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2000 Regular Session (0lr2012)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introdu	iced by Senator Hollinger	
	Read and Examined by Proofreaders:	
		Proofreader.
	with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M.	Proofreader.
		President.
	CHAPTER	
1 AN	N ACT concerning	
2	Maryland Social Workers Act - Revision	
3 FO 4 5 6 7 8 9 10 11	OR the purpose of altering the membership of and method of appointing the State Board of Social Work Examiners; altering the term of the chairman and secretary of the Board; requiring the Board to appoint an executive director; requiring certain individuals to hold certain licenses before practicing social work or clinical social work in this State; altering certain exemptions from licensing; altering certain qualification, education, training, and experience requirements that applicants must meet to obtain certain social work licenses; altering certain application and examination procedures and requirements for applicants for licenses; clarifying the scope of certain licenses to practice social work; altering certain continuing education requirements for license renewals;	

altering certain requirements and procedures for placing certain licenses on

licensee a certain amount under certain circumstances; altering certain grounds

inactive status for a certain period of time; authorizing the Board to fine a

for disciplinary action against applicants and licensees; altering certain

requirements and procedures for reinstating certain licenses under certain

1 2 3 4 5	circumstances; requiring licensees to provide certain disclosures to clients; prohibiting certain acts; repealing certain obsolete provisions; defining certain terms; requiring the Board, in consultation with certain agencies, to adopt certain regulations by a certain date; and generally relating to the revision of the Maryland Social Workers Act.
6 7 8 9 10 11	BY repealing and reenacting, with amendments, Article - Health Occupations Section 19-101, 19-102, 19-103, 19-202, 19-203, 19-204, 19-205, 19-206,
13 14 15 16 17	BY repealing and reenacting, without amendments, Article - Health Occupations Section 19-201, 19-207, 19-305, 19-310, 19-312, 19-313, 19-316, 19-317,
19 20 21 22 23	BY repealing Article - Health Occupations Section 19-305.1, 19-309, and 19-314 Annotated Code of Maryland (1994 Replacement Volume and 1999 Supplement)
24 25 26 27 28	BY adding to Article - Health Occupations Section 19-309, 19-311.1, 19-314, and 19-318 Annotated Code of Maryland (1994 Replacement Volume and 1999 Supplement)
29 30	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
31	Article - Health Occupations
32	19-101.
33	(a) In this title the following words have the meanings indicated.
34	(b) "Board" means the State Board of Social Work Examiners.
35 36	[(c) (1) "License" means, unless the context requires otherwise, a license issued by the Board to practice social work.

1	(2)	"Licens	e" includes:
2		(i)	1. A certified social worker license; or
3			2. A certified social worker-clinical license;
4		(ii)	Graduate social worker license; and
5		(iii)	A social work associate license.
6 7			worker" means, unless the context requires otherwise, a by the Board to practice social work.
			work" means to engage professionally and for gactivities while representing oneself to be a social
11 12	(1) their capacity for		g individuals, groups, or communities to enhance or restore ioning;
13	(2)	Seeking	g to create societal conditions favorable to this goal; and
14	(3)	By the	application of social work values, principles, and techniques:
15		(i)	Helping people obtain tangible services;
16 17	social and health	(ii) services; and	Helping persons, communities, and groups provide or improve d
18		(iii)	Counseling with individuals, families, and groups.
21		the applicati ial, mental, a	ce clinical social work" means to engage professionally and for on of social work principles and methods for the and emotional conditions through treatment designed to mental disorder.
23 24	(2) on a recognized r		ce clinical social work" includes rendering a diagnosis based ental and emotional disorders.
25	(g) "Soo	ial worker"	means an individual who practices social work.]
	THE BOARD TH	HAT THE IN	MEANS HAVING DEMONSTRATED TO THE SATISFACTION OF NDIVIDUAL HAS COMPLETED 2 YEARS OF SUPERVISED E AS DEFINED IN § 19-302 (D) OR (E) OF THIS TITLE.
			ANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, ONE OF IS ISSUED BY THE BOARD AUTHORIZING AN INDIVIDUAL TO
32	(1)	ASSOC	CIATE SOCIAL WORK;

- 1 (2) GRADUATE SOCIAL WORK;
- 2 (3) CERTIFIED SOCIAL WORK; OR
- 3 (4) CERTIFIED SOCIAL WORK-CLINICAL.
- 4 (E) "LICENSED ASSOCIATE SOCIAL WORKER" MEANS AN INDIVIDUAL
- 5 LICENSED BY THE BOARD TO PRACTICE ASSOCIATE SOCIAL WORK.
- 6 (F) "LICENSED CERTIFIED SOCIAL WORKER" MEANS AN INDIVIDUAL
- 7 LICENSED BY THE BOARD TO PRACTICE CERTIFIED SOCIAL WORK.
- 8 (G) "LICENSED CERTIFIED SOCIAL WORKER-CLINICAL" MEANS AN
- 9 INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE CLINICAL SOCIAL WORK.
- 10 (H) "LICENSED GRADUATE SOCIAL WORKER" MEANS AN INDIVIDUAL
- 11 LICENSED BY THE BOARD TO PRACTICE GRADUATE SOCIAL WORK.
- 12 (I) "PRACTICE ASSOCIATE SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK 13 AT A BASIC LEVEL:
- 14 (1) UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL
- 15 WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED
- 16 GRADUATE SOCIAL WORKER WHO MEETS THE CONDITIONS SPECIFIED IN
- 17 REGULATIONS: AND
- 18 (2) UTILIZING THE EDUCATION AND TRAINING REQUIRED UNDER § 19 19-302(B) OF THIS TITLE.
- 20 (J) "PRACTICE CERTIFIED SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK
- 21 AT AN ADVANCED LEVEL UTILIZING THE EDUCATION, TRAINING, AND EXPERIENCE
- 22 REQUIRED UNDER § 19-302(D) OR (E) OF THIS TITLE.
- 23 (K) "PRACTICE CERTIFIED SOCIAL WORK-CLINICAL CLINICAL SOCIAL WORK"
- 24 MEANS TO PRACTICE SOCIAL WORK AT AN ADVANCED LEVEL UTILIZING THE
- 25 SPECIALIZED EDUCATION, TRAINING, AND EXPERIENCE REQUIRED UNDER §
- 26 19-302(E) OF THIS TITLE.
- 27 (L) "PRACTICE GRADUATE SOCIAL WORK" MEANS TO PRACTICE SOCIAL WORK 28 AT AN ADVANCED LEVEL:
- 29 (1) UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL
- 30 WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED
- 31 GRADUATE SOCIAL WORKER WHO MEETS THE CONDITIONS SPECIFIED IN
- 32 REGULATIONS; AND
- 33 (2) UTILIZING THE EDUCATION AND TRAINING REQUIRED UNDER §
- 34 19-302(C) OF THIS TITLE.
- 35 (M) (1) "PRACTICE SOCIAL WORK" MEANS TO APPLY THE THEORIES,
- 36 KNOWLEDGE, PROCEDURES, METHODS, OR ETHICS DERIVED FROM A FORMAL

