

# SENATE BILL 245

J2

(0lr1947)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations*

Introduced by **Senator West**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – Social Workers – Scope of Practice, Supervision, and**  
3 **Application Decision Appeal Process**

4 FOR the purpose of altering the definition of “practice social work” for the purposes of the  
5 Maryland Social Workers Act to include counseling for alcohol and drug use and  
6 addictive behaviors and to clarify that it includes, for certain individuals, the  
7 treatment of biopsychosocial conditions under the supervision of a licensed social  
8 worker–clinical; providing that certain provisions of law may not be construed to  
9 prohibit certain licensees from applying or qualifying to obtain approval by the State  
10 Board of Social Work Examiners to engage in independent practice under certain  
11 circumstances; requiring the Board, under certain circumstances, to approve certain  
12 licensees approved to engage in independent practice to provide supervision;  
13 ~~authorizing an applicant for a certain license to appeal the Board’s rejection of an~~  
14 ~~application to take a certain licensure examination by submitting certain~~

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



~~documentation to the Board in a certain manner;~~ making conforming changes; and generally relating to the licensure and practice of social workers.

BY repealing and reenacting, without amendments,  
 Article – Health Occupations  
 Section 19–101(a)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Health Occupations  
 Section 19–101(p), *and* 19–302(f), ~~and 19–303~~  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2019 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.

(p) (1) “Practice social work” means to apply the theories, knowledge, procedures, methods, or ethics derived from 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;

- 1 (ix) Consultation;
- 2 (x) Education;
- 3 (xi) Research;
- 4 (xii) Community organization;
- 5 (xiii) Development, implementation, and administration of policies,  
6 programs, and activities; or
- 7 (xiv) Supervision of other social workers as set forth in regulations.

8 **(2) "PRACTICE SOCIAL WORK" INCLUDES:**

9 **(I) COUNSELING FOR ALCOHOL AND DRUG USE AND ADDICTIVE**  
10 **BEHAVIOR; AND**

11 **(II) USING TECHNOLOGY AS SET FORTH IN REGULATIONS.**

12 **[(2)] (3)** For an individual licensed as a graduate social worker on or  
13 before June 30, 2018, or as a master social worker, "practice social work" also includes:

14 (i) Supervision of other social workers if the graduate social worker  
15 meets the requirements set out in regulations;

16 (ii) Formulating a diagnosis, under the supervision of a licensed  
17 certified social worker—clinical;

18 (iii) Treatment of biopsychosocial conditions, UNDER THE  
19 SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER—CLINICAL; and

20 (iv) Treatment of behavioral health disorders, including substance  
21 use disorders, addictive disorders, and mental disorders, and the provision of  
22 psychotherapy under the supervision of a licensed certified social worker—clinical.

23 **[(3)] (4)** For an individual licensed as a certified social worker, "practice  
24 social work" also includes:

25 (i) Supervision of other social workers;

26 (ii) Formulating a diagnosis, under the supervision of a licensed  
27 certified social worker—clinical;

1 (iii) Treatment of biopsychosocial conditions, UNDER THE  
2 SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER–CLINICAL; and

3 (iv) Treatment of behavioral health disorders, including substance  
4 use disorders, addictive disorders, and mental disorders, and the provision of  
5 psychotherapy under the supervision of a licensed certified social worker–clinical.

6 [(4)] (5) For an individual licensed as a certified social worker–clinical,  
7 “practice social work” also includes:

8 (i) Supervision of other social workers;

9 (ii) Evaluation, diagnosis, and treatment of biopsychosocial  
10 conditions, mental and emotional conditions and impairments, and behavioral health  
11 disorders, including substance use disorders, addictive disorders, and mental disorders, as  
12 defined in § 10–101(i) of the Health – General Article;

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

15 (iv) The provision of psychotherapy.

16 [(5) “Practice social work” includes using technology as set forth in  
17 regulations.]

18 19–302.

19 (f) (1) (i) Except as provided in paragraph (2) of this subsection, to obtain  
20 approval by the Board to engage in independent practice, a licensed bachelor social worker  
21 or a licensed master social worker shall submit to the Board:

22 1. An application in the form prescribed by the Board;

23 2. All applicable fees specified by the Board; and

24 3. Documentation in a form prescribed by the Board of  
25 having completed at least 3 years as a licensee with supervised experience of at least 4,500  
26 hours after receiving the baccalaureate or master’s degree with a minimum of 150 hours of  
27 periodic face–to–face supervision under the terms and conditions that the Board  
28 determines by regulation.

