

SENATE BILL 597

J2

1lr1207
CF HB 811

By: **Senator Washington**

Introduced and read first time: January 29, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Social Work Examiners – Revisions**

3 FOR the purpose of requiring certain individuals employed by federal agencies to comply
4 with certain provisions of law; establishing a certain date by which an applicant to
5 obtain a certified social worker license is required to meet certain requirements;
6 altering the number of hours of certain supervision an applicant for a certified social
7 worker–clinical license is required to complete; specifying that certain supervision is
8 to be provided in accordance with regulations adopted by the State Board of Social
9 Work Examiners; requiring that certain electronic license records include
10 disciplinary history if applicable; prohibiting a licensed certified social worker from
11 engaging in private practice; repealing the requirement for the Board to issue a
12 certain renewal certificate; replacing the “social worker rehabilitation committee”
13 with the “social worker rehabilitation process” and altering certain requirements;
14 repealing references to the obsolete license category licensed graduate social worker;
15 increasing a certain fine for a certain violation; altering the short title of certain
16 provisions of law; altering certain definitions; repealing certain obsolete provisions
17 of law; updating certain terminology; making stylistic changes; and generally
18 relating to the State Board of Social Work Examiners.

19 BY repealing and reenacting, with amendments,

20 Article – Health Occupations

21 Section 19–101, 19–202(a), (d), and (g)(2), 19–301, 19–302(d), (e), and (f)(5), 19–302.1,
22 19–302.3(a), 19–306, 19–307, 19–308(d)(4) and (e)(1), 19–309(d)(6),
23 19–311(15), 19–315, 19–317(a), 19–318(b), 19–402, 19–407(a), and 19–501

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2020 Supplement)

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

28 **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 (b) “Board” means the State Board of Social Work Examiners.

4 (c) “Certified” means having demonstrated to the satisfaction of the Board that
5 the individual has completed 2 years of supervised social work practice as defined in §
6 19–302(d) or (e) of this title.

7 (d) “Independent practice” means to practice bachelor social work or master social
8 work without the requirement of supervision by another social worker.

9 (e) “License” means, unless the context requires otherwise, one of four [types]
10 **CATEGORIES** of licenses issued by the Board authorizing an individual to practice:

11 (1) Bachelor social work;

12 (2) Master social work;

13 (3) Certified social work; or

14 (4) Certified social work—clinical.

15 (f) “Licensed bachelor social worker” means an individual licensed by the Board
16 to practice bachelor social work.

17 (g) “Licensed certified social worker” means an individual licensed by the Board,
18 **ON OR BEFORE DECEMBER 31, 2023**, to practice certified social work.

19 (h) “Licensed certified social worker—clinical” means an individual licensed by the
20 Board to practice clinical social work.

21 [(i) “Licensed graduate social worker” means an individual licensed by the Board,
22 on or before June 30, 2018, to practice graduate social work.

23 (j)] **(I)** “Licensed master social worker” means an individual licensed by the
24 Board[, on or after July 1, 2018,] to practice master social work.

25 [(k)] **(J)** “Practice bachelor social work” means to use the education and training
26 required under § 19–302(b) of this title to:

27 (1) Practice social work under the supervision of a licensed certified social
28 worker, licensed certified social worker—clinical, licensed master social worker, or licensed
29 bachelor social worker who meets the conditions specified in regulations; or

1 (2) If approved by the Board in accordance with § 19–302(f) of this title,
2 engage in independent practice.

3 **[(l)] (K)** “Practice certified social work” means to use the education, training,
4 and experience required under § 19–302(d) of this title to practice social work.

5 **[(m)] (L)** “Practice clinical social work” means to use the specialized education,
6 training, and experience required under § 19–302(e) of this title to practice social work.

7 **[(n)]** “Practice graduate social work” means, on or before June 30, 2018, to have
8 used the education and training required to obtain a master social work license under §
9 19–302(c) of this title to practice social work under the supervision of a licensed certified
10 social worker, licensed certified social worker–clinical, or licensed graduate social worker
11 who meets the conditions specified in regulations.]

12 **[(o)] (M)** “Practice master social work” means to use the education and training
13 required under § 19–302(c) of this title to:

14 (1) Practice social work under the supervision of a licensed certified social
15 worker, licensed certified social worker–clinical, or licensed master social worker who
16 meets the conditions specified in regulations; or

17 (2) If approved by the Board in accordance with § 19–302(f) of this title,
18 engage in independent practice.

