

Chapter 548

(House Bill 1183)

AN ACT concerning

State Board of Social Work Examiners – Revisions

FOR the purpose of renaming the graduate social worker license issued by the State Board of Social Work Examiners to be the master social worker license; limiting the number of terms a certain licensed social worker member of the Board may serve; requiring a certain licensed bachelor social worker or licensed master social worker to submit certain information to the Board to obtain approval by the Board to engage in independent practice; requiring the Board to approve an individual, under certain circumstances, to engage in independent practice; authorizing the Board to reject a certain application and require certain additional supervision if the Board makes a certain determination; repealing a provision of law authorizing the Board to accept an alternate method of criminal history records check under certain circumstances; requiring the Criminal Justice Information System Central Repository to provide the Board with a certain revised statement under certain circumstances; altering the factors the Board is required to consider in using certain information obtained from the Central Repository to determine whether to issue a license; requiring the Board to include whether a certain licensee is approved to engage in independent practice on a certain electronic license record; clarifying that certain licensees are prohibited from engaging in independent practice except under certain circumstances; prohibiting a licensed master social worker from engaging in independent practice on or after a certain date; altering certain requirements for the supervision of licensed master social workers and licensed certified social workers; ~~prohibiting a licensed certified social worker from engaging in independent practice~~; requiring, beginning in a certain calendar year and except under certain circumstances, a licensee that renews a license to ~~submit certain evidence of having completed~~ attest that the licensee has submitted to a State and national criminal history records check in accordance with certain provisions of law; requiring the Board, in using information obtained from the Central Repository to determine whether to take disciplinary action against a certain licensee, to consider certain factors; authorizing the Board to renew a license only if a licensee attests that the licensee has submitted to a State and national criminal history records check; requiring a certain individual applying to the Board for reactivation, reinstatement, or reissuance of a license to submit certain evidence of having completed a State and national criminal history records check in accordance with certain provisions of law; requiring the Board, in using information obtained from the Central Repository to determine whether to ~~renew~~, reactivate, reinstate, or reissue a license, to consider certain factors; prohibiting the Board from ~~renewing~~, reactivating, reinstating, or reissuing a license if the Board has not received certain criminal history records information; altering the circumstances under which the Board is required to place a licensee on nonrenewed status; clarifying that certain individuals who have been on inactive status or nonrenewed status for more than a certain number of years or who

otherwise fail to apply for reactivation or renewal are required to apply for reissuance; altering the circumstances under which the Board is required to reissue a license to an individual; authorizing the Board to issue a cease and desist order or obtain injunctive relief for a violation of certain provisions of law; altering the manner by which certain licensees are required to make certain disclosures before providing social work services; establishing certain penalties; altering certain penalties; prohibiting the use of a certain abbreviation under certain circumstances; providing for continuity of licensure for certain licensees licensed by the Board on a certain date; authorizing certain individuals to apply for the reactivation, reinstatement, or reissuance of a certain license under certain circumstances; requiring the Board to adopt certain regulations on or before a certain date; providing for a delayed effective date *for certain provisions of this Act*; defining certain terms; altering certain definitions; making conforming changes; providing for the construction of certain provisions of this Act; and generally relating to the State Board of Social Work Examiners.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 19–101, 19–202(a)(2) and (3), (d), and (g)(5), 19–302, 19–302.2, 19–306 through 19–309, 19–318, 19–402, and 19–407

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Health Occupations

Section 19–316.1

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

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

Article – Health Occupations

19–101.

(a) In this title the following words have the meanings indicated.

(b) “Board” means the State Board of Social Work Examiners.

(c) “Certified” means having demonstrated to the satisfaction of the Board that the individual has completed 2 years of supervised social work practice as defined in § 19–302(d) or (e) of this title.

(D) “INDEPENDENT PRACTICE” MEANS TO PRACTICE BACHELOR SOCIAL WORK OR MASTER SOCIAL WORK WITHOUT THE REQUIREMENT OF SUPERVISION BY ANOTHER SOCIAL WORKER.

[(d)] (E) “License” means, unless the context requires otherwise, one of four types of licenses issued by the Board authorizing an individual to practice:

- (1) Bachelor social work;
- (2) **[Graduate] MASTER** social work;
- (3) Certified social work; or
- (4) Certified social work–clinical.

[(e)] (F) “Licensed bachelor social worker” means an individual licensed by the Board to practice bachelor social work.

[(f)] (G) “Licensed certified social worker” means an individual licensed by the Board to practice certified social work.

[(g)] (H) “Licensed certified social worker–clinical” means an individual licensed by the Board to practice clinical social work.