1 EDUCATIONAL PROGRAM IN SOCIAL WORK TO RESTORE OR ENHANCE SOCIAL OR

2 BIOPSYCHOSOCIAL FUNCTIONING OF INDIVIDUALS, COUPLES, FAMILIES, GROUPS, 3 ORGANIZATIONS, OR COMMUNITIES THROUGH:				
4	(I)	ASSESSMENT;		
5	(II)	FORMULATING DIAGNOSTIC IMPRESSIONS;		
6	(III)	PLANNING;		
7	(IV)	INTERVENTION;		
8	(V)	EVALUATION OF INTERVENTION PLANS;		
9	(VI)	CASE MANAGEMENT;		
10	(VII)	INFORMATION AND REFERRAL;		
11 12 TREATMENT OF M	(VIII) <u>MENTAI</u>	COUNSELING <u>THAT DOES NOT INCLUDE DIAGNOSIS OR</u> <u>DISORDERS</u> ;		
13	(IX)	ADVOCACY;		
14	(X)	CONSULTATION;		
15	(XI)	EDUCATION;		
16	(XII)	RESEARCH;		
17	(XIII)	COMMUNITY ORGANIZATION; OR		
18 19 POLICIES, PROGR	(XIV) AMS, Al			
20 (2) FOR AN INDIVIDUAL LICENSED AS A GRADUATE SOCIAL WORKER, 21 "PRACTICE SOCIAL WORK" ALSO INCLUDES:				
22 23 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 NSED CERTIFIED SOCIAL WORKER-CLINICAL.		
27 (3) 28 "PRACTICE SOCIA		N INDIVIDUAL LICENSED AS A CERTIFIED SOCIAL WORKER, K" ALSO INCLUDES:		

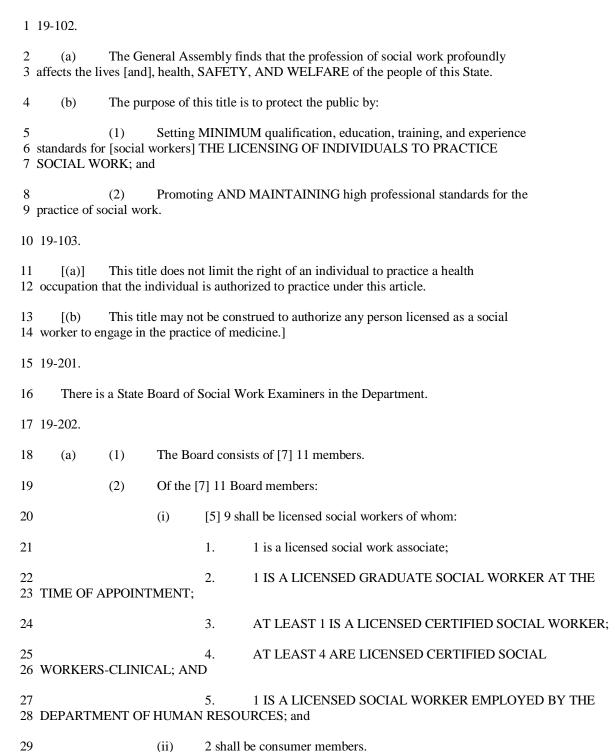
SUPERVISION OF OTHER SOCIAL WORKERS; $\underline{\mathsf{AND}}$

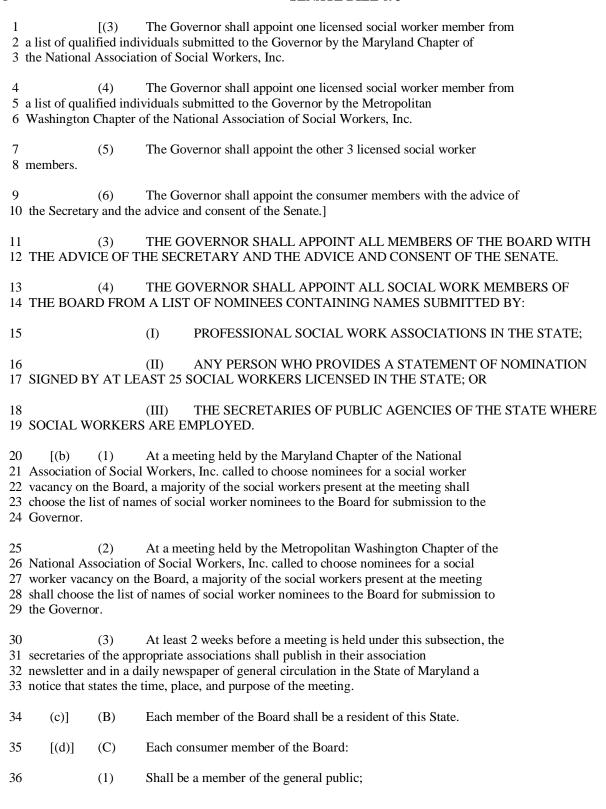
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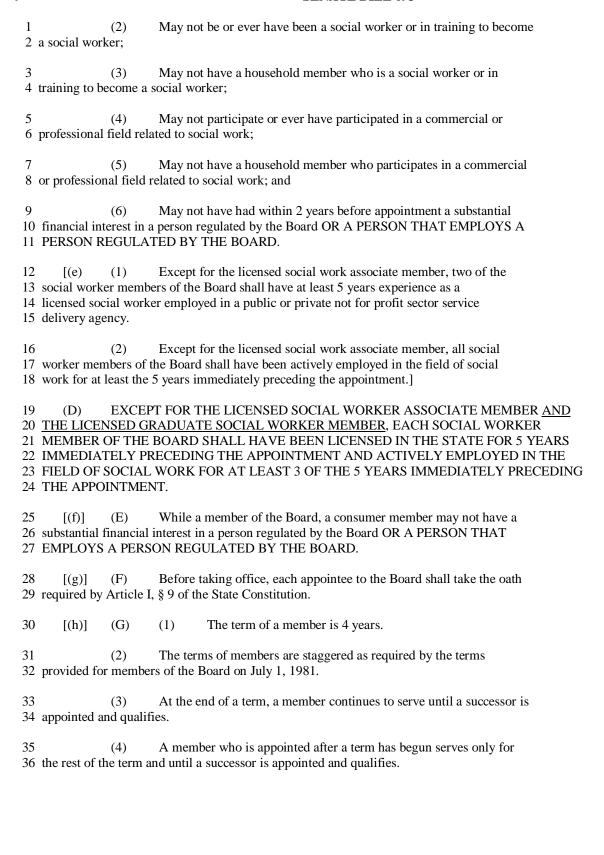
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,		SERVILL DIEL V/S
	2 DISORDERS AND THE PROVI	REATMENT OF PSYCHOSOCIAL CONDITIONS AND MENTAL SION OF PSYCHOTHERAPY UNDER THE DIRECT D CERTIFIED SOCIAL WORKER-CLINICAL ; AND
-		DDITIONAL METHODS AND PROCEDURES FOR WHICH THE EVED SPECIALIZED TRAINING AND DEMONSTRATED
7 8		NDIVIDUAL LICENSED AS A CERTIFIED SOCIAL FICE SOCIAL WORK" ALSO INCLUDES:
9	9 (I) SI	UPERVISION OF OTHER SOCIAL WORKERS;
		VALUATION, DIAGNOSIS, AND TREATMENT OF PSYCHOSOCIAL DISORDERS AS DEFINED IN § 10-101(F) OF THE HEALTH -
13	13 (III) T	HE PROVISION OF PSYCHOTHERAPY ; AND
		DDITIONAL METHODS AND PROCEDURES FOR WHICH THE IVED SPECIALIZED TRAINING AND DEMONSTRATED .
19 20 21 22 23 24	18 DISORDERS AND OTHER CO 19 BETWEEN A LICENSED SOC 20 WHICH A THERAPEUTIC REI 21 UNCONSCIOUS PROCESSES, 22 DYNAMICS BEHAVIORAL D 23 PRACTITIONER ESTABLISH	PY" MEANS A METHOD FOR THE TREATMENT OF MENTAL NOTIONS WITHIN A SPECIALIZED, FORMAL INTERACTION FAL WORKER AND AN INDIVIDUAL, FAMILY, OR GROUP IN LATIONSHIP IS ESTABLISHED TO UNDERSTAND INTRAPERSONAL, INTERPERSONAL, AND PSYCHOSOCIAL ISTURBANCES IN WHICH A LICENSED HEALTH CARE SE ENTERS INTO A PROFESSIONAL CONTRACT WITH THE THERAPEUTIC COMMUNICATION OR INTERACTION,
26	26 <u>(1)</u> <u>ALLEVIA</u>	TE EMOTIONAL DISTURBANCES;
27	27 <u>(2)</u> <u>REVERSE</u>	OR ALTER MALADAPTIVE PATTERNS OF BEHAVIOR; OR
28	28 <u>(3)</u> <u>ENCOURA</u>	AGE PERSONALITY GROWTH AND DEVELOPMENT.
29 30	29 (O) "SUPERVISION" M 30 BETWEEN A SUPERVISOR A	MEANS A FORMALIZED PROFESSIONAL RELATIONSHIP ND A SUPERVISEE THAT:
31	31 (1) PROVIDE	S EVALUATION AND DIRECTION OF THE SUPERVISEE; AND
32 33	` /	ES CONTINUED DEVELOPMENT OF THE SUPERVISEE'S ABILITIES TO PROVIDE SOCIAL WORK SERVICES IN AN

