of Review; and



3 4	(b) For purposes of this section, a social worker rehabilitation committee is a committee of the Board or a committee with representatives from [the Maryland Chapter of the National Association of Social Workers, Inc. and the Metropolitan Washington Chapter of the National Association of Social Workers, Inc.] ONE OR MORE PROFESSIONAL SOCIAL WORK ORGANIZATIONS that:					
6		(1)	Is recognized by the Board; and			
7		(2)	Includes but is not limited to social workers.			
8 9	(c) function TO		ilitation committee of the Board or recognized by the Board may PERSONS REFERRED:			
10		(1)	Solely [for] BY the Board; [or]			
11 12	or boards; O	(2) OR	Jointly with a rehabilitation committee representing another board			
13		(3)	BY THE LICENSEE.			
14 15	(d) committee:	For purp	poses of this section, [a] THE social worker rehabilitation			
18	rehabilitation	n for alco	[evaluates] EVALUATES and provides assistance to any social r individual regulated by the Board, in need of treatment and pholism, [drug abuse, chemical dependency,] SUBSTANCE ABUSE, or other physical, emotional, or mental condition; AND			
20 21	IMPAIRME	(2) ENT.	PROVIDES INFORMATION AND RESOURCES TO ADDRESS			
24 25	and are not a	admissibl	Except as otherwise provided in this subsection, the proceedings, he social worker rehabilitation committee are not discoverable e in evidence in any civil action arising out of matters that are eviewed and evaluated by the social worker rehabilitation			
			Paragraph (1) of this subsection does not apply to any record or sidered by the social worker rehabilitation committee and that ubject to discovery or introduction into evidence in a civil action.			
30 31	proceeding l	(3) before the	For purposes of this subsection, civil action does not include a e Board or judicial review of a proceeding before the Board.			
34 35	of the social	er rehabil worker i	n who acts in good faith and within the scope of jurisdiction of the itation committee is not civilly liable for any action as a member rehabilitation committee or for giving information to, ontributing to the function of the social worker rehabilitation			



- 25 (b) In return for the privilege given to a licensee to practice social work in the 26 State, the licensee is deemed to have:
- 27 (1) Consented to submit to an examination under this section, if 28 requested by the Board in writing; and
- 29 (2) Waived any claim of privilege as to the testimony or report of a health 30 care provider who examines the licensee.
- 31 (c) The failure or refusal of the licensee to submit to an examination required 32 under this section is prima facie evidence of the licensee's inability to practice social

- 1 work competently, unless the Board finds that the failure or refusal was beyond the
- 2 control of the licensee.
- 3 (d) The Board shall pay the cost of any examination made under this section.
- 4 19-318.
- 5 (A) BEFORE A LICENSEE IN A PRIVATE INDIVIDUAL, PARTNERSHIP, OR GROUP
- 6 PRACTICE PROVIDES SOCIAL WORK SERVICES TO A CLIENT, THE LICENSEE SHALL
- 7 PROVIDE TO THE CLIENT THE FOLLOWING DISCLOSURES:
- 8 (1) THE LICENSEE'S PROFESSIONAL IDENTITY;
- 9 (2) THE SERVICES WHICH ARE OR MAY BE PROVIDED BY THE LICENSEE
- 10 AND THE FEES FOR EACH SERVICE OR THE HOURLY RATE; AND
- 11 (3) SUFFICIENT INFORMATION FOR A PATIENT TO GIVE INFORMED
- 12 CONSENT REGARDING THE NATURE OF THE SERVICES TO BE PROVIDED.
- 13 (B) THE MANNER OF PROVIDING THESE DISCLOSURES SHALL BE AS
- 14 FOLLOWS:
- 15 (1) THE LICENSEE'S PROFESSIONAL IDENTITY MAY BE PROVIDED BY
- 16 BUSINESS CARD OR DISPLAY OF LICENSE IN A CONSPICUOUS LOCATION;
- 17 (2) THE LICENSEE'S SERVICES AND FEES MAY BE PROVIDED BY
- 18 DOCUMENTED DISCUSSION OR PRINTED FEE SCHEDULE; AND
- 19 (3) INFORMED CONSENT MAY BE PROVIDED BY DOCUMENTED
- 20 DISCUSSION OR A WRITTEN FORM SIGNED BY THE CLIENT WHICH IS KEPT IN THE
- 21 CLIENT'S FILE.
- 22 19-401.
- 23 (A) Except as otherwise provided in this title, a person may not practice,
- 24 attempt to practice, or offer to practice social work in this State WHILE
- 25 REPRESENTING ONESELF TO BE A SOCIAL WORKER unless licensed by the Board.
- 26 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
- 27 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE CLINICAL SOCIAL WORK
- 28 IN THIS STATE UNLESS LICENSED BY THE BOARD AS A CERTIFIED SOCIAL
- 29 WORKER-CLINICAL.
- 30 19-402.
- 31 Unless authorized to practice social work under this title, a person may not:
- 32 (1) Represent to the public that the person is a licensed social worker; or
- 33 (2) Use any title, abbreviation, sign, card, or other representation that
- 34 the person is a licensed social worker, including the use of the words "social worker"

- 1 or "social work" AND THE USE OF THE ABBREVIATIONS "LSWA", "LGSW", "LCSW", OR 2 "LCSW-C".
- 3 19-403.
- 4 A person may not intentionally:
- 5 (1) Use or attempt to use the license of another person who is a licensed
- 6 social worker; or
- 7 (2) Impersonate another person who is a licensed social worker.
- 8 19-404.
- 9 In an attempt to obtain a license, a person may not intentionally give false
- 10 information to the Board.
- 11 19-407.
- 12 A person who violates any provision of this subtitle is guilty of a misdemeanor
- 13 and on conviction is subject to a fine not exceeding \$500 or imprisonment not
- 14 exceeding 90 days.
- 15 19-501.
- This title may be cited as the "Maryland Social Workers Act".
- 17 19-502.
- Subject to the evaluation and reestablishment provisions of the Program
- 19 Evaluation Act, this title and all rules and regulations adopted under this title shall
- 20 terminate and be of no effect after July 1, 2004.
- 21 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Social
- 22 Work Examiners, in consultation with professional social work organizations and the
- 23 Department of Human Resources, Department of Health and Mental Hygiene,
- 24 Department of Juvenile Justice, the Office of the Public Defender, and Department of
- 25 Public Safety and Correctional Services, shall adopt regulations by October 1, 2000 to
- 26 define the appropriate means of providing supervision for individuals practicing
- 27 social work as required by § 19-302 of the Health Occupations Article, as enacted by
- 28 Section 1 of this Act.
- 29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 30 October 1, 2000.