[(h)] (I) “Licensed graduate social worker” means an individual licensed by the Board, **ON OR BEFORE ~~SEPTEMBER 30, 2017~~ ~~DECEMBER 31, 2017~~ JUNE 30, 2018**, to practice graduate social work.

(J) “LICENSED MASTER SOCIAL WORKER” MEANS AN INDIVIDUAL LICENSED BY THE BOARD, ON OR AFTER ~~OCTOBER 1, 2017~~ ~~JANUARY 1, 2018~~ JULY 1, 2018, TO PRACTICE MASTER SOCIAL WORK.

[(i)] (K) “Practice bachelor social work” means to **[practice social work] USE THE EDUCATION AND TRAINING REQUIRED UNDER § 19–302(B) OF THIS TITLE TO:**

(1) **[Under] PRACTICE SOCIAL WORK UNDER** the supervision of a licensed certified social worker, licensed certified social worker–clinical, **[or] licensed [graduate] MASTER social worker, OR LICENSED BACHELOR SOCIAL WORKER** who meets the conditions specified in regulations; **[and] OR**

[(2)] Utilizing the education and training required under § 19–302(b) of this title.]

(2) IF APPROVED BY THE BOARD IN ACCORDANCE WITH § 19–302(F) OF THIS TITLE, ENGAGE IN INDEPENDENT PRACTICE.

~~[(j)] (L) (1)~~ “Practice certified social work” means to **USE THE EDUCATION, TRAINING, AND EXPERIENCE REQUIRED UNDER § 19-302(D) OF THIS TITLE TO** practice social work [utilizing the education, training, and experience required under § 19-302(d) of this title].

~~(2) “PRACTICE CERTIFIED SOCIAL WORK” INCLUDES:~~

~~(i) FORMULATING A DIAGNOSIS UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER—CLINICAL;~~

~~(ii) TREATING BIOPSYCHOSOCIAL CONDITIONS; AND~~

~~(iii) TREATING MENTAL DISORDERS AND PROVIDING PSYCHOTHERAPY UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER—CLINICAL.~~

~~[(k)] (M) (1)~~ “Practice clinical social work” means to **USE THE SPECIALIZED EDUCATION, TRAINING, AND EXPERIENCE REQUIRED UNDER § 19-302(E) OF THIS TITLE TO** practice social work [utilizing the specialized education, training, and experience required under § 19-302(e) of this title].

~~(2) “PRACTICE CLINICAL SOCIAL WORK” INCLUDES:~~

~~(i) EVALUATING, DIAGNOSING, AND TREATING BIOPSYCHOSOCIAL CONDITIONS, MENTAL AND EMOTIONAL CONDITIONS AND IMPAIRMENTS, AND MENTAL DISORDERS AS DEFINED IN § 10-101 OF THE HEALTH—GENERAL ARTICLE;~~

~~(ii) PETITIONING FOR EMERGENCY EVALUATION UNDER TITLE 10, SUBTITLE 6, PART IV OF THE HEALTH—GENERAL ARTICLE; AND~~

~~(iii) PROVIDING PSYCHOTHERAPY.~~

~~[(l)] (N) (1)~~ “Practice graduate social work” means, **ON OR BEFORE SEPTEMBER 31, 2017 ~~DECEMBER 31, 2017~~ JUNE 30, 2018**, to **HAVE USED THE EDUCATION AND TRAINING REQUIRED TO OBTAIN A MASTER SOCIAL WORK LICENSE UNDER § 19-302(C) OF THIS TITLE TO** practice social work[

(1) Under] **UNDER** the supervision of a licensed certified social worker, licensed certified social worker—clinical, or licensed graduate social worker who meets the conditions specified in regulations[; and

(2) Utilizing the education and training required under § 19-302(c) of this title].

~~(2) "PRACTICE GRADUATE SOCIAL WORK" INCLUDES HAVING:~~

~~(I) FORMULATED A DIAGNOSIS UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL;~~

~~(II) TREATED BIOPSYCHOSOCIAL CONDITIONS; AND~~

~~(III) TREATED MENTAL DISORDERS AND PROVIDED PSYCHOTHERAPY UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL.~~

(O) ~~(1)~~ "PRACTICE MASTER SOCIAL WORK" MEANS TO USE THE EDUCATION AND TRAINING REQUIRED UNDER § 19-302(C) OF THIS TITLE TO:

~~(1)~~ (1) PRACTICE SOCIAL WORK UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER, LICENSED CERTIFIED SOCIAL WORKER-CLINICAL, OR LICENSED MASTER SOCIAL WORKER WHO MEETS THE CONDITIONS SPECIFIED IN REGULATIONS; OR

~~(2)~~ (2) IF APPROVED BY THE BOARD IN ACCORDANCE WITH § 19-302(F) OF THIS TITLE, ENGAGE IN INDEPENDENT PRACTICE.

