

SENATE BILL 871

J2

EMERGENCY BILL

3lr2682

By: **Senator M. Washington**

Introduced and read first time: February 6, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

2 **Social Workers – ~~Licensure Examinations – Moratorium~~ Sunset Extension,**
3 **Notification of Complete Application, and Workgroup on Social Worker**
4 **Examination Requirements for Licensure**

5 FOR the purpose of ~~altering the licensure examination requirements for social workers;~~
6 ~~requiring the Maryland Department of Health to establish a workgroup continuing~~
7 the State Board of Social Work Examiners in accordance with the provisions of the
8 Maryland Program Evaluation Act (sunset law) by extending to a certain date the
9 termination provisions relating to the statutory and regulatory authority of the
10 Board; requiring the Board, within certain time periods, to notify an applicant of
11 whether the application is complete; establishing the Workgroup on Social Worker
12 Examination Requirements for Licensure to identify alternatives to examination
13 requirements for a master social worker license, a certified social worker license, or
14 a certified social worker–clinical license and develop recommendations for a certain
15 assessment method to replace a certain examination requirement; and generally
16 relating to the State Board of Social Work Examiners and licensure examinations
17 for social workers.

18 BY repealing and reenacting, without amendments,

19 Article – Health Occupations

20 Section 19–201

21 Annotated Code of Maryland

22 (2021 Replacement Volume and 2022 Supplement)

23 BY repealing and reenacting, with amendments,

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.



1 Article – Health Occupations

2 ~~Section 19-302(a) and (b), 19-302.1, 19-303, 19-304(b), and 19-309(d)(6) Section~~
 3 ~~19-303 and 19-502~~

4 Annotated Code of Maryland

5 (2021 Replacement Volume and 2022 Supplement)

6 ~~BY repealing~~

7 ~~Article – Health Occupations~~

8 ~~Section 19-304~~

9 ~~Annotated Code of Maryland~~

10 ~~(2021 Replacement Volume and 2022 Supplement)~~

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

13 **Article – Health Occupations**

14 19-201.

15 There is a State Board of Social Work Examiners in the Department.

16 19-303.

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

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

19 and

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

21 (b) The Board shall:

22 (1) Review each application; [and]

23 (2) WITHIN 10 DAYS AFTER THE INITIAL RECEIPT OF AN APPLICATION
 24 AND AFTER THE RECEIPT OF SUPPLEMENTAL DOCUMENTATION, NOTIFY THE
 25 APPLICANT OF WHETHER THE APPLICATION IS COMPLETE; AND

26 [(2)] (3) Notify each applicant whether the applicant has been approved
 27 to take the pertinent licensure examination within 60 days from the date the Board
 28 received a completed application from the applicant.

29 19-502.

1 Subject to the evaluation and reestablishment provisions of the MARYLAND
2 Program Evaluation Act, this title and all rules and regulations adopted under this title
3 shall terminate and be of no effect after July 1, [2024] 2025.

4 ~~19-302.~~

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

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

9 ~~(2) Is at least 18 years old;~~

10 ~~(3) Is of good moral character;~~

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

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

14 ~~[(6)] (5) Has completed a criminal history records check in accordance~~
15 ~~with § 19-302.2 of this subtitle at the applicant's expense; and~~

16 ~~[(7)] (6) Has submitted to an examination if required under § 19-302.3 of~~
17 ~~this subtitle.~~

18 ~~19-302.1.~~

19 ~~To obtain a certified social worker license or a certified social worker-clinical license,~~
20 ~~an out-of-state applicant shall:~~

21 ~~(1) Meet the requirements of § 19-302(a) of this subtitle;~~

22 ~~(2) Be licensed or registered to practice social work in another state under~~
23 ~~a category of licensure that is equivalent to a certified social worker license or a certified~~
24 ~~social worker-clinical license; AND~~

25 ~~(3) [Have passed an examination in that state as a condition of licensure;~~
26 ~~and~~

27 ~~(4)] Have performed at least 1,000 hours of compensated social work~~
28 ~~practice per year for 5 years out of the 10 years preceding application to the Board.~~

29 ~~19-303.~~

1 ~~[(a)] To apply for a license, an applicant shall:~~

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

3 ~~and~~

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

5 ~~[(b)] The Board shall:~~

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

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

10 ~~[19-304.~~

11 ~~(a) An approved applicant is entitled to be examined for licensure as provided in~~
12 ~~this section.~~

13 ~~(b) The Board shall ensure that a Board-approved examination for each category~~
14 ~~of license is made available for an applicant to take at least twice a year, at the times and~~
15 ~~places that the Board determines.~~

16 ~~(c) The Board shall notify each approved applicant of the procedures for taking~~
17 ~~the examination.~~

18 ~~(d) (1) The Board shall approve the subjects, scope, form, and passing score for~~
19 ~~each type of examination given under this subtitle.~~

20 ~~(2) The examinations given under this subtitle shall strive to be free of~~
21 ~~cultural bias.~~

22 ~~(e) (1) The Board, by regulation, may limit:~~

23 ~~(i) The number of times an applicant may be reexamined after~~
24 ~~failing an examination required under this subtitle; and~~

25 ~~(ii) The interval between reexaminations.~~

26 ~~(2) If an applicant is permitted to be reexamined under paragraph (1) of~~
27 ~~this subsection, the applicant shall pay a fee to the examining body approved by the Board.~~

28 ~~(f) The examination shall be prepared to measure the competence of the~~
29 ~~applicant to engage in the pertinent practice of social work.~~

~~(g) In the preparation, administration, and grading of an examination, the Board may employ, cooperate, or contract with an organization or consultant.]~~

