
By: **Senators Kelley, Conway, Della, Exum, and Stone**

Introduced and read first time: February 3, 2006

Assigned to: Finance

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 only the mental or behavioral portion of a permanent
6 impairment in a workers' compensation case under certain circumstances;
7 requiring that the report of an evaluation be submitted to the Workers'
8 Compensation Commission in accordance with the regulations of the
9 Commission; and generally relating to the evaluation of a permanent
10 impairment under workers' compensation law.

11 BY repealing and reenacting, without amendments,
12 Article - Health Occupations
13 Section 19-101(k) and (m)(1) and (4) and 19-302(a) and (e)
14 Annotated Code of Maryland
15 (2005 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article - Labor and Employment
18 Section 9-721
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2005 Supplement)

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

23 **Article - Health Occupations**

24 19-101.

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

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

5 (i) Assessment;

6 (ii) Formulating diagnostic impressions;

7 (iii) Planning;

8 (iv) Intervention;

9 (v) Evaluation of intervention plans;

10 (vi) Case management;

11 (vii) Information and referral;

12 (viii) Counseling that does not include diagnosis or treatment of
13 mental disorders;

14 (ix) Advocacy;

15 (x) Consultation;

16 (xi) Education;

17 (xii) Research;

18 (xiii) Community organization; or

19 (xiv) Development, implementation, and administration of policies,
20 programs, and activities.

21 (4) For an individual licensed as a certified social worker-clinical,
22 "practice social work" also includes:

23 (i) Supervision of other social workers;

24 (ii) Evaluation, diagnosis, and treatment of psychosocial conditions
25 and mental disorders as defined in § 10-101(f) of the Health - General Article; and

26 (iii) The provision of psychotherapy.

27 19-302.

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

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

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

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

22 **Article - Labor and Employment**

23 9-721.

24 (a) Except as provided in subsection (c) of this section, a physician shall

25 evaluate a permanent impairment and report the evaluation to the Commission in

26 accordance with the regulations of the Commission.

27 (b) A medical evaluation of a permanent impairment shall include information

28 about:

- 29 (1) atrophy;
- 30 (2) pain;
- 31 (3) weakness; and
- 32 (4) loss of endurance, function, and range of motion.

1 (c) If a permanent impairment involves a behavioral or mental disorder, a
2 licensed psychologist, A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, or
3 qualified physician shall:

4 (1) perform an evaluation of only the mental or behavioral portion of the
5 permanent impairment; and

6 (2) report the evaluation to the Commission in accordance with the
7 regulations of the Commission.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2006.