

SENATE BILL 245

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By: **Senator West**

Introduced and read first time: January 20, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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; providing that certain provisions of law may not be construed to
7 prohibit certain licensees from applying or qualifying to obtain approval by the State
8 Board of Social Work Examiners to engage in independent practice under certain
9 circumstances; requiring the Board, under certain circumstances, to approve certain
10 licensees approved to engage in independent practice to provide supervision;
11 authorizing an applicant for a certain license to appeal the Board’s rejection of an
12 application to take a certain licensure examination by submitting certain
13 documentation to the Board in a certain manner; making conforming changes; and
14 generally relating to the licensure and practice of social workers.

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

20 BY repealing and reenacting, with amendments,
21 Article – Health Occupations
22 Section 19–101(p), 19–302(f), and 19–303
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2019 Supplement)

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

27 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 19–101.

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

3 (p) (1) “Practice social work” means to apply the theories, knowledge,
4 procedures, methods, or ethics derived from receiving a baccalaureate or master’s degree
5 from a program in social work that is accredited by or a candidate for accreditation by the
6 Council on Social Work Education, or an equivalent organization approved by the Council
7 on Social Work Education, to restore or enhance social functioning of individuals, couples,
8 families, groups, organizations, or communities through:

9 (i) Assessment;

10 (ii) Planning;

11 (iii) Intervention;

12 (iv) Evaluation of intervention plans;

13 (v) Case management;

14 (vi) Information and referral;

15 (vii) Counseling that does not include diagnosis or treatment of
16 mental disorders;

17 (viii) Advocacy;

18 (ix) Consultation;

19 (x) Education;

20 (xi) Research;

21 (xii) Community organization;

22 (xiii) Development, implementation, and administration of policies,
23 programs, and activities; or

24 (xiv) Supervision of other social workers as set forth in regulations.

25 **(2) “PRACTICE SOCIAL WORK” INCLUDES:**

26 **(I) COUNSELING FOR ALCOHOL AND DRUG USE AND ADDICTIVE**
27 **BEHAVIOR; AND**

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

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

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

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

8 (iii) Treatment of biopsychosocial conditions; and

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

12 **[(3)] (4)** For an individual licensed as a certified social worker, “practice
13 social work” also includes:

14 (i) Supervision of other social workers;

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

17 (iii) Treatment of biopsychosocial conditions; and

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

21 **[(4)] (5)** For an individual licensed as a certified social worker–clinical,
22 “practice social work” also includes:

23 (i) Supervision of other social workers;

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

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

30 (iv) The provision of psychotherapy.

1 [(5) "Practice social work" includes using technology as set forth in
2 regulations.]

3 19–302.

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

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

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

9 3. Documentation in a form prescribed by the Board of
10 having completed at least 3 years as a licensee with supervised experience of at least 4,500
11 hours after receiving the baccalaureate or master's degree with a minimum of 150 hours of
12 periodic face-to-face supervision under the terms and conditions that the Board
13 determines by regulation.

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

18 1. Reject the application for independent practice; and

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

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

24 (i) Submits to the Board:

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

26 2. All applicable fees specified by the Board;

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

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

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

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

6 [(3)] (4) Nothing in this subsection may be construed to prohibit an
7 employer from requiring supervision of a licensed bachelor social worker or a licensed
8 master social worker who is approved to engage in independent practice under this
9 subsection.

10 (5) THE BOARD SHALL APPROVE A LICENSEE TO PROVIDE
11 SUPERVISION IF THE LICENSEE:

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

15 (II) MEETS THE EDUCATION AND TRAINING REQUIREMENTS
16 FOR SUPERVISION ESTABLISHED BY THE BOARD; AND

17 (III) HAS ACTIVELY PRACTICED SOCIAL WORK FOR AT LEAST 5
18 YEARS.

19 19-303.

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

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

22 and

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

24 (b) The Board shall:

25 (1) Review each application; and

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

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

1 **(1) A WRITTEN NOTICE OF APPEAL, SENT BY CERTIFIED MAIL, WITHIN**
2 **60 DAYS AFTER THE RECEIPT OF THE BOARD'S DECISION; AND**

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

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

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