19 **[(p)] (N)** (1) “Practice social work” means to apply the theories, knowledge,
20 procedures, methods, **[or] AND** ethics derived from receiving a baccalaureate or master’s
21 degree from a program in social work that is accredited by or a candidate for accreditation
22 by the Council on Social Work Education, or an equivalent organization approved by the
23 Council on Social Work Education, to restore or enhance social functioning of individuals,
24 couples, families, groups, organizations, or communities through:

25 (i) Assessment;

26 (ii) Planning;

27 (iii) Intervention;

28 (iv) Evaluation of intervention plans;

29 (v) Case management;

30 (vi) Information and referral;

31 (vii) Counseling that does not include diagnosis or treatment of

1 [mental] **BEHAVIORAL HEALTH** disorders;

2 (viii) Advocacy;

3 (ix) Consultation;

4 (x) Education;

5 (xi) Research;

6 (xii) Community organization;

7 (xiii) Development, implementation, and administration of policies,
8 programs, and activities; or

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

10 (2) “Practice social work” includes:

11 (i) Counseling for alcohol and drug use and addictive behavior; and

12 (ii) Using technology as set forth in regulations.

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

15 (i) Supervision of other social workers if the [graduate] **MASTER**
16 social worker meets the requirements set out in regulations;

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

19 (iii) Treatment of biopsychosocial conditions, under the supervision
20 of a licensed certified social worker–clinical; and

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

24 (4) For an individual licensed as a certified social worker, “practice social
25 work” also includes:

26 (i) Supervision of other social workers;

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

1 (iii) Treatment of biopsychosocial conditions, under the supervision
2 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 (5) For an individual licensed as a certified social worker–clinical, “practice
7 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)] § 7.5–101 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 [(q)] (O) “Private practice” means the provision of psychotherapy by a licensed
17 certified social worker–clinical who assumes responsibility and accountability for the
18 nature and quality of the services provided to a client:

19 (1) In exchange for direct payment or third–party reimbursement; or

20 (2) On a pro bono basis as determined in regulations adopted by the Board.

21 [(r)] (P) “Psychotherapy” means the assessment and treatment of mental
22 disorders and behavioral [disturbances] **HEALTH DISORDERS**.

23 [(s)] (Q) “Reactivation” means the process of obtaining a license less than 5
24 years after the Board placed an individual on inactive status.

25 [(t)] (R) “Reinstatement” means the process of obtaining a license less than 5
26 years after the Board placed an individual on nonrenewed status.

27 [(u)] (S) “Reissuance” means the process of obtaining a license more than 5 years
28 after the Board placed an individual on inactive or nonrenewed status.

29 [(v)] (T) “Supervision” means a formalized professional relationship between a
30 supervisor and a supervisee that:

31 (1) Provides evaluation and direction of the supervisee; and

1 (2) Promotes continued development of the supervisee's knowledge, skills,
2 and abilities to provide social work services in an ethical and competent manner.

3 19–202.

4 (a) (1) The Board consists of 12 members.

5 (2) Of the 12 Board members:

6 (i) 10 shall be licensed social workers of whom:

7 1. Subject to paragraph (3) of this subsection, 1 is a licensed
8 bachelor social worker;

9 2. Subject to paragraph (3) of this subsection, 1 is a licensed
10 master social worker at the time of appointment;

11 3. Subject to paragraph (3) of this subsection, at least 1 is a
12 licensed certified social worker;

13 4. Subject to paragraph (3) of this subsection, at least 4 are
14 licensed certified social workers—clinical;

15 5. 1 is a licensed social worker employed by the Department
16 of Human Services; and

17 6. Subject to paragraph (3) of this subsection, 1 is a licensed
18 social worker who is:

19 A. Primarily engaged in social worker education at a social
20 work program accredited by the Council on Social Work Education; and

21 B. Nominated from a list of names submitted by the deans
22 and directors of the Maryland Social Work Education Programs; and

23 (ii) 2 shall be consumer members.

24 (3) If a licensed bachelor social worker, a licensed master social worker, a
25 licensed certified social worker, a licensed certified social worker—clinical, or a licensed
26 social worker is not appointed to the Board under paragraph (2)(i) of this subsection within
27 3 months of a vacancy, a licensee of any license [level] CATEGORY shall be appointed
28 immediately if that licensee is qualified to be a member of the Board under subsections (b)
29 and (d) of this section.