~~(2) "PRACTICE MASTER SOCIAL WORK" INCLUDES:~~

~~(I) FORMULATING A DIAGNOSIS UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL;~~

~~(II) TREATING BIOPSYCHOSOCIAL CONDITIONS; AND~~

~~(III) TREATING MENTAL DISORDERS AND PROVIDING PSYCHOTHERAPY UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER-CLINICAL.~~

[(m)] (P) (1) "Practice social work" means to apply the theories, knowledge, procedures, methods, or ethics derived from [a formal educational] RECEIVING A BACCALAUREATE OR MASTER'S DEGREE FROM A program in social work THAT IS ACCREDITED BY OR A CANDIDATE FOR ACCREDITATION BY THE COUNCIL ON SOCIAL WORK EDUCATION, OR AN EQUIVALENT ORGANIZATION APPROVED BY THE COUNCIL ON SOCIAL WORK EDUCATION, to restore or enhance social functioning of individuals, couples, families, groups, organizations, or communities through:

- (i) Assessment;
- (ii) Planning;
- (iii) Intervention;
- (iv) Evaluation of intervention plans;
- (v) Case management;
- (vi) Information and referral;
- (vii) Counseling that does not include diagnosis or treatment of mental disorders;
- (viii) Advocacy;
- (ix) Consultation;
- (x) Education;
- (xi) Research;
- (xii) Community organization; [or]
- (xiii) Development, implementation, and administration of policies, programs, and activities; **OR**

~~(XIV) BEHAVIORAL HEALTH SERVICES, INCLUDING THE TREATMENT OF SUBSTANCE USE DISORDERS; OR~~

~~(XV)~~ **(XIV) SUPERVISION OF OTHER SOCIAL WORKERS AS SET FORTH IN REGULATIONS.**

‡(2) For an individual licensed as a graduate social worker **ON OR BEFORE ~~DECEMBER 31, 2017~~ JUNE 30, 2018, OR AS A MASTER SOCIAL WORKER**, “practice social work” also includes:

- (i) Supervision of other social workers if the graduate social worker meets the requirements set out in regulations;
- (ii) Formulating a diagnosis, under the ~~direct~~ supervision of a licensed certified social worker—clinical;
- (iii) Treatment of biopsychosocial conditions; and

(iv) Treatment of ~~mental disorders~~ **BEHAVIORAL HEALTH DISORDERS, INCLUDING SUBSTANCE USE DISORDERS, ADDICTIVE DISORDERS, AND MENTAL DISORDERS**, and the provision of psychotherapy under the ~~direct~~ supervision of a licensed certified social worker–clinical.

(3) For an individual licensed as a certified social worker, “practice social work” also includes:

(i) Supervision of other social workers;

(ii) Formulating a diagnosis, under the ~~direct~~ supervision of a licensed certified social worker–clinical;

(iii) Treatment of biopsychosocial conditions; and

(iv) Treatment of ~~mental disorders~~ **BEHAVIORAL HEALTH DISORDERS, INCLUDING SUBSTANCE USE DISORDERS, ADDICTIVE DISORDERS, AND MENTAL DISORDERS**, and the provision of psychotherapy under the direct supervision of a licensed certified social worker–clinical.

(4) For an individual licensed as a certified social worker–clinical, “practice social work” also includes:

(i) Supervision of other social workers;

(ii) Evaluation, diagnosis, and treatment of biopsychosocial conditions, mental and emotional conditions and impairments, and ~~mental disorders~~ **BEHAVIORAL HEALTH DISORDERS, INCLUDING SUBSTANCE USE DISORDERS, ADDICTIVE DISORDERS, AND MENTAL DISORDERS**, as defined in § 10–101(i) of the Health – General Article;

(iii) Petitioning for emergency evaluation under Title 10, Subtitle 6 of the Health – General Article; and

(iv) The provision of psychotherapy.†

~~(2)~~ **(5) “PRACTICE SOCIAL WORK” INCLUDES USING TECHNOLOGY AS SET FORTH IN REGULATIONS.**

(q) “PRIVATE PRACTICE” MEANS THE PROVISION OF PSYCHOTHERAPY BY A LICENSED CERTIFIED SOCIAL WORKER–CLINICAL WHO ASSUMES RESPONSIBILITY AND ACCOUNTABILITY FOR THE NATURE AND QUALITY OF THE SERVICES PROVIDED TO A CLIENT IN:

(1) IN EXCHANGE FOR DIRECT PAYMENT OR THIRD-PARTY REIMBURSEMENT; OR

(2) ON A PRO BONO BASIS AS DETERMINED IN REGULATIONS ADOPTED BY THE BOARD.