29 (ii) If the Board determines that a licensed bachelor social worker or  
30 a licensed master social worker who applies to the Board to engage in the practice of  
31 independent practice has not completed the supervised experience as required under  
32 paragraph (1)(i)3 of this subsection, the Board may:

1                   1.     Reject the application for independent practice; and

2                   2.     Require the licensed bachelor social worker or the licensed  
3 master social worker to continue to work under supervision as required by the Board for an  
4 additional 1,500 hours before reapplying.

5                   (2)    The Board shall approve an individual to engage in independent  
6 practice if the individual:

7                   (i)     Submits to the Board:

8                   1.     An application in the form prescribed by the Board; and

9                   2.     All applicable fees specified by the Board;

10                  (ii)    On or before January 1, 2008, was licensed by the Board as a  
11 licensed bachelor social worker or a licensed graduate social worker; and

12                  (iii)   Has actively practiced bachelor social work, actively practiced  
13 graduate social work, or actively practiced master social work for at least 10 years.

14                  **(3)    NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO PROHIBIT**  
15 **AN INDIVIDUAL LICENSED BY THE BOARD ON OR BEFORE JANUARY 1, 2008, AS A**  
16 **LICENSED BACHELOR SOCIAL WORKER OR A LICENSED GRADUATE SOCIAL WORKER**  
17 **AND WHO DOES NOT MEET THE CONDITIONS LISTED UNDER PARAGRAPH (2) OF THIS**  
18 **SUBSECTION FROM APPLYING OR QUALIFYING TO OBTAIN APPROVAL BY THE BOARD**  
19 **TO ENGAGE IN INDEPENDENT PRACTICE UNDER PARAGRAPH (1) OF THIS**  
20 **SUBSECTION.**

21                  **[(3)] (4)**    Nothing in this subsection may be construed to prohibit an  
22 employer from requiring supervision of a licensed bachelor social worker or a licensed  
23 master social worker who is approved to engage in independent practice under this  
24 subsection.

25                  **(5)    THE BOARD SHALL APPROVE A LICENSEE TO PROVIDE**  
26 **SUPERVISION IF THE LICENSEE:**

27                  **(I)     IS A LICENSED BACHELOR SOCIAL WORKER OR A LICENSED**  
28 **MASTER SOCIAL WORKER APPROVED TO ENGAGE IN INDEPENDENT PRACTICE**  
29 **UNDER THIS SUBSECTION;**

30                  **(II)    MEETS THE EDUCATION AND TRAINING REQUIREMENTS**  
31 **FOR SUPERVISION ESTABLISHED BY THE BOARD; AND**

1 (iii) HAS ACTIVELY PRACTICED SOCIAL WORK FOR AT LEAST 5  
 2 YEARS UNDER THE TYPE OF LICENSE THAT THE LICENSEE HOLDS, REGARDLESS OF  
 3 WHETHER THE LICENSEE WAS APPROVED BY THE BOARD TO ENGAGE IN  
 4 INDEPENDENT PRACTICE.

5 ~~19-303.~~

6 (a) ~~To apply for a license, an applicant shall:~~

7 (1) ~~Submit an application to the Board on the form that the Board requires;~~

8 ~~and~~

9 (2) ~~Pay to the Board the application fee set by the Board.~~

10 (b) ~~The Board shall:~~

11 (1) ~~Review each application; and~~

12 (2) ~~Notify each applicant whether the applicant has been approved to take~~  
 13 ~~the pertinent licensure examination within 60 days from the date the Board received a~~  
 14 ~~completed application from the applicant.~~

15 (c) ~~AN APPLICANT MAY APPEAL A REJECTION OF AN APPLICATION TO TAKE~~  
 16 ~~THE PERTINENT LICENSURE EXAMINATION UNDER SUBSECTION (B) OF THIS~~  
 17 ~~SECTION BY SUBMITTING TO THE BOARD:~~

18 (1) ~~A WRITTEN NOTICE OF APPEAL, SENT BY CERTIFIED MAIL, WITHIN~~  
 19 ~~60 DAYS AFTER THE RECEIPT OF THE BOARD'S DECISION; AND~~

20 (2) (i) ~~NEW OR ADDITIONAL EVIDENCE TO VERIFY OR CLARIFY~~  
 21 ~~THE APPLICANT'S QUALIFICATIONS; OR~~

22 (ii) ~~A REQUEST FOR AN INFORMAL HEARING BEFORE THE~~  
 23 ~~BOARD.~~

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 25 October 1, 2020.