30 (4) The Governor shall appoint all members of the Board with the advice
31 of the Secretary and the advice and consent of the Senate.

1 (5) The Governor shall appoint all social work members of the Board from
2 a list of nominees containing names submitted by:

3 (i) Professional social work associations in the State;

4 (ii) Any person who provides a statement of nomination signed by at
5 least 15 social workers licensed in the State;

6 (iii) The secretaries of public agencies of the State where social
7 workers are employed; or

8 (iv) The corporate executive officers or executive directors of private
9 organizations where social workers are employed.

10 (d) Except for [the] A licensed bachelor social worker member [and the] OR A
11 licensed master social worker member, each social worker member of the Board shall have
12 been licensed in the State for 5 years immediately preceding the appointment and actively
13 employed in the field of social work for at least 3 of the 5 years immediately preceding the
14 appointment.

15 (g) (2) The terms of members are staggered [as required by the terms provided
16 for members of the Board on July 1, 1981].

17 19–301.

18 (a) Except as otherwise provided in this title, an individual shall be:

19 (1) Licensed by the Board before the individual may practice social work in
20 this State while representing oneself as a social worker; or

21 (2) Licensed as a certified social worker–clinical before the individual may
22 practice clinical social work in this State.

23 (b) This section does not apply to:

24 (1) [An] **SUBJECT TO SUBSECTION (D) OF THIS SECTION**, AN individual
25 employed by any agency of the federal government while performing the duties of that
26 employment;

27 (2) An individual licensed as a social worker in another state while
28 responding to an emergency in this State;

29 (3) An individual who:

30 (i) Is licensed to practice social work in any other state;

1 (ii) Has an application for a license pending before the Board; and

2 (iii) Meets requirements established by the Board in regulations; or

3 (4) A student while pursuing a supervised course of study in a social work
4 program that is accredited or is a candidate for accreditation by the Council on Social Work
5 Education.

6 (c) An individual may not practice social work without a license under subsection
7 (b)(3) of this section for more than 6 months.

8 **(D) AN INDIVIDUAL EMPLOYED BY AN AGENCY OF THE FEDERAL**
9 **GOVERNMENT WHO IS LICENSED TO PRACTICE SOCIAL WORK IN THE STATE SHALL**
10 **COMPLY WITH THE PROVISIONS OF THIS TITLE.**

11 19–302.

12 (d) Except as provided in § 19–302.1 of this subtitle, to obtain a certified social
13 worker license, **ON OR BEFORE DECEMBER 31, 2023**, an applicant shall:

14 (1) Meet the requirements of subsection (a) of this section;

15 (2) Have received a master’s degree from a program accredited by the
16 Council on Social Work Education or an equivalent organization approved by the Council
17 on Social Work Education; and

18 (3) Provide in a form prescribed by the Board, documentation of having
19 completed 2 years as a licensee with supervised experience of at least 3,000 hours after
20 receiving the master’s degree with a minimum of 100 hours of periodic face-to-face
21 supervision in the practice of social work under the terms and conditions that the Board
22 determines by regulation.

23 (e) Except as provided in § 19–302.1 of this subtitle, to obtain a certified social
24 worker-clinical license, an applicant shall:

25 (1) Meet the requirements of subsection (a) of this section;

26 (2) Have received a master’s degree in social work and documentation of
27 completion of 12 academic credits in clinical course work from a program accredited by the
28 Council on Social Work Education or an equivalent organization approved by the Council
29 on Social Work Education, with a minimum of 6 of the 12 academic credits obtained in a
30 master’s degree program; and

31 (3) Provide in a form prescribed by the Board, documentation of having
32 completed 2 years as a licensee with supervised experience of at least 3,000 hours, of which
33 1,500 hours are in face-to-face client contact, after receiving the master’s degree with a
34 minimum of [144] **100** hours of periodic face-to-face supervision in the assessment,

1 formulation of a diagnostic impression, and treatment of [mental] **BEHAVIORAL HEALTH**
2 disorders and other conditions and the provision of psychotherapy under the terms and
3 conditions that the Board determines by regulation.