[(n)] (R) “Psychotherapy” means the assessment and treatment of mental disorders and behavioral disturbances.

(S) “REACTIVATION” MEANS THE PROCESS OF OBTAINING A LICENSE LESS THAN 5 YEARS AFTER THE BOARD PLACED AN INDIVIDUAL ON INACTIVE STATUS.

(T) “REINSTATEMENT” MEANS THE PROCESS OF OBTAINING A LICENSE LESS THAN 5 YEARS AFTER THE BOARD PLACED AN INDIVIDUAL ON NONRENEWED STATUS.

(U) “REISSUANCE” MEANS THE PROCESS OF OBTAINING A LICENSE MORE THAN 5 YEARS AFTER THE BOARD PLACED AN INDIVIDUAL ON INACTIVE OR NONRENEWED STATUS.

[(o)] (V) “Supervision” means a formalized professional relationship between a supervisor and a supervisee that:

(1) Provides evaluation and direction of the supervisee; and

(2) Promotes continued development of the supervisee’s knowledge, skills, and abilities to provide social work services in an ethical and competent manner.

19–202.

(a) (2) Of the 12 Board members:

(i) 10 shall be licensed social workers of whom:

1. Subject to paragraph (3) of this subsection, 1 is a licensed bachelor social worker;

2. Subject to paragraph (3) of this subsection, 1 is a licensed [graduate] MASTER social worker at the time of appointment;

3. Subject to paragraph (3) of this subsection, at least 1 is a licensed certified social worker;

4. Subject to paragraph (3) of this subsection, at least 4 are licensed certified social workers—clinical;

5. 1 is a licensed social worker employed by the Department of Human Resources; and

6. Subject to paragraph (3) of this subsection, 1 is a licensed social worker who is:

A. Primarily engaged in social worker education at a social work program accredited by the Council on Social Work Education; and

B. Nominated from a list of names submitted by the deans and directors of the Maryland Social Work Education Programs; and

(ii) 2 shall be consumer members.

(3) If a licensed bachelor social worker, a licensed [graduate] **MASTER** social worker, a licensed certified social worker, a licensed certified social worker–clinical, or a licensed social worker is not appointed to the Board under paragraph (2)(i) of this subsection within 3 months of a vacancy, a licensee of any license level shall be appointed immediately if that licensee is qualified to be a member of the Board under subsections (b) and (d) of this section.

(d) Except for the licensed bachelor social worker member and the licensed [graduate] **MASTER** social worker member, each social worker member of the Board shall have been licensed in the State for 5 years immediately preceding the appointment and actively employed in the field of social work for at least 3 of the 5 years immediately preceding the appointment.

(g) (5) **(I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A** member may not serve more than 2 consecutive full terms.

(II) A LICENSED SOCIAL WORKER MEMBER WHO IS NOMINATED IN ACCORDANCE WITH SUBSECTION (A)(2)(I)6B OF THIS SECTION MAY NOT SERVE MORE THAN 1 FULL TERM.

19–302.

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

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

(2) Is at least 18 years old;

(3) Is of good moral character;

(4) Except as otherwise provided in this title, has successfully passed an examination or examinations prescribed by the Board pertinent to the license sought;

(5) Has paid all applicable fees specified by the Board;

(6) Has completed a criminal history records check in accordance with § 19–302.2 of this subtitle at the applicant’s expense; and

(7) Has submitted to an examination if required under § 19–302.3 of this subtitle.

(b) To obtain a bachelor social worker license, an applicant shall:

(1) Meet the requirements of subsection (a) of this section; and

(2) Have received a baccalaureate degree in social work from a program that is accredited or is a candidate for accreditation by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education.

(c) To obtain a [graduate] **MASTER** social worker license, an applicant shall:

(1) Meet the requirements of subsection (a) of this section; and

(2) Have received a master’s degree from a program that is accredited or is a candidate for accreditation by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education.

(d) Except as provided in § 19–302.1 of this subtitle, to obtain a certified social worker license, an applicant shall:

(1) Meet the requirements of subsection (a) of this section;

(2) Have received a master’s degree from a program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education; and

(3) Provide in a form prescribed by the Board, documentation of having completed 2 years as a licensee with supervised experience of at least 3,000 hours after receiving the master’s degree with a minimum of 100 hours of periodic face-to-face supervision in the practice of social work under the terms and conditions that the Board determines by regulation.