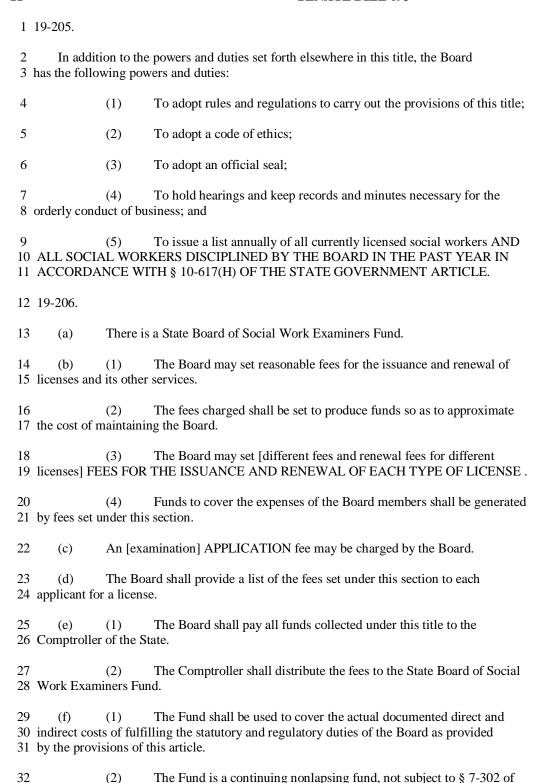
34 ETHICAL AND COMPETENT MANNER.







1		(5)	A memb	per may not serve more than 2 consecutive full terms.
2	Board within	(6) 1 60 days		xtent practicable, the Governor shall fill any vacancy on the te of the vacancy.
4 5	[(i)] misconduct,	(H) or neglec	(1) et of duty.	The Governor may remove a member for incompetence,
	remove a me Board meeting		om the So	e recommendation of the Secretary, the Governor may ecretary finds to have been absent from 2 successive atte reason.
9	19-203.			
10 11	(a) secretary EV			nembers, the Board shall elect a chairman and a
12	(b)	The Boa	ard shall o	letermine:
13 14	SECRETAR	(1) RY; AND		nner of election of [officers;] THE CHAIRMAN AND
15		[(2)	The term	n of office of each officer; and
16		(3)]	(2)	The duties of each officer.
17	19-204.			
18 19	(a) do business.		ity of the	full authorized membership of the Board is a quorum to
20 21	(b) determines.	The Boa	ard shall r	meet at least once a year, at the times and places that it
22 23	(c) rate determin			the Board is entitled to reimbursement for expenses at a
24	(d)	The Boa	ırd may e	mploy a staff in accordance with the budget of the Board.
25	(E)	(1)	THE BO	OARD SHALL APPOINT AN EXECUTIVE DIRECTOR.
26		(2)	THE EX	ECUTIVE DIRECTOR:
27			(I)	SERVES AT THE PLEASURE OF THE BOARD;
28			(II)	IS THE EXECUTIVE OFFICER OF THE BOARD; AND
29			(III)	HAS THE POWERS AND DUTIES ASSIGNED BY THE BOARD



33 the State Finance and Procurement Article.