4 (f) (5) The Board shall approve a licensee to provide supervision, **IN**
5 **ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD**, if the licensee:

6 (i) Is a licensed bachelor social worker or a licensed master social
7 worker approved to engage in independent practice under this subsection;

8 (ii) Meets the education and training requirements for supervision
9 established by the Board; and

10 (iii) Has actively practiced social work for at least 5 years under the
11 [type] **CATEGORY** of license that the licensee holds, regardless of whether the licensee was
12 approved by the Board to engage in independent practice.

13 19–302.1.

14 To obtain a certified social worker license or a certified social worker–clinical license,
15 an out–of–state applicant shall:

16 (1) Meet the requirements of § 19–302(a) of this subtitle;

17 (2) Be licensed or registered to practice social work in another state [at]
18 **UNDER** a [level] **CATEGORY** of licensure that is equivalent to a certified social worker
19 license or a certified social worker–clinical license;

20 (3) Have passed an examination in that state as a condition of licensure;
21 and

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

24 19–302.3.

25 (a) The Board may require an applicant to submit to a [mental] **BEHAVIORAL**
26 **HEALTH** or physical examination by a health care practitioner designated by the Board if
27 the Board:

28 (1) Has reason to believe that the applicant may cause harm to the
29 applicant or to another person;

30 (2) Makes a written request for the applicant to submit to the examination;

31 (3) Provides the applicant with a list of three health care practitioners from

1 which the applicant may choose a health care practitioner to conduct the examination; and

2 (4) Pays the cost of the examination.

3 19–306.

4 (a) The Board shall maintain on its website a roster of all licensees who meet the
5 requirements of this title.

6 (b) The Board shall include on each electronic license record:

7 (1) The [kind] **CATEGORY** of license;

8 (2) The full name of the licensee;

9 (3) If the licensee is a licensed bachelor social worker or a licensed master
10 social worker, whether the licensee is approved to engage in independent practice;

11 (4) A license number;

12 (5) The license status;

13 (6) The expiration date; [and]

14 (7) The original date of issuance; **AND**

15 **(8) IF APPLICABLE, DISCIPLINARY HISTORY.**

16 19–307.

17 (a) Subject to the provisions of subsections (b) and (c) of this section, a license
18 authorizes the licensee to practice social work while the license is [effective] **IN EFFECT.**

19 (b) A licensed social worker may practice social work only within the scope of the
20 specific [type] **CATEGORY** of license issued by the Board.

21 (c) (1) A licensed bachelor social worker may not:

22 (i) Engage in independent practice unless the licensed bachelor
23 social worker is approved by the Board to engage in independent practice in accordance
24 with § 19–302(f) of this subtitle;

25 (ii) Make a clinical diagnosis of a [mental] **BEHAVIORAL HEALTH**
26 or emotional disorder;

27 (iii) Provide psychotherapy; or

1 (iv) Engage in private practice.

2 (2) A licensed master social worker may not:

3 (i) Engage in independent practice unless the licensed master social
4 worker is approved by the Board to engage in independent practice in accordance with §
5 19–302(f) of this subtitle;

6 (ii) Treat [mental] **BEHAVIORAL HEALTH** or emotional disorders or
7 provide psychotherapy without the supervision of a licensed certified social worker–clinical;

8 (iii) Diagnose a [mental] **BEHAVIORAL HEALTH** disorder without
9 the supervision of a licensed certified social worker–clinical; **OR**

10 (iv) [On or before December 31, 2019, engage in private practice
11 without the supervision of a licensed certified social worker–clinical; or

12 (v) On or after January 1, 2020, engage] **ENGAGE** in private
13 practice.

14 (3) A licensed certified social worker may not:

15 (i) Treat [mental] **BEHAVIORAL HEALTH** or emotional disorders or
16 provide psychotherapy without the supervision of a licensed certified social worker–clinical;
17 [or]

18 (ii) Diagnose a mental disorder without the supervision of a licensed
19 certified social worker–clinical; **OR**

20 **(III) ENGAGE IN PRIVATE PRACTICE.**

21 19–308.

22 (d) Before the license expires, the licensee periodically may renew it for an
23 additional 2–year term, if the licensee:

24 (4) [Beginning in calendar year 2021 and except] **EXCEPT** as provided in
25 subsection (g)(3) of this section, attests that the licensee has submitted to a State and
26 national criminal history records check in accordance with § 19–302.2 of this subtitle.

27 (e) (1) Subject to subsection (g) of this section, the Board shall renew the
28 license of [and issue a renewal certificate to] each licensee who meets the requirements of
29 this section.