(e) Except as provided in § 19–302.1 of this subtitle, to obtain a certified social worker–clinical license, an applicant shall:

(1) Meet the requirements of subsection (a) of this section;

(2) Have received a master’s degree in social work and documentation of completion of 12 academic credits in clinical course work from a program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education, with a minimum of 6 of the 12 academic credits obtained in a master’s degree program; and

(3) Provide in a form prescribed by the Board, documentation of having completed 2 years as a licensee with supervised experience of at least 3,000 hours, of which 1,500 hours are in face-to-face client contact, after receiving the master’s degree with a minimum of 144 hours of periodic face-to-face supervision 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 that the Board determines by regulation.

(F) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO OBTAIN APPROVAL BY THE BOARD TO ENGAGE IN INDEPENDENT PRACTICE, A LICENSED BACHELOR SOCIAL WORKER OR A LICENSED MASTER SOCIAL WORKER SHALL SUBMIT TO THE BOARD:

~~(H)~~ **1. AN APPLICATION IN THE FORM PRESCRIBED BY THE BOARD;**

~~(H)~~ **2. ALL APPLICABLE FEES SPECIFIED BY THE BOARD;**
AND

~~(H)~~ **3. DOCUMENTATION IN A FORM PRESCRIBED BY THE BOARD OF HAVING COMPLETED AT LEAST 3 YEARS AS A LICENSEE WITH SUPERVISED EXPERIENCE OF AT LEAST 4,500 HOURS AFTER RECEIVING THE BACCALAUREATE OR MASTER’S DEGREE WITH A MINIMUM OF 150 HOURS OF PERIODIC FACE-TO-FACE SUPERVISION UNDER THE TERMS AND CONDITIONS THAT THE BOARD DETERMINES BY REGULATION.**

(II) IF THE BOARD DETERMINES THAT A LICENSED BACHELOR SOCIAL WORKER OR A LICENSED MASTER SOCIAL WORKER WHO APPLIES TO THE BOARD TO ENGAGE IN THE PRACTICE OF INDEPENDENT PRACTICE HAS NOT COMPLETED THE SUPERVISED EXPERIENCE AS REQUIRED UNDER PARAGRAPH (1)(I)3 OF THIS SUBSECTION, THE BOARD MAY:

1. REJECT THE APPLICATION FOR INDEPENDENT PRACTICE; AND

2. REQUIRE THE LICENSED BACHELOR SOCIAL WORKER OR THE LICENSED MASTER SOCIAL WORKER TO CONTINUE TO WORK UNDER SUPERVISION AS REQUIRED BY THE BOARD FOR AN ADDITIONAL 1,500 HOURS BEFORE REAPPLYING.

(2) THE BOARD SHALL APPROVE AN INDIVIDUAL TO ENGAGE IN INDEPENDENT PRACTICE IF THE INDIVIDUAL:

(I) SUBMITS TO THE BOARD:

1. AN APPLICATION IN THE FORM PRESCRIBED BY THE BOARD; AND

2. ALL APPLICABLE FEES SPECIFIED BY THE BOARD;

(II) ON OR BEFORE ~~OCTOBER 1, 2007~~ JANUARY 1, 2008, WAS LICENSED BY THE BOARD AS A LICENSED BACHELOR SOCIAL WORKER OR A LICENSED GRADUATE SOCIAL WORKER; AND

(III) HAS ACTIVELY PRACTICED BACHELOR SOCIAL WORK, ACTIVELY PRACTICED GRADUATE SOCIAL WORK, OR ACTIVELY PRACTICED MASTER SOCIAL WORK FOR AT LEAST 10 YEARS.

(3) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO PROHIBIT AN EMPLOYER FROM REQUIRING SUPERVISION OF A LICENSED BACHELOR SOCIAL WORKER OR A LICENSED MASTER SOCIAL WORKER WHO IS APPROVED TO ENGAGE IN INDEPENDENT PRACTICE UNDER THIS SUBSECTION.

19-302.2.

(a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(1) A complete set of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) The processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) In accordance with §§ 10–201 through 10–228 of the Criminal Procedure Article, the Central Repository shall forward to the Board and to the applicant the criminal history record information of the applicant.

[(d) If an applicant has made two or more unsuccessful attempts at securing legible fingerprints, the Board may accept an alternate method of criminal history records check as permitted by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.]

(D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD A REVISED PRINTED STATEMENT OF THE INDIVIDUAL’S STATE CRIMINAL HISTORY RECORD.

