

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 886 (Delegate Guns. *et al.*)

Environmental Matters

Maryland Social Workers Act - Revision

This bill revises certain provisions of current law pertaining to the practice of social work. The bill sunsets July 1, 2004.

Fiscal Summary

State Effect: Potential minimal general fund increase from the penalty provisions. Any additional expenditures resulting from the additional four board members and the promulgation of regulations could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential minimal. Licensed social workers that are considered small businesses may be subject to fines for disciplinary reasons.

Analysis

Bill Summary: The bill increases the membership of the board from seven to 11. Nine of the 11 members must be licensed social workers, of whom: (1) one is a licensed social work associate; (2) one is a licensed graduate social worker at the time of appointment; (3) at least one is a licensed certified social worker; (4) at least four are licensed certified social workers-clinical; and (5) one is a licensed social worker employed by the Department of Human Resources. The other two members must be consumer members. In addition, the bill authorizes the board to appoint an executive director that serves at the pleasure of the board and has the powers and duties assigned by the board. The bill requires the board to issue a list of all social workers who have been disciplined by the board in the past year.

The bill requires an applicant for a certified social worker license to have completed two years of licensed practice of social work, with supervised experience of at least 3,000 hours after receiving a master's degree, with a minimum of 144 hours of periodic face-to-face supervision. An applicant for a certified social worker-clinical license must have completed a similar amount of supervised experience in the assessment, formulation of a diagnostic impression, and treatment of mental disorders and other conditions, and the provision of psychotherapy under the terms and conditions determined by regulation. "Psychotherapy" is defined as a method for the treatment of mental disorders and behavioral disturbances in which a licensed health care practitioner establishes a professional contract with the patient and, through a therapeutic communication or interaction, attempts to: (1) alleviate emotional disturbances; (2) reverse or alter maladaptive patterns of behavior; or (3) encourage personality growth and development.

A licensed social worker, who is not a licensed certified social worker-clinical or a licensed social worker under the direct supervision of a social worker-clinical, may only provide counseling that does not include diagnosis or treatment of mental disorders.

Licensed social workers must also provide certain disclosures to a client, including: (1) the licensee's professional identity; (2) the services that may be provided by the licensee and the respective fee for each service; and (3) sufficient information for a patient to give informed consent regarding the nature of the services provided.

The bill also defines "supervision" to mean the formalized professional relationship between a supervisor and supervisee that provides evaluation and direction to the supervisee and promotes continued development of the supervisee's knowledge, skills, and abilities to provide social work services in an ethical and competent manner. An associate social worker, graduate social worker, and certified social worker must have supervision while practicing certain aspects of social work. The bill outlines specific circumstances in which a licensed social worker may not practice social work, make any type of clinical diagnosis, or provide psychotherapy.

The bill authorizes the board to impose a fine of up to \$5,000 on a licensee in disciplinary situations where a licensee may be placed on probation or where a license has been suspended or revoked. The board may impose the fine in lieu of probation, suspension, or revocation, or in addition to these disciplinary measures. The board may also deny, suspend, or revoke a license, or reprimand or place on probation, any licensee who is physically incompetent.

The bill requires the board, in consultation with social work organizations and the Department of Human Resources, the Department of Health and Mental Hygiene, the Department of Juvenile Justice, the Office of the Public Defender, and the Department of

Public Safety and Correctional Services to adopt regulations by October 1, 2000 to define the appropriate means of providing supervision for individuals practicing social work.

The bill also makes other changes that are stylistic in nature.

Current Law: The board currently has seven members. Five of the seven members must be licensed social workers, of whom one must be a licensed social work associate. The other two members must be consumers. In addition, the board is not required to appoint an executive director. The board also has no authority to impose a fine in disciplinary proceedings. Licensees are not required to provide to the public certain disclosures relating to licensure, fees, and informed consent.

State Fiscal Effect: General fund revenues may increase by a minimal amount in fiscal 2001 as a result of the penalty provisions. The bill authorizes the board to impose up to \$5,000 in fines on a licensee for disciplinary reasons. It is unknown at this time what types of fines the board intends to impose on licensees. Any increase in revenue from the fines is expected to be minimal.

The bill also requires the board to appoint an executive director who serves at the board's pleasure and whose duties and powers are assigned by the board. Because the board currently employs an executive director, there is no fiscal impact associated with this requirement of the bill.

Any additional expenditures that result from the promulgation of regulations for the supervision of social workers are assumed to be minimal and can be handled within the existing budgeted resources of the respective governmental entities. In addition, any additional travel and expense reimbursements for the new board members are assumed to be minimal and can be handled with existing Board of Social Work resources.

Additional Information

Prior Introductions: None.

Cross File: SB 693 (Senator Hollinger) - Economic and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene (Board of Examiners of Social Workers), Department of Legislative Services

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