	the General l purposes spe		Any unspent portions of the Fund may not be transferred or revert to he State, but shall remain in the Fund to be used for the this article.
4		(4)	No other State money may be used to support the Fund.
5	(g)	(1)	A designee of the Board shall administer the Fund.
6 7	authorized u	(2) nder the p	Moneys in the Fund may be expended only for any lawful purpose provisions of this article.
8 9	(h) Fund as prov		rislative Auditor shall audit the accounts and transactions of the 2-1220 of the State Government Article.
10	19-207.		
	Courts and J	Judicial P	eve the immunity from liability described under § 5-718 of the Proceedings Article for giving information to the Board or ang in its activities.
14	19-301.		
15 16	(a) [licensed]:	Except a	as otherwise provided in this title, an individual shall be
17 18		(1) State WI	LICENSED by the Board before the individual may practice social HILE REPRESENTING ONESELF AS A SOCIAL WORKER;
19 20		(2) AL MAY	LICENSED AS A CERTIFIED SOCIAL WORKER-CLINICAL BEFORE THE PRACTICE CLINICAL SOCIAL WORK IN THIS STATE.
21	(b)	This sec	tion does not apply to:
	while perfor	_	An individual employed by any agency of the federal government duties of that employment, unless the individual chooses to ider this subtitle; OR
			Any individual who does not use any title, abbreviation, sign, card, or hat the individual is a "social worker" or is engaged in the ork";
28 29		(3) ard approv	A student while pursuing a supervised course of study in social work yes as qualifying training and experience under this title;
30 31		(4) cation for	An individual who recently has become a resident of this State and r a license pending before the Board; or
32		(5)	An individual who is an attorney or a member of the clergy:
33 34	of the indivi	idual's res	(i) While the individual is working within the standards and ethics spective profession; and

1 2	description o	of services	i) If the individual does not represent to the public by title or hat the individual is a social worker]	
3	WHILE RES	(2) SPONDIN	IN INDIVIDUAL LICENSED AS A SOCIAL WORKER IN ANOTHER TO AN EMERGENCY IN THIS STATE.	STATE
5	19-302.			
6 7	[(a) character and		for a license, an applicant shall be an individual of good moral s the applicable requirements of this section.	
8 9	(b) degree:	An appl	ant for a social work associate license shall have a baccalaureate	
10		(1)	rom an accredited college or university; and	
11 12	Work Educa	(2) ation.	ased on a social work program accredited by the Council on Social	
13	(c)	An appl	ant for a graduate social worker license shall have:	
			a master's degree from an accredited college or university and based ork program accredited by the Council on Social Work	
17 18	university.	(2)	doctorate degree in social work from an accredited college or	
19	(d)	(1)	an applicant for a certified social worker license shall have:	
	based on a g Education; a		A master's degree from an accredited college or university and cial work program accredited by the Council on Social Work	
25		tified soc	i) 2 years of social work experience as a social worker where a is part of the employment contract and the supervisor is a worker and is provided by and accountable to the employer ter's degree.	
27		(2)	an applicant for a certified social worker-clinical license shall have:	
			A master's degree in social work and documentation of clinical credited college or university and based on a graduate social ed by the Council on Social Work Education; and	
33 34 35	periodic dire and not mor employment	ect face-to e than 6 o t contract	2 years of supervised clinical social work experience of at least ring the master's degree with a minimum of 144 hours of face supervision provided in not less than 2 consecutive years ansecutive years and where the supervision is part of the and the supervisor is a licensed certified social worker-clinical accountable to the employer.	

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(D)

(1)

SENATE BILL 693

1 Except as otherwise provided in this title, the applicant shall pass an (e) 2 appropriate examination given by the Board under this subtitle. In determining the qualifications of a license applicant who applied for an 3 4 original license before December 31, 1978, the Board shall recognize equivalent 5 academic requirements for subsections (b), (c), and (d)(1)(i) of this section. The 6 equivalent academic requirements shall include degree programs from accredited colleges or universities that have: 8 Related academic curricula in areas other than social work, including psychology and counseling; and As part of the degree program, field work experience in the practice 11 of social work in a licensed social service agency.] TO OBTAIN A LICENSE, AN APPLICANT SHALL DEMONSTRATE TO THE 13 SATISFACTION OF THE BOARD THAT THE APPLICANT: 14 HAS SUBMITTED A COMPLETE WRITTEN APPLICATION IN THE FORM (1) 15 PRESCRIBED BY THE BOARD; IS AT LEAST 18 YEARS OLD; 16 (2) 17 IS OF GOOD MORAL CHARACTER; (3)18 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, HAS 19 SUCCESSFULLY PASSED AN EXAMINATION OR EXAMINATIONS PRESCRIBED BY THE 20 BOARD PERTINENT TO THE LICENSE SOUGHT; AND HAS PAID ALL APPLICABLE FEES SPECIFIED BY THE BOARD 21 (5) 22 RELATIVE TO THE LICENSURE PROCESS. 23 (B) TO OBTAIN A SOCIAL WORK ASSOCIATE LICENSE, AN APPLICANT SHALL: MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION; 24 (1) **25 AND** HAVE RECEIVED A BACCALAUREATE DEGREE IN SOCIAL WORK 27 FROM A PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION. 28 (C) TO OBTAIN A GRADUATE SOCIAL WORKER LICENSE, AN APPLICANT SHALL: 29 MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION; (1) 30 AND 31 HAVE RECEIVED A MASTER'S DEGREE FROM A PROGRAM 32 ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION.

TO OBTAIN A CERTIFIED SOCIAL WORKER LICENSE, AN APPLICANT SHALL:

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

- 15 **SENATE BILL 693** 1 HAVE RECEIVED A MASTER'S DEGREE FROM A PROGRAM (2)2 ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION; AND PROVIDE IN A FORM PRESCRIBED BY THE BOARD, DOCUMENTATION 3 4 OF HAVING COMPLETED 2 YEARS OF SUPERVISED EXPERIENCE AS A LICENSEE WITH 5 SUPERVISED EXPERIENCE OF AT LEAST 3,000 HOURS AFTER RECEIVING THE 6 MASTER'S DEGREE WITH A MINIMUM OF 144 HOURS OF PERIODIC FACE-TO-FACE SUPERVISION IN THE PRACTICE OF SOCIAL WORK UNDER THE TERMS AND 8 CONDITIONS THAT THE BOARD DETERMINES BY REGULATION. TO OBTAIN A CERTIFIED SOCIAL WORKER-CLINICAL LICENSE, AN 10 APPLICANT SHALL: MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION; 11 (1) 12 (2) HAVE RECEIVED A MASTER'S DEGREE IN SOCIAL WORK AND 13 DOCUMENTATION OF CLINICAL COURSE WORK FROM A PROGRAM ACCREDITED BY 14 THE COUNCIL ON SOCIAL WORK EDUCATION; AND 15 PROVIDE IN A FORM PRESCRIBED BY THE BOARD, DOCUMENTATION 16 OF HAVING COMPLETED 2 YEARS OF SUPERVISED EXPERIENCE AS A LICENSEE WITH 17 SUPERVISED EXPERIENCE OF AT LEAST 3,000 HOURS AFTER RECEIVING THE 18 MASTER'S DEGREE WITH A MINIMUM OF 144 HOURS OF PERIODIC FACE-TO-FACE 19 SUPERVISION IN THE ASSESSMENT, FORMULATION OF A DIAGNOSTIC IMPRESSION, 20 AND TREATMENT OF MENTAL DISORDERS OR AND OTHER CONDITIONS AND THE 21 PROVISION OF PSYCHOTHERAPY UNDER THE TERMS AND CONDITIONS THAT THE 22 BOARD DETERMINES BY REGULATION. 23 If the supervision required for a certified social worker license [(g) (1)24 under [subsection (d)(1)] SUBSECTION (D)(3) of this section was not available to the 25 applicant while the applicant was obtaining the required 2 years of experience, the 26 Board may waive the supervision requirement on the request of the applicant. 27 Until January 1, 2000, on the request of an applicant, the Board may [(2)]28 grant the applicant a waiver of supervision by a licensed certified social 29 worker-clinical if the applicant obtained the supervision required for a certified social 30 worker-clinical license under subsection (d)(2)(ii) of this section in a setting in which 31 a licensed certified social worker-clinical was not available to provide the supervision 32 and the supervision was provided by a licensed certified social worker who has 33 practiced for at least 5 years. 34 If an applicant who is licensed or registered to practice social work in (h)] 35 another state has obtained 2 years of supervised experience [outside an employment 36 contract] under circumstances that are otherwise equivalent to those required under 37 subsection (d) of this section, the Board may waive the SUPERVISION requirement
- 38 [that the supervision be part of an employment contract].
- 39 19-303.
- 40 To apply for a license, an applicant shall: (A)