(e) (1) Information obtained from the Central Repository under this section:

(i) Is confidential and may not be disseminated; and

(ii) May be used only for the licensing purpose authorized by this title.

(2) In using information obtained from the Central Repository under this section to determine whether to issue a license, the Board shall consider:

(i) The age at which the crime was committed;

(II) THE NATURE OF THE CRIME;

[(ii)] **(III)** The circumstances surrounding the crime;

[(iii)] **(IV)** The length of time that has passed since the crime was committed;

[(iv)] **(V)** Subsequent work history;

[(v)] **(VI)** Employment and character references; and

[(vi)] **(VII)** Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(f) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

19–306.

(a) The Board shall maintain on its Web site a roster of all licensees who meet the requirements of this title.

(b) The Board shall include on each electronic license record:

(1) The kind of license;

(2) The full name of the licensee;

(3) IF THE LICENSEE IS A LICENSED BACHELOR SOCIAL WORKER OR A LICENSED MASTER SOCIAL WORKER, WHETHER THE LICENSEE IS APPROVED TO ENGAGE IN INDEPENDENT PRACTICE;

~~[(3)]~~ (4) A license number;

~~[(4)]~~ (5) The license status;

~~[(5)]~~ (6) The expiration date; and

~~[(6)]~~ (7) The original date of issuance.

19–307.

(a) Subject to the provisions of subsections (b) and (c) of this section, a license authorizes the licensee to practice social work while the license is effective.

(b) A licensed social worker may practice social work only within the scope of the specific type of license issued by the Board.

(c) (1) A licensed bachelor social worker may not:

~~[(i) Practice social work without the supervision of a licensed certified social worker, licensed certified social worker–clinical, or licensed graduate social worker who meets the requirements specified in the regulations;]~~

(I) ENGAGE IN INDEPENDENT PRACTICE UNLESS THE LICENSED BACHELOR SOCIAL WORKER IS APPROVED BY THE BOARD TO ENGAGE IN INDEPENDENT PRACTICE IN ACCORDANCE WITH § 19–302(F) OF THIS SUBTITLE;

(ii) Make a clinical diagnosis of a mental or emotional disorder;

(iii) Provide psychotherapy; or

(iv) Engage in private practice.

(2) A licensed [graduate] MASTER social worker may not:

[(i) Practice graduate social work without the supervision of a licensed certified social worker, licensed certified social worker–clinical, or licensed graduate social worker who meets the requirements specified in the regulations;]

(I) ENGAGE IN INDEPENDENT PRACTICE UNLESS THE LICENSED MASTER SOCIAL WORKER IS APPROVED BY THE BOARD TO ENGAGE IN INDEPENDENT PRACTICE IN ACCORDANCE WITH § 19–302(F) OF THIS SUBTITLE;

(ii) Treat mental or emotional disorders or provide psychotherapy without the [direct] supervision of a licensed certified social worker–clinical;

(iii) Diagnose a mental disorder without the [direct] supervision of a licensed certified social worker–clinical; [or]

(iv) [Engage] **ON OR BEFORE ~~SEPTEMBER 30, 2019~~ DECEMBER 31, 2019**, ENGAGE in private practice without the [direct] supervision of a licensed certified social worker–clinical; **OR**

(V) ON OR AFTER ~~OCTOBER 1, 2019~~ JANUARY 1, 2020, ENGAGE IN PRIVATE PRACTICE.

(3) A licensed certified social worker may not:

(i) Treat mental or emotional disorders or provide psychotherapy without the ~~direct~~ supervision of a licensed certified social worker–clinical; ~~for~~

(ii) Diagnose a mental disorder without the [direct] supervision of a licensed certified social worker–clinical; ~~OR~~

~~**(III) ENGAGE IN PRIVATE PRACTICE.**~~

19–308.

(a) A license expires on the date set by the Board, unless the license is renewed for an additional term as provided in this section. A license may not be renewed for a term longer than 2 years.

(b) At least 1 month before the license expires, the Board shall send to the licensee, at the last known electronic or physical address of the licensee, a renewal notice that states:

(1) The date on which the current license expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

(c) Each licensee shall notify the Board of any change in the address of the licensee within 60 days after the change occurs.

(d) Before the license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board the appropriate renewal fee specified by this subtitle;
~~and~~

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires; ~~and~~

(ii) Satisfactory evidence of compliance with any continuing education requirement set under this section for license renewal; **AND**

~~(H)~~ **(4) BEGINNING IN CALENDAR YEAR 2021 AND EXCEPT AS PROVIDED IN SUBSECTION (G)(3) OF THIS SECTION, SATISFACTORY EVIDENCE OF HAVING COMPLETED ATTESTS THAT THE LICENSEE HAS SUBMITTED TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 19-302.2 OF THIS SUBTITLE.**

(e) (1) **[The] SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE** Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

(2) The Board shall maintain the same information on each licensee.

