

UNOFFICIAL COPY OF HOUSE BILL 1285

HOUSE BILL 1285

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CF SB 931

By: **Delegate McComas**

Introduced and read first time: February 9, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Rehabilitation Practitioners - Licensed Social**
3 **Workers**

4 FOR the purpose of authorizing ~~certain~~ licensed social workers to register as a
5 rehabilitation practitioner; authorizing a licensed certified social worker-clinical to
6 provide evaluation services for workers' compensation claims related to permanent
7 impairments involving a behavioral or mental disorder; and generally relating to
8 rehabilitation practitioners.

9 BY repealing and reenacting, without amendments,
10 Article - Labor and Employment
11 Section 9-6A-01(a)
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Labor and Employment
16 Section 9-6A-01(d), ~~9-6A-04(e)~~, 9-6A-09, and 9-721(c)
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2023 Supplement)

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

21 **Article - Labor and Employment**

22 9-6A-01.

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

24 (d) (1) "Rehabilitation practitioner" means an individual who provides

UNOFFICIAL COPY OF HOUSE BILL 1285

2

1 vocational rehabilitation services.

2 (2) "Rehabilitation practitioner" includes:

3 (I) AN INDIVIDUAL LICENSED AS A SOCIAL WORKER WHO HAS
4 BEEN DETERMINED BY THE STATE BOARD OF SOCIAL WORK EXAMINERS AS HAVING
5 SUFFICIENT TRAINING AND EXPERIENCE TO PROVIDE VOCATIONAL
6 REHABILITATION SERVICES, AS CERTIFIED BY THE STATE BOARD OF SOCIAL WORK
7 EXAMINERS;

8 [(i)] (II) a nurse certified by the State Board of Nursing as a nurse
9 case manager;

10 [(ii)] (III) a rehabilitation counselor; and

11 [(iii)] (IV) a vocational evaluator.

12 9-6A-04.

13 (e) ~~Violation of the rules and regulations adopted or enforced by the Commission,~~
14 ~~THE STATE BOARD OF SOCIAL WORK EXAMINERS, or the State Board of Nursing in~~
15 ~~accordance with this title by a rehabilitation practitioner shall be grounds for denial of a~~
16 ~~registration to any applicant, or suspension or revocation of a registrant's registration~~
17 ~~[pursuant to] IN ACCORDANCE WITH §§ 9-6A-15 and 9-6A-16 of this subtitle.~~

18 9-6A-09.

19 (A) ~~TO QUALIFY FOR REGISTRATION, A LICENSED SOCIAL WORKER SHALL~~
20 ~~BE:~~

21 (1) ~~CERTIFIED AS SUCH BY THE STATE BOARD OF SOCIAL WORK~~
22 ~~EXAMINERS; AND~~

23 (2) ~~CERTIFIED BY THE STATE BOARD OF SOCIAL WORK EXAMINERS~~
24 ~~AS HAVING SUFFICIENT TRAINING AND EXPERIENCE TO PROVIDE VOCATIONAL~~
25 ~~REHABILITATION SERVICES.~~

26 [(a)] (B) To qualify for registration, a nurse case manager shall be certified as
27 such by the State Board of Nursing.

28 [(b)] (C) To qualify for registration, a rehabilitation counselor shall:

29 (1) have a bachelor's degree from an accredited institution in rehabilitation
30 counseling, human services, psychology, or a related field with at least 1 year of work
31 experience in a human services occupation;

3

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1 (2) have a master's or doctoral degree in rehabilitation counseling, human
2 services, psychology, education, or a related field; or

3 (3) be a certified rehabilitation counselor, certified vocational evaluator,
4 certified disability management specialist, hold an equivalent national certification that is
5 acceptable to the Commission, or have met all of the education and experience
6 requirements to be eligible to be certified.

7 ~~{(c)}~~ ~~(D)~~ To qualify for registration, a vocational evaluator shall:

8 (1) have a bachelor's degree from an accredited institution in vocational
9 evaluation, rehabilitation psychology, human services, education, or a related field with 1
10 year of work experience in that field;

11 (2) have a master's or doctoral degree in rehabilitation, vocational
12 evaluation, psychology, human services, education, or a related field; or

13 (3) be certified or have met all of the educational and experience
14 requirements to be eligible to be certified in vocational evaluation by the Commission on
15 certification of work adjustment and vocational evaluation specialists, or have met all of
16 the education and experience requirements to be eligible for certification.

17 ~~{(d)}~~ ~~(E)~~ (1) **THIS SUBSECTION DOES NOT APPLY TO A LICENSED SOCIAL**
18 **WORKER OR LICENSED CERTIFIED SOCIAL WORKER-CLINICAL.**

19 (2) In addition to the requirements of subsections ~~{(b)}~~ ~~(E)~~ and ~~{(c)}~~ ~~(D)~~ of
20 this section:

21 [(1)] (I) a rehabilitation counselor who has met the education
22 requirements under subsection ~~{(b)(1)}~~ ~~(E)(1)~~ or (2) of this section to qualify for registration
23 shall work under the administrative supervision of a certified rehabilitation counselor,
24 certified vocational evaluator, certified disability management specialist, certified case
25 manager, or certified rehabilitation registered nurse; and

26 [(2)] (II) a vocational evaluator who has met the education requirements
27 under subsection ~~{(c)(1)}~~ ~~(D)(1)~~ or (2) of this section shall work under the administrative
28 supervision of a certified vocational evaluator, certified rehabilitation counselor, certified
29 disability management specialist, certified case manager, or certified rehabilitation
30 registered nurse.

31 9-721.

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

4

UNOFFICIAL COPY OF HOUSE BILL 1285

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

3 (2) report the evaluation to the Commission in accordance with the
4 regulations of the Commission.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the State Workers'
6 Compensation Commission shall grant a waiver of education and training requirements to
7 any applicant who was licensed as a rehabilitation practitioner before the effective date of
8 this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2024.