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Board of Social Work Examiners

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**2020 SESSION
POSITION PAPER**

BILL NO: HB 527

COMMITTEE: Health and Government Operations

POSITION: Support with attached Amendments (SWA)

TITLE: – Health Occupations – Social Workers – Scope of Practice, Supervision, and Application Decision Appeal Process

BILL ANALYSIS: The purpose of this bill is to alter the definition of “practice social work” to include counseling for alcohol and drug use and addictive behaviors; provide that certain provisions of law may not be construed to prohibit certain licensees from applying or qualifying to obtain approval by the State Board of Social Work Examiners (“Board”) to engage in independent practice under certain circumstances; require that the Board, under certain circumstances, approve certain licensees engaged in independent practice to provide supervision; and authorize an applicant for a certain license to appeal the Board’s rejection of an application to take a certain licensure examination by submitting certain documentation to the Board in a certain manner.

POSITION AND RATIONALE: The Maryland Board of Social Work Examiners (“Board”) supports the bill with the attached Board-approved amendments.

HB 527 proposes the following 4 changes of our current statute:

I. Practice Social Work Includes:

- a. Counseling for alcohol, drug use and addictive behavior; and
- b. Using technology as set forth in regulations

The Board is in support of the proposed change under §19-101(p)(2)(i) regarding counseling for alcohol, drug use and addictive behavior. While current language does not prohibit any licensee from practicing in these areas, it has become clear that some employers and constituents need to have clearer language. Thus, we welcome this change. In addition, the change proposed under

§19-101(p)(2)(ii) appears to be the same language being deleted under §19-101(p)(5), so this change is acceptable as well.

II. Changes regarding application for Independent Status

The Board does not support this section as drafted because it seems unnecessary and potentially contradictory to our existing statute. The results of the proposed language in regards to § 19-302(f)(3) would be to nullify § 19-302(f)(2). We recognize that there needs to be some clarity regarding social workers licensed prior to 2008 who do not meet the 10 year work requirement to apply for independent practice. Therefore, we are proposing an amendment to § 19-302(f)(2)(iii). **(See Board Amendments Nos. 1 and 2 below)**

III. Supervision by LBSW Social Workers

The Board feels this proposed change is redundant and unnecessary because the existing statute refers to supervision and defines it, but the details, such as qualifications to become a supervisor and the specifics of supervision already exist in regulations under COMAR 10.42.08. If regulatory changes are needed, the Board will review and make any necessary amendments. **(See Board Amendment No. 4 below)**

IV. The Addition of an Appeals Process

The Board opposes this section for the following reasons:

- a. The definition of “rejected” is only mentioned regarding independent practice.
- b. If rejected means ‘denied’, then the language is unnecessary.
- c. Current Statute (Health Occupations Article, § 19-311) authorizes the Board to “deny” a license to any applicant.
- d. Current Statute (Health Occupations Article, § 19-312) affords any applicant who is denied a license the opportunity of a hearing.
- e. Current regulations (COMAR 10.42.04.05E) affords any applicant who is denied a license an opportunity for a case resolution conference (an informal confidential meeting with the Board).
- f. If “rejected” means not approved within the 60 days prescribed by statute because the application is incomplete, then this concerns the internal process of handling applications whereas a regulatory change could help the Board’s process, rather than a statutory change.
- g. The Board has created a Licensing Review Committee whereby an application found not meeting the statutory requirements has a review by members of the Board.

(See Board Amendment No. 5 below)

The Board's proposed amendments to HB 527 are listed at the end of this position paper. The Board respectfully requests a favorable report on HB 527 with the requested amendments.

For more information, please contact the Board's Executive Director, Dr. Stanley Weinstein at 410-764-4722 or stanley.weinstein@maryland.gov.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.

Amendment No. 1

On page 4, lines 29-30, add new language:

(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 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, **OR MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.**

Amendment No. 2

On page 4, lines 31-32, strike:

~~(3) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO PROHIBIT AN INDIVIDUAL LICENSED BY THE BOARD ON OR BEFORE JANUARY 1, 2008, AS A~~

On page 5, lines 1-5, strike:

~~LICENSED BACHELOR SOCIAL WORKER OR A LICENSED GRADUATE SOCIAL WORKER AND WHO DOES NOT MEET THE CONDITIONS LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION FROM APPLYING OR QUALIFYING TO OBTAIN APPROVAL BY THE BOARD TO ENGAGE IN INDEPENDENT PRACTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

Amendment No. 3

On page 5, line 6, strike the numbering brackets:

~~{(3)}~~ **(4)** Nothing in this subsection may be construed to prohibit an

Amendment No. 4

On page 5, lines 10-18, strike:

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

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

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

~~**(III) HAS ACTIVELY PRACTICED SOCIAL WORK FOR AT LEAST 5 YEARS.**~~

Amendment No. 5

On page 5, lines 29-31, strike:

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

On page 6, lines 1-6, strike:

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

~~**(2) (I) NEW OR ADDITIONAL EVIDENCE TO VERIFY OR CLARIFY THE APPLICANT'S QUALIFICATIONS; OR**~~

~~**(II) A REQUEST FOR AN INFORMAL HEARING BEFORE THE BOARD.**~~