16 SENATE BILL 693 1 (1) Submit an application to the Board on the form that the Board 2 requires; and (2) 3 Pay to the Board the application fee set by the Board. 4 (B) THE BOARD SHALL: 5 (1) REVIEW EACH APPLICATION; AND NOTIFY EACH APPLICANT WHETHER THE APPLICANT HAS BEEN 6 APPROVED TO TAKE THE PERTINENT LICENSURE EXAMINATION WITHIN A 8 REASONABLE TIME FRAME AS DEFINED IN REGULATIONS. 9 19-304. 10 [(a) An applicant who otherwise qualifies for a license is entitled to be 11 examined for that license as provided in this section. 12 The Board shall give examinations to applicants for each category of (b) 13 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 14 15 examination. 16 (d) (1) The Board shall determine the subjects, scope, form, and passing score for each examination given under this subtitle. 18 (2) The examinations given under this subtitle shall be free of cultural 19 bias. 20 (e) (1) The Board may not limit the number of times an applicant may take 21 an examination required under this subtitle. 22 The applicant shall pay to the Board a reexamination fee set by the (2) 23 Board for each reexamination.] AN APPROVED APPLICANT IS ENTITLED TO BE EXAMINED FOR LICENSURE 24 (A) 25 AS PROVIDED IN THIS SECTION. THE BOARD SHALL ENSURE THAT A BOARD-APPROVED EXAMINATION FOR 26 27 EACH CATEGORY OF LICENSE IS MADE AVAILABLE FOR AN APPLICANT TO TAKE AT 28 LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES. THE BOARD SHALL NOTIFY EACH APPROVED APPLICANT OF THE 29 30 PROCEDURES FOR TAKING THE EXAMINATION. THE BOARD SHALL APPROVE THE SUBJECTS, SCOPE, FORM, AND 31 (D) (1)32 PASSING SCORE FOR EACH TYPE OF EXAMINATION GIVEN UNDER THIS SUBTITLE.

THE EXAMINATIONS GIVEN UNDER THIS SUBTITLE SHALL STRIVE TO

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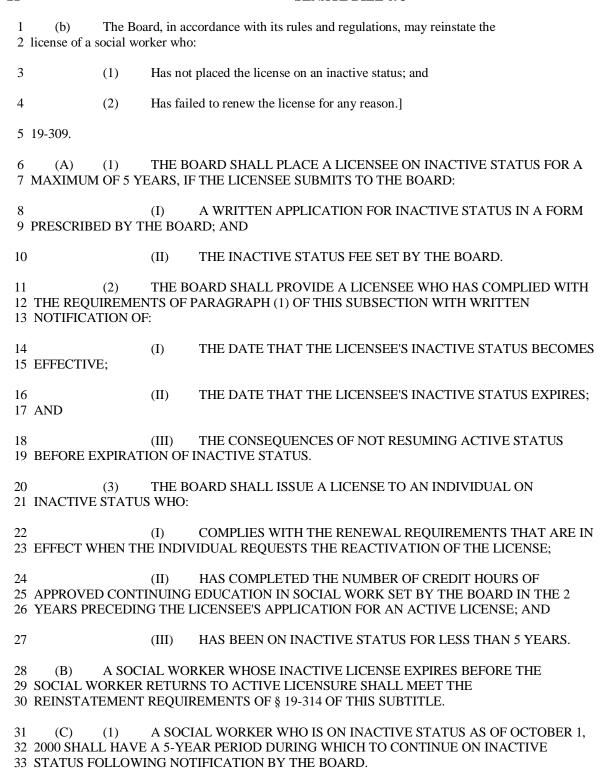
(2) 34 BE FREE OF CULTURAL BIAS.

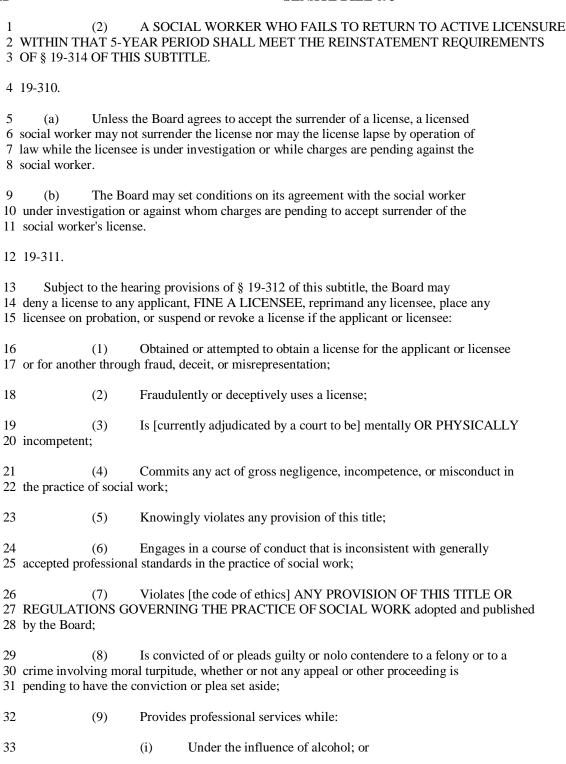
1	(E)	(1)	THE BOARD, BY REGULATION, MAY LIMIT:
2 3	AFTER FAI	LING AN	(I) THE NUMBER OF TIMES AN APPLICANT MAY BE REEXAMINED EXAMINATION REQUIRED UNDER THIS SUBTITLE; AND
4			(II) THE INTERVAL BETWEEN REEXAMINATIONS.
			IF AN APPLICANT IS PERMITTED TO BE REEXAMINED UNDER THIS SUBSECTION, THE APPLICANT SHALL PAY A FEE TO THE APPROVED BY THE BOARD.
10 11	was enrolled in a	d social w l in a doc i doctoral	tanding the provisions of § 19-302 of this subtitle, an applicant orker license or a certified social worker-clinical license who oral program on October 1, 1992 and has remained continuously program and who otherwise qualifies for the applicable license ned for that license as provided in this section.
13 14	(G) OF THE AP		AMINATION SHALL BE PREPARED TO MEASURE THE COMPETENCE TO ENGAGE IN THE PERTINENT PRACTICE OF SOCIAL WORK.
		ΓΙΟΝ, ΤΙ	PREPARATION, ADMINISTRATION, AND GRADING OF AN E BOARD MAY EMPLOY, COOPERATE, OR CONTRACT WITH AN R CONSULTANT.
18	19-305.		
		requiren	o the provisions of this section, the Board shall waive the ents of this title for an applicant who is licensed or registered to any other state.
22	(b)	The Boa	d may grant a waiver under this section only if the applicant:
23 24	subtitle;	(1)	Pays the application fee required by the Board under § 19-303 of this
25		(2)	Provides adequate evidence that the applicant:
26			(i) Meets the qualifications otherwise required by this title; and
			(ii) Became licensed or registered in the other state after passing in an examination that is similar to the examination for which g the waiver; and
30 31	from the Bo	(3) ard.	Did not previously receive a waiver of the examination requirement
32	[19-305.1.		
33 34			995, the Board shall waive the examination requirements of a certified social worker-clinical license if the applicant:

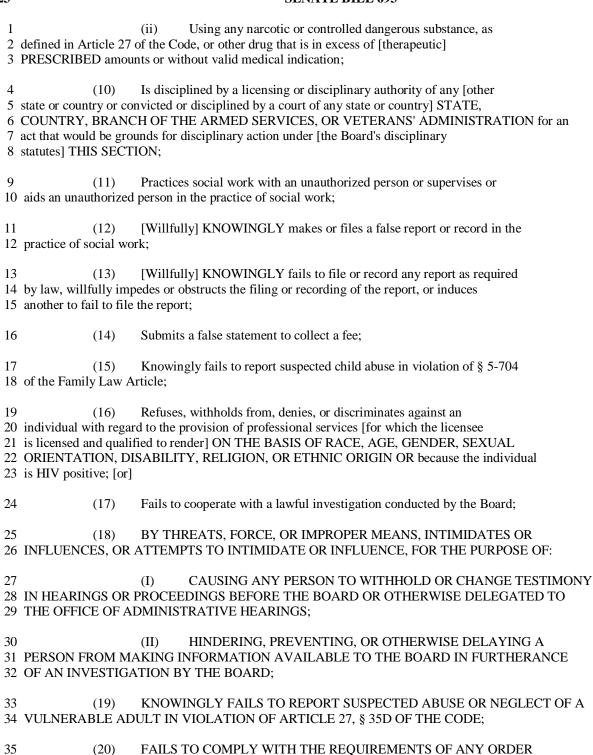
1 2	subtitle;	(1)	Pays the application fee required by the Board under § 19-303 of this
3		(2)	Was a licensed certified social worker on July 1, 1993; and
4 5	Board on Jul	(3) y 1, 1993	Was eligible for inclusion on the vendorship list maintained by the 3.]
6	19-306.		
7 8	(a) requirements		ard shall issue a license to any applicant who meets the itle.
9	(b)	The Boa	ard shall include on each license that the Board issues:
10		(1)	The kind of license;
11		(2)	The full name of the licensee;
12		(3)	A serial number;
13		(4)	The signatures of the chairman and the secretary of the Board; [and]
14		(5)	The seal of the Board; AND
15		(6)	THE ORIGINAL DATE OF ISSUANCE.
18	mutilated lic	ense if th	ard [may] SHALL issue a license to replace a lost, destroyed, or ne licensee pays the license replacement fee set by the Board ATES TO THE SATISFACTION OF THE BOARD THAT THE LICENSE WAS D, OR MUTILATED.
20	19-307.		
21 22	(a) authorizes th		to the provisions of subsections (b) and (c) of this section, a license see to practice social work while the license is effective.
23 24	L ()		ned social work associate may not make a clinical diagnosis of l disorders or engage in the practice of psychotherapy.
27		of a licen	(i) Except as authorized by the Board, a licensed social work in the private practice of social work only under the direct used certified social worker or a licensed certified social
31		direct sup	(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

1 (2) Except as authorized by the Board through regulation, a licensed 2 graduate social worker may engage in the practice of social work only under the 3 supervision of a licensed certified social worker or a licensed certified social 4 worker-clinical.] A LICENSED SOCIAL WORKER MAY PRACTICE SOCIAL WORK ONLY WITHIN 5 (B) 6 THE SCOPE OF THE SPECIFIC TYPE OF LICENSE ISSUED BY THE BOARD. 7 A LICENSED ASSOCIATE SOCIAL WORKER MAY NOT: (C) (1) PRACTICE SOCIAL WORK WITHOUT THE SUPERVISION OF A 8 (I) 9 LICENSED CERTIFIED SOCIAL WORKER, LICENSED CERTIFIED SOCIAL 10 WORKER-CLINICAL, OR LICENSED GRADUATE SOCIAL WORKER WHO MEETS THE 11 REQUIREMENTS SPECIFIED IN THE REGULATIONS; 12 (II)MAKE A CLINICAL DIAGNOSIS OF A MENTAL OR EMOTIONAL 13 DISORDER; OR 14 (III)PROVIDE PSYCHOTHERAPY. 15 (2) A LICENSED GRADUATE SOCIAL WORKER MAY NOT: PRACTICE GRADUATE SOCIAL WORK WITHOUT THE 16 (I) 17 SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER, LICENSED CERTIFIED 18 SOCIAL WORKER-CLINICAL, OR LICENSED GRADUATE SOCIAL WORKER WHO MEETS 19 THE REQUIREMENTS SPECIFIED IN THE REGULATIONS; 20 TREAT MENTAL OR EMOTIONAL DISORDERS OR PROVIDE (II)21 PSYCHOTHERAPY WITH OUT THE DIRECT SUPERVISION OF A LICENSED CERTIFIED 22 SOCIAL WORKER-CLINICAL; OR 23 (III) DIAGNOSE A MENTAL DISORDER. A LICENSED CERTIFIED SOCIAL WORKER MAY NOT: 24 (3) TREAT MENTAL OR EMOTIONAL DISORDERS OR PROVIDE 25 (I) 26 PSYCHOTHERAPY WITHOUT THE DIRECT SUPERVISION OF A LICENSED CERTIFIED 27 SOCIAL WORKER-CLINICAL; OR 28 (II)DIAGNOSE A MENTAL DISORDER. 29 19-308. 30 A license expires on the date set by the Board, unless the license is 31 renewed for an additional term as provided in this section. A license may not be 32 renewed for a term longer than 2 years. 33 At least 1 month before the license expires, the Board shall send to the 34 licensee, by first class mail to the last known address of the licensee, a renewal notice 35 that states:

