
By: **Senators Kelley, Gladden, and Stone**
Introduced and read first time: February 14, 2005
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Evaluation of Permanent Impairments - Social**
3 **Workers**

4 FOR the purpose of authorizing certain licensed certified social workers-clinical to
5 perform an evaluation of a permanent impairment in a workers' compensation
6 case if it relates to a mental, emotional, or behavioral disorder under certain
7 circumstances and report the evaluation to the Workers' Compensation
8 Commission in accordance with the regulations of the Commission; providing
9 that this Act applies only to licensed certified social workers-clinical who meet
10 certain requirements; and generally relating to evaluation of permanent
11 impairments under workers' compensation law.

12 BY repealing and reenacting, without amendments,
13 Article - Health Occupations
14 Section 19-101(k) and (m)(1) and 19-302(a) and (e)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Labor and Employment
19 Section 9-6A-02 and 9-6A-09(b) and (c)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2004 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Labor and Employment
24 Section 9-721
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 2004 Supplement)

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

1

Article - Health Occupations

2 19-101.

3 (k) "Practice clinical social work" means to practice social work utilizing the
4 specialized education, training, and experience required under § 19-302(e) of this
5 title.

6 (m) (1) "Practice social work" means to apply the theories, knowledge,
7 procedures, methods, or ethics derived from a formal educational program in social
8 work to restore or enhance social functioning of individuals, couples, families, groups,
9 organizations, or communities through:

- 10 (i) Assessment;
- 11 (ii) Formulating diagnostic impressions;
- 12 (iii) Planning;
- 13 (iv) Intervention;
- 14 (v) Evaluation of intervention plans;
- 15 (vi) Case management;
- 16 (vii) Information and referral;
- 17 (viii) Counseling that does not include diagnosis or treatment of
18 mental disorders;
- 19 (ix) Advocacy;
- 20 (x) Consultation;
- 21 (xi) Education;
- 22 (xii) Research;
- 23 (xiii) Community organization; or
- 24 (xiv) Development, implementation, and administration of policies,
25 programs, and activities.

26 19-302.

27 (a) To obtain a license, an applicant shall demonstrate to the satisfaction of
28 the Board that the applicant:

- 29 (1) Has submitted a complete written application in the form prescribed
30 by the Board;

- 1 (2) Is at least 18 years old;
- 2 (3) Is of good moral character;
- 3 (4) Except as otherwise provided in this title, has successfully passed an
4 examination or examinations prescribed by the Board pertinent to the license sought;
5 and
- 6 (5) Has paid all applicable fees specified by the Board relative to the
7 licensure process.

8 (e) To obtain a certified social worker-clinical license, an applicant shall:

- 9 (1) Meet the requirements of subsection (a) of this section;
- 10 (2) Have received a master's degree in social work and documentation of
11 clinical course work from a program accredited by the Council on Social Work
12 Education; and
- 13 (3) Provide in a form prescribed by the Board, documentation of having
14 completed 2 years as a licensee with supervised experience of at least 3,000 hours
15 after receiving the master's degree with a minimum of 144 hours of periodic
16 face-to-face supervision in the assessment, formulation of a diagnostic impression,
17 and treatment of mental disorders and other conditions and the provision of
18 psychotherapy under the terms and conditions that the Board determines by
19 regulation.

20 **Article - Labor and Employment**

21 9-6A-02.

22 The purpose of this subtitle is to establish educational and experience
23 requirements for individuals who provide vocational rehabilitation services in the
24 workers' compensation field and to establish a registration system to better regulate
25 the activities of those individuals providing vocational rehabilitation services.

26 9-6A-09.

27 (b) To qualify for registration, a rehabilitation counselor shall:

- 28 (1) have a bachelor's degree from an accredited institution in
29 rehabilitation counseling, human services, psychology, or a related field with at least
30 1 year of work experience in a human services occupation;
- 31 (2) have a master's or doctoral degree in rehabilitation counseling,
32 human services, psychology, education, or a related field; or
- 33 (3) be a certified rehabilitation counselor, certified vocational evaluator,
34 certified disability management specialist, hold an equivalent national certification

1 that is acceptable to the Commission, or have met all of the education and experience
2 requirements to be eligible to be certified.

3 (c) To qualify for registration, a vocational evaluator shall:

4 (1) have a bachelor's degree from an accredited institution in vocational
5 evaluation, rehabilitation psychology, human services, education, or a related field
6 with 1 year of work experience in that field;

7 (2) have a master's or doctoral degree in rehabilitation, vocational
8 evaluation, psychology, human services, education, or a related field; or

9 (3) be certified or have met all of the educational and experience
10 requirements to be eligible to be certified in vocational evaluation by the Commission
11 on certification of work adjustment and vocational evaluation specialists, or have met
12 all of the education and experience requirements to be eligible for certification.

13 9-721.

14 (a) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
15 physician shall evaluate a permanent impairment and report the evaluation to the
16 Commission in accordance with the regulations of the Commission.

17 (b) A medical evaluation of a permanent impairment shall include information
18 about:

19 (1) atrophy;

20 (2) pain;

21 (3) weakness; and

22 (4) loss of endurance, function, and range of motion.

23 (C) (1) THIS SUBSECTION APPLIES ONLY TO A LICENSED CERTIFIED SOCIAL
24 WORKER-CLINICAL WHO MEETS THE REQUIREMENTS OF § 9-6A-09(B)(3) AND (C)(3) OF
25 THIS TITLE.

26 (2) FOR A MENTAL, EMOTIONAL, OR BEHAVIORAL DISORDER, A
27 LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, WITHIN THE SPECIALIZED
28 KNOWLEDGE AND SCOPE OF PRACTICE OF A SOCIAL WORKER-CLINICAL, MAY
29 EVALUATE A PERMANENT IMPAIRMENT AND REPORT THE EVALUATION TO THE
30 COMMISSION IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSION.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2005.