(f) The Board may not renew a bachelor social worker license or a **[graduate] MASTER** social worker license of a licensee who holds a baccalaureate degree or master's degree from a program that was a candidate for accreditation but was denied accreditation.

(G) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 19-302.2 OF THIS SUBTITLE, IN DETERMINING WHETHER ~~TO RENEW A~~

LICENSEE DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON THE CRIMINAL RECORD INFORMATION, AGAINST A LICENSEE WHO RENEWED A LICENSE, THE BOARD SHALL CONSIDER:

- (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;
- (II) THE NATURE OF THE CRIME;
- (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- (V) SUBSEQUENT WORK HISTORY;
- (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND
- (VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY ~~NOT~~ RENEW A LICENSE ~~IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED~~ ONLY IF THE LICENSEE ATTESTS THAT THE LICENSEE HAS SUBMITTED TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 19-302.2 OF THIS SUBTITLE ~~HAS NOT BEEN RECEIVED~~.

(3) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO PREVIOUSLY HAS COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS REQUIRED FOR THE BOARD'S LICENSE RENEWAL APPLICATION PROCESS DOES NOT HAVE TO SUBMIT TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR LICENSE RENEWAL.

19-309.

(a) (1) [Except as provided in subsections (b) and (c) of this section, the] **THE** Board shall place a licensee on inactive status for a maximum of 5 years, if the licensee submits to the Board:

- (i) A written application for inactive status in a form prescribed by the Board; and
- (ii) The inactive status fee set by the Board.

(2) The Board shall provide a licensee who has complied with the requirements of paragraph (1) of this subsection with written notification of:

- (i) The date that the license expired;

- (ii) The date that the licensee's inactive status becomes effective;
- (iii) The date that the licensee's inactive status expires; and
- (iv) The consequences of not resuming active status before expiration of inactive status.

(3) **[The] SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE** Board shall reactivate a license for an individual on inactive status who:

- (i) Applies to the Board for reactivation of the license;
- (ii) Complies with the **[renewal] REACTIVATION** requirements that are in effect when the individual requests the reactivation of the license;
- (iii) Has completed the number of credit hours of approved continuing education in social work set by the Board in the 2 years preceding the licensee's application for **[an active license] REACTIVATION**;

(iv) Pays to the Board the reactivation processing fee set by the Board; **[and]**

(V) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 19-302.2 OF THIS SUBTITLE; AND

[(v)] (VI) Has been on inactive status for less than 5 years.

(b) (1) **[Except as provided in subsection (c) of this section, the] THE** Board shall place a licensee on nonrenewed status for a maximum of 5 years if the licensee**[:**

(i) **Does] DOES** not renew the licensee's license under **§ 19-308 OF THIS SUBTITLE OR APPLY FOR INACTIVE STATUS UNDER** subsection (a) of this section**[:** and

- (ii) Submits to the Board:
 1. A written application for nonrenewed status in a form prescribed by the Board; and
 2. The applicable fee set by the Board**].**

(2) The Board shall provide a licensee who **[has complied with the requirements of paragraph (1) of this subsection] DOES NOT RENEW THE LICENSEE'S**

LICENSE UNDER § 19-308 OF THIS SUBTITLE OR APPLY FOR INACTIVE STATUS UNDER SUBSECTION (A) OF THIS SECTION with written notification of:

(i) The date that the license expired;

[(ii) The date that the inactive status expired;]

[(iii) (II) The date that the licensee's nonrenewed status becomes effective;

[(iv) (III) The date that the licensee's nonrenewed status expires; and

[(v) (IV) The fact that the licensee may not practice social work in the State.

(3) [The] **SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE Board shall [reactivate] REINSTATE** a license for an individual on nonrenewed status who:

(i) Applies to the Board for [reactivation] **REINSTATEMENT** of the license;

(ii) Pays to the Board the [reactivation] **REINSTATEMENT** processing fee set by the Board;

(iii) Complies with the [renewal] **REINSTATEMENT** requirements that are in effect when the individual requests the [reactivation] **REINSTATEMENT** of the license;

(iv) Has completed the number of credit hours of approved continuing education in social work set by the Board in the 2 years preceding the individual's application for [an active license] **REINSTATEMENT**; [and]

(V) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 19-302.2 OF THIS SUBTITLE; AND

[(v) (VI) Has been on nonrenewed status for less than 5 years.