~~19-300.~~

~~(d) Subject to subsection (c) of this section, the Board shall reissue a license to an individual who:~~

~~(6) [(i) Passes the respective examination required for initial licensure; or~~

~~(ii) 1.] Holds an active license to practice social work in another state under a category 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].~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~**Article — Health Occupations**~~

~~19-302.~~

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

~~(1) [Meet] EXCEPT FOR THE EXAMINATION REQUIREMENT IN SUBSECTION (A)(4) OF THIS SECTION, 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.~~

~~19-304.~~

~~(b) [The] IF THE QUALIFICATIONS FOR A CATEGORY OF LICENSE INCLUDE THE PASSAGE OF A BOARD APPROVED EXAMINATION, THE Board shall ensure that [a] THE Board approved examination for [each] THE category of license is made available for an applicant to take at least twice a year, at the times and places that the Board determines.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

1 (a) ~~The Maryland Department of Health shall establish a workgroup to:~~ There is
2 a Workgroup on Social Worker Examination Requirements for Licensure.

3 (b) The Workgroup consists of the following members:

4 (1) one member of the Senate of Maryland, appointed by the President of
5 the Senate;

6 (2) one member of the House of Delegates, appointed by the Speaker of the
7 House;

8 (3) the Secretary of Health, or the Secretary's designee;

9 (4) the Secretary of Human Services, or the Secretary's designee;

10 (5) the Chair of the State Board of Social Work Examiners, or the Chair's
11 designee;

12 (6) the Chair of the Maryland Commission on Health Equity, or the Chair's
13 designee;

14 (7) one representative of the Baltimore Legacy Chapter of the Association
15 of Black Social Workers, designated by the Baltimore Legacy Chapter of the Association of
16 Black Social Workers;

17 (8) one representative of the Maryland Chapter of the National Association
18 of Social Workers, designated by the Executive Director of the Maryland Chapter of the
19 National Association of Social Workers;

20 (9) one member from the Greater Washington Society for Clinical Social
21 Work, designated by the President of the Greater Washington Society for Clinical Social
22 Work;

23 (10) two representatives of the Association of Social Work Boards,
24 designated by the President of the Association of Social Work Boards; and

25 (11) the following members, appointed by the Governor:

26 (i) three Deans of Social Work from accredited social work master's
27 programs serving the State, one of which shall be from a historically Black college or
28 university;

29 (ii) three representatives from nongovernmental social service
30 organizations that primarily work to support Western Maryland, Central Maryland, and
31 the Eastern Shore;

1 (iii) two individuals who received a master's degree in social work
 2 within the immediately preceding 10 years and who have been negatively impacted by the
 3 examination requirement for licensure under Title 19 of the Health Occupations Article;
 4 and

5 (iv) a representative of Gallaudet University.

6 (c) The Governor shall designate the chair of the Workgroup.

7 (d) The Maryland Department of Health shall provide staff for the Workgroup.

8 (e) A member of the Workgroup:

9 (1) may not receive compensation as a member of the Workgroup; but

10 (2) is entitled to reimbursement for expenses under the Standard State
 11 Travel Regulations, as provided in the State budget.

12 (f) The Workgroup shall:

13 (1) identify alternatives to examination requirements that may be used to
 14 assess an applicant's qualifications for a master social worker license, a certified social
 15 worker license, or a certified social worker-clinical license under Title 19 of the Health
 16 Occupations Article;

17 (2) develop recommendations for an assessment method for independent
 18 practice to replace the Association of Social Work Boards examination;~~and.~~

19 ~~(3)~~ (g) On or before December 1, 2023, the Workgroup shall report ~~the~~ its
 20 preliminary findings and recommendations of the workgroup to the Senate Finance
 21 Committee and the House Health and Government Operations Committee, in accordance
 22 with § 2-1257 of the State Government Article.

23 (h) On or before July 1, 2024, the Workgroup shall report its final findings and
 24 recommendations to the Senate Finance Committee and the House Health and
 25 Government Operations Committee, in accordance with § 2-1257 of the State Government
 26 Article.

27 ~~(b) The workgroup established under subsection (a) of this section shall include:~~

28 ~~(1) at least three representatives from nongovernmental social service~~
 29 ~~agencies;~~

30 ~~(2) at least three masters of social work or bachelor of social work~~
 31 ~~graduates who have been negatively impacted by the examination requirement;~~

1 ~~(3) at least two consumers who have been impacted by the shortage of~~
2 ~~social workers;~~

3 ~~(4) at least one member of the State Board of Social Work Examiners; and~~

4 ~~(5) any additional members the Department considers necessary to create~~
5 ~~a diverse set of stakeholders on the workgroup.~~

6 ~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take~~
7 ~~effect July 1, 2024.~~

8 ~~SECTION 5. 3. AND BE IT FURTHER ENACTED, That, except as provided for in~~
9 ~~Section 4 of this Act, this Act is an emergency measure, is necessary for the immediate~~
10 ~~preservation of the public health or safety, has been passed by a yea and nay vote supported~~
11 ~~by three fifths of all the members elected to each of the two Houses of the General~~
12 ~~Assembly, and shall take effect from the date it is enacted. Sections 1 and 3 of this Act shall~~
13 ~~remain effective through June 30, 2024, and, at the end of June 30, 2024, Sections 1 and 3~~
14 ~~of this Act, with no further action required by the General Assembly, shall be abrogated~~
15 ~~and of no further force and effect~~ That this Act shall take effect June 1, 2023. Section 2 of
16 this Act shall remain effective for a period of 2 years and 1 month and, at the end of June
17 30, 2025, Section 2 of this Act, with no further action required by the General Assembly,
18 shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.