1	(1)	The date	on which the current license expires;
2 3				by which the renewal application must be received by the led and mailed before the license expires; and
4	(.	3)	The amo	unt of the renewal fee.
5 6				Il notify the Board of any change in the address of the TER THE CHANGE OCCURS.
7 8	(d) E additional 2-ye			expires, the licensee periodically may renew it for an ensee:
9	(1)	Otherwis	e is entitled to be licensed;
10 11	subtitle; and	2)	Pays to the	ne Board the appropriate renewal fee specified by this
12	(3)	Submits	to the Board:
13			(i)	A renewal application on the form that the Board requires; and
14 15	education requ			Satisfactory evidence of compliance with any continuing or this section for license renewal.
		tablish	continuin	area of specialization in the practice of social work, the g education requirements as a condition to the section.
19 20	,			rd shall standardize the continuing education requirements on and within each type of license.
21 22	() 3 (,		The Board shall renew the license of and issue a renewal meets the requirements of this section.
23 24	certificate that			rd shall include the term of the renewal on each renewal
25	[19-309.			
26 27	(a) (submits to the		The Boar	rd shall place a licensee on inactive status, if the licensee
28 29	Board; and		(i)	An application for inactive status on the form required by the
30			(ii)	The inactive status fee set by the Board.
	status if the in	dividua	l complie	rd shall issue a license to an individual who is on inactive s with the renewal requirements that are in effect the reactivation of the license.

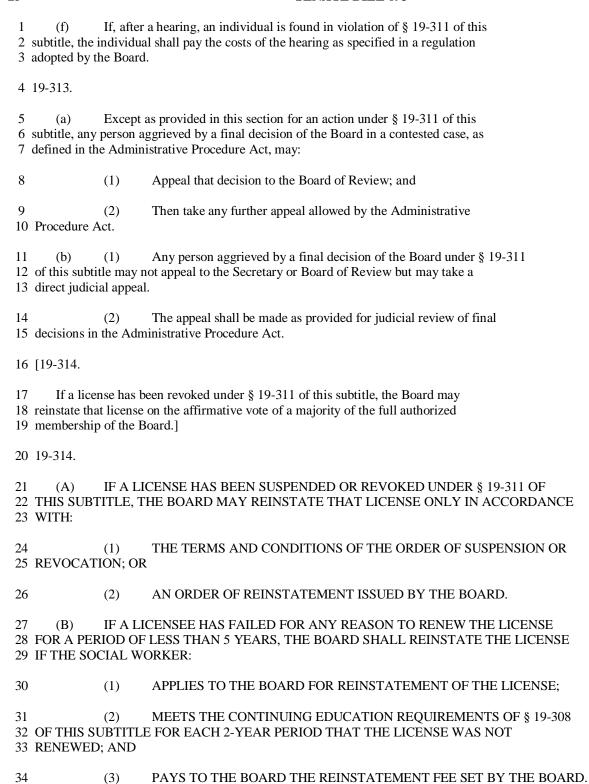


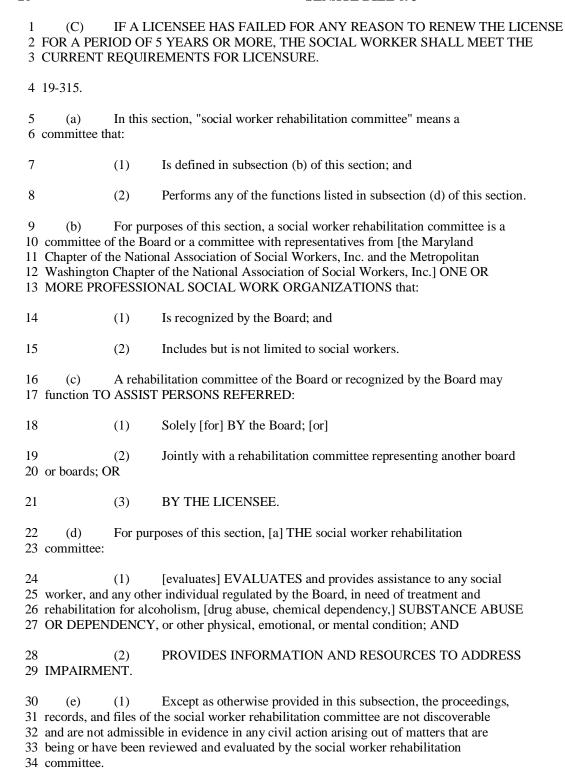




36 ENTERED BY THE BOARD AS A RESULT OF ANY DISCIPLINARY MATTER WITH THE

- 1 BOARD, INCLUDING PAYMENT OF COSTS AS REQUIRED BY § 19-312 OF THIS SUBTITLE; 2 OR
- 3 (21) FAILS TO MAINTAIN ADEQUATE PATIENT RECORDS.
- 4 19-311.1.
- 5 (A) IF AFTER A HEARING UNDER § 19-312 OF THIS SUBTITLE THE BOARD
- 6 FINDS THAT THERE ARE GROUNDS UNDER § 19-311 OF THIS SUBTITLE TO
- 7 REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR
- 8 REVOKE A LICENSE, THE BOARD MAY IMPOSE A FINE ON THE LICENSEE IN AN
- 9 AMOUNT NOT EXCEEDING \$5,000:
- 10 (1) INSTEAD OF REPRIMANDING THE LICENSEE, PLACING THE
- 11 LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE SOCIAL WORKER'S
- 12 LICENSE; OR
- 13 (2) IN ADDITION TO REPRIMANDING THE LICENSEE, PLACING THE
- 14 LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE SOCIAL WORKER'S
- 15 LICENSE.
- 16 (B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE
- 17 IMPOSITION OF FINES UNDER THIS SECTION.
- 18 (C) THE BOARD SHALL PAY ANY FINE COLLECTED UNDER THIS SECTION INTO
- 19 THE GENERAL FUND.
- 20 19-312.
- 21 (a) Except as otherwise provided in the Administrative Procedure Act, before
- 22 the Board takes any action under § 19-311 of this subtitle, it shall give the individual
- 23 against whom the action is contemplated an opportunity for a hearing before the
- 24 Board.
- 25 (b) The Board shall give notice and hold the hearing in accordance with the
- 26 Administrative Procedure Act.
- 27 (c) Over the signature of an officer or the administrator of the Board, the
- 28 Board may issue subpoenas and administer oaths in connection with any
- 29 investigation under this title and any hearings or proceedings before it.
- 30 (d) If, without lawful excuse, a person disobeys a subpoena from the Board or
- 31 an order by the Board to take an oath or to testify or answer a question, then, on
- 32 petition of the Board, a court of competent jurisdiction may punish the person as for
- 33 contempt of court.
- 34 (e) If after due notice the individual against whom the action is contemplated
- 35 fails or refuses to appear, nevertheless the Board may hear and determine the matter.