(C) AN INDIVIDUAL WHO HAS BEEN ON INACTIVE STATUS OR NONRENEWED STATUS FOR MORE THAN 5 YEARS OR WHO OTHERWISE FAILS TO APPLY FOR REACTIVATION UNDER SUBSECTION (A)(3) OF THIS SECTION OR REINSTATEMENT UNDER SUBSECTION (B)(3) OF THIS SECTION SHALL APPLY FOR REISSUANCE IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

[(c)] (D) [Notwithstanding subsections (a) and (b) of this section, the] **SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE** Board shall [reactivate the] **REISSUE A** license [of] **TO** an individual who:

(1) Applies to the Board for [reactivation] **REISSUANCE** of the license;

(2) Pays to the Board the [reactivation] **REISSUANCE** processing fee set by the Board and any other **APPROPRIATE** fees required by the Board;

(3) Provides any documentation required by the Board, in a form prescribed by the Board; [and]

(4) MEETS THE REQUIREMENTS OF § 19-302(A) OF THIS SUBTITLE;

(5) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 19-302.2 OF THIS SUBTITLE; AND

[(4)] (6) (I) Passes the respective examination required for initial licensure; **OR**

(II) 1. HOLDS AN ACTIVE LICENSE TO PRACTICE SOCIAL WORK IN ANOTHER STATE AT A LEVEL OF LICENSURE THAT IS EQUIVALENT TO A LICENSED BACHELOR SOCIAL WORKER, LICENSED MASTER SOCIAL WORKER, CERTIFIED SOCIAL WORKER, OR CERTIFIED SOCIAL WORKER-CLINICAL; AND

2. HAS PASSED AN EXAMINATION IN THAT STATE AS A CONDITION OF LICENSURE.

(E) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 19-302.2 OF THIS SUBTITLE, IN DETERMINING WHETHER TO REACTIVATE, REINSTATE, OR REISSUE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

(V) SUBSEQUENT WORK HISTORY;

(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT REACTIVATE, REINSTATE, OR REISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 19-302.2 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.

19-316.1.

THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF § 19-301 OF THIS SUBTITLE OR §§ 19-401 THROUGH 19-403 OF THIS TITLE.

19-318.

(a) Before a licensee in a private individual, partnership, or group practice provides social work services to a client, the licensee shall provide to the client the following disclosures:

(1) The licensee's professional identity;

(2) The services which are or may be provided by the licensee and the fees for each service or the hourly rate; and

(3) Sufficient information for a patient to give informed consent regarding the nature of the services to be provided.

(b) The manner of providing these disclosures shall be as follows:

(1) The licensee's professional identity may be provided by [business card or display of license in a conspicuous location] **DIRECTING THE CLIENT TO THE LICENSE VERIFICATION SECTION ON THE BOARD'S WEB SITE;**

(2) The licensee's services and fees may be provided by documented discussion or printed fee schedule; and

(3) Informed consent may be provided by documented discussion or a written form signed by the client which is kept in the client's file.

19-402.

Unless authorized to practice social work under this title, a person may not:

(1) Represent to the public that the person is a licensed social worker; or

(2) Use any title, abbreviation, sign, card, or other representation that the person is a licensed social worker, including the use of the words “social worker” or “social work” and the use of the abbreviations “LBSW”, “LGSW”, “**LMSW**”, “LCSW”, or “LCSW-C”.

19-407.

(A) A person who violates any provision of this subtitle OR § 19-301 OF THIS TITLE is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 2 years OR BOTH.

(B) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR § 19-301 OF THIS TITLE IS SUBJECT TO A CIVIL FINE NOT EXCEEDING \$50,000 TO BE ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

(C) EACH VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) an individual licensed as a licensed graduate social worker by the State Board of Social Work Examiners on ~~September 30, 2017~~ ~~December 31, 2017~~ June 30, 2018, shall be considered, in all respects, licensed as a licensed master social worker by the Board and, subject to the provisions of this Act, for the remainder of the term of the individual’s license; and

(2) an individual licensed as a licensed graduate social worker on or before ~~September 30, 2017~~ ~~December 31, 2017~~ June 30, 2018, may apply for reactivation, reinstatement, or reissuance of a license to practice master social work in accordance with the applicable provision of § 19-309 of the Health Occupations Article, as enacted by Section 1 of this Act, as if the individual had been licensed as a licensed master social worker by the Board.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before ~~December 31, 2017~~ June 30, 2018, the State Board of Social Work Examiners shall adopt regulations to implement Section 1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect ~~January~~ July 1, 2018.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2017.

Approved by the Governor, May 4, 2017.