1 (2) Paragraph (1) of this subsection does not apply to any record or 2 document that is considered by the social worker rehabilitation committee and that 3 otherwise would be subject to discovery or introduction into evidence in a civil action. 4 For purposes of this subsection, civil action does not include a 5 proceeding before the Board or judicial review of a proceeding before the Board. 6 A person who acts in good faith and within the scope of jurisdiction of the (f) 7 social worker rehabilitation committee is not civilly liable for any action as a member 8 of the social worker rehabilitation committee or for giving information to, 9 participating in, or contributing to the function of the social worker rehabilitation 10 committee. 11 19-316. 12 (a) An action may be maintained in the name of the State or the Board to 13 enjoin: 14 (1) The unauthorized practice of social work; or 15 Conduct that is a ground for disciplinary action under § 19-311 of (2)16 this subtitle. 17 An action under this section may be brought by: (b) 18 (1) The Board, in its own name; 19 (2) The Attorney General, in the name of the State; or 20 (3) A State's Attorney, in the name of the State. 21 (c) An action under this section shall be brought in the county where the 22 defendant: 23 Resides; or (1) 24 (2) Engages in the act sought to be enjoined. 25 Proof of actual damage or that any person will sustain any damage if an 26 injunction is not granted is not required for an action under this section. An action under this section is in addition to and not instead of criminal 27 28 prosecution for unauthorized practice of social work under § 19-401 of this title or 29 disciplinary action under § 19-311 of this subtitle. 30 19-317. 31 While investigating an allegation against a licensee under this title, the (a) 32 Board may require the licensee to submit to an appropriate examination by a health

33 care provider designated by the Board if the Board has reason to believe that the

34 licensee may cause harm to a person.

- 1 (b) In return for the privilege given to a licensee to practice social work in the 2 State, the licensee is deemed to have:
- 3 (1) Consented to submit to an examination under this section, if 4 requested by the Board in writing; and
- 5 (2) Waived any claim of privilege as to the testimony or report of a health 6 care provider who examines the licensee.
- 7 (c) The failure or refusal of the licensee to submit to an examination required
- 8 under this section is prima facie evidence of the licensee's inability to practice social
- 9 work competently, unless the Board finds that the failure or refusal was beyond the
- 10 control of the licensee.
- 11 (d) The Board shall pay the cost of any examination made under this section.
- 12 19-318.
- 13 (A) BEFORE A LICENSEE IN A PRIVATE INDIVIDUAL, PARTNERSHIP, OR GROUP
- 14 PRACTICE PROVIDES SOCIAL WORK SERVICES TO A CLIENT, THE LICENSEE SHALL
- 15 PROVIDE TO THE CLIENT THE FOLLOWING DISCLOSURES:
- 16 (1) THE LICENSEE'S PROFESSIONAL IDENTITY;
- 17 (2) THE SERVICES WHICH ARE OR MAY BE PROVIDED BY THE LICENSEE
- 18 AND THE FEES FOR EACH SERVICE OR THE HOURLY RATE; AND
- 19 (3) SUFFICIENT INFORMATION FOR A PATIENT TO GIVE INFORMED
- 20 CONSENT REGARDING THE NATURE OF THE SERVICES TO BE PROVIDED.
- 21 (B) THE MANNER OF PROVIDING THESE DISCLOSURES SHALL BE AS
- 22 FOLLOWS:
- 23 (1) THE LICENSEE'S PROFESSIONAL IDENTITY MAY BE PROVIDED BY
- 24 BUSINESS CARD OR DISPLAY OF LICENSE IN A CONSPICUOUS LOCATION;
- 25 (2) THE LICENSEE'S SERVICES AND FEES MAY BE PROVIDED BY
- 26 DOCUMENTED DISCUSSION OR PRINTED FEE SCHEDULE; AND
- 27 (3) INFORMED CONSENT MAY BE PROVIDED BY DOCUMENTED
- 28 DISCUSSION OR A WRITTEN FORM SIGNED BY THE CLIENT WHICH IS KEPT IN THE
- 29 CLIENT'S FILE.
- 30 19-401.
- 31 (A) Except as otherwise provided in this title, a person may not practice,
- 32 attempt to practice, or offer to practice social work in this State WHILE
- 33 REPRESENTING ONESELF TO BE A SOCIAL WORKER unless licensed by the Board.
- 34 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT
- 35 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE CLINICAL SOCIAL WORK

- 1 IN THIS STATE UNLESS LICENSED BY THE BOARD AS A CERTIFIED SOCIAL
- 2 WORKER-CLINICAL.
- 3 19-402.
- 4 Unless authorized to practice social work under this title, a person may not:
- 5 (1) Represent to the public that the person is a licensed social worker; or
- 6 (2) Use any title, abbreviation, sign, card, or other representation that
- 7 the person is a licensed social worker, including the use of the words "social worker"
- 8 or "social work" AND THE USE OF THE ABBREVIATIONS "LSWA", "LGSW", "LCSW", OR
- 9 "LCSW-C".
- 10 19-403.
- 11 A person may not intentionally:
- 12 (1) Use or attempt to use the license of another person who is a licensed
- 13 social worker; or
- 14 (2) Impersonate another person who is a licensed social worker.
- 15 19-404.
- In an attempt to obtain a license, a person may not intentionally give false
- 17 information to the Board.
- 18 19-407.
- A person who violates any provision of this subtitle is guilty of a misdemeanor
- 20 and on conviction is subject to a fine not exceeding \$500 or imprisonment not
- 21 exceeding 90 days.
- 22 19-501.
- 23 This title may be cited as the "Maryland Social Workers Act".
- 24 19-502.
- 25 Subject to the evaluation and reestablishment provisions of the Program
- 26 Evaluation Act, this title and all rules and regulations adopted under this title shall
- 27 terminate and be of no effect after July 1, 2004.
- 28 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Social
- 29 Work Examiners, in consultation with professional social work organizations and the
- 30 Department of Human Resources, Department of Health and Mental Hygiene,
- 31 Department of Juvenile Justice, the Office of the Public Defender, and Department of
- 32 Public Safety and Correctional Services, shall adopt regulations by October 1, 2000 to
- 33 define the appropriate means of providing supervision for individuals practicing

- $1\,$ social work as required by \S 19-302 of the Health Occupations Article, as enacted by $2\,$ Section 1 of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 4 October 1, 2000.