30 19–309.

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

3 (6) (i) Passes the respective examination required for initial licensure;
4 or

5 (ii) 1. Holds an active license to practice social work in another
6 state [at] **UNDER** a [level] **CATEGORY** of licensure that is equivalent to a licensed bachelor
7 social worker, licensed master social worker, certified social worker, or certified social
8 worker–clinical; and

9 2. Has passed an examination in that state as a condition of
10 licensure.

11 19–311.

12 Subject to the hearing provisions of § 19–312 of this subtitle, the Board may deny a
13 license to any applicant, fine a licensee, reprimand any licensee, place any licensee on
14 probation, or suspend or revoke a license if the applicant or licensee:

15 (15) Refuses, withholds from, denies, or discriminates against an individual
16 with regard to the provision of professional services on the basis of race, age, gender, sexual
17 orientation, disability, religion, [or] ethnic origin, or [because the individual is] HIV
18 [positive] **STATUS**;

19 19–315.

20 (a) In this section, “social worker rehabilitation [committee] **PROCESS**” means
21 a [committee] **PROCESS** that **MAY INCLUDE**:

22 (1) Is defined in subsection (b) of this section; and

23 (2) Performs any of the functions listed in subsection (d) of this section]
24 **THE EVALUATION AND PROVISION OF ASSISTANCE OR THE PROVISION OF**
25 **INFORMATION AND RESOURCES TO A LICENSEE IN NEED OF TREATMENT AND**
26 **REHABILITATION FOR:**

27 (1) **ALCOHOLISM;**

28 (2) **SUBSTANCE ABUSE OR DEPENDENCY; OR**

29 (3) **OTHER PHYSICAL, EMOTIONAL, OR BEHAVIORAL HEALTH**
30 **CONDITIONS.**

31 [(b) For purposes of this section, a social worker rehabilitation committee is a

1 committee of the Board or a committee with representatives from one or more professional
2 social work organizations that:

3 (1) Is recognized by the Board; and

4 (2) Includes but is not limited to social workers.]

5 [(c) (B) [A] **THE SOCIAL WORKER** rehabilitation [committee] **PROCESS** of the
6 Board [or recognized by the Board] may function to assist persons referred:

7 (1) Solely by the Board;

8 (2) Jointly with a rehabilitation committee representing another board or
9 boards; or

10 (3) By the licensee.

11 [(d) For purposes of this section, the social worker rehabilitation committee:

12 (1) Evaluates and provides assistance to any social worker, and any other
13 individual regulated by the Board, in need of treatment and rehabilitation for alcoholism,
14 substance abuse or dependency, or other physical, emotional, or mental condition; and

15 (2) Provides information and resources to address impairment.]

16 [(e) (C) (1) Except as otherwise provided in this subsection, the proceedings,
17 records, and files [of] **RELATED TO** the social worker rehabilitation [committee] **PROCESS**
18 are not discoverable and are not admissible in evidence in any civil action arising out of
19 matters that are being or have been reviewed and evaluated [by] **AS A RESULT OF** the
20 social worker rehabilitation [committee] **PROCESS**.

21 (2) Paragraph (1) of this subsection does not apply to any record or
22 document that is considered [by] **IN** the social worker rehabilitation [committee] **PROCESS**
23 and that otherwise would be subject to discovery or introduction into evidence in a civil
24 action.

25 (3) For purposes of this subsection, civil action does not include a
26 proceeding before the Board or judicial review of a proceeding before the Board.

27 [(f) (D) A person who acts in good faith and within the scope of jurisdiction of
28 the [social worker rehabilitation committee] **BOARD** is not civilly liable for any action [as
29 a member of] **RELATING TO** the social worker rehabilitation [committee] **PROCESS** or for
30 giving information to, participating in, or contributing to the [function] **ADMINISTRATION**
31 of the social worker rehabilitation [committee] **PROCESS**.

32 19–317.

1 (a) While investigating an allegation against a licensee under this title, the Board
2 may require the licensee to submit to an appropriate examination by a health care provider
3 designated by the Board if the Board has reason to believe that the licensee may cause
4 harm to [a person] **SELF OR OTHERS**.

5 19–318.

6 (b) The manner of providing these disclosures shall be as follows:

7 (1) The licensee’s professional identity may be provided by directing the
8 client to the license verification section on the Board’s [Web site] **WEBSITE**;

9 (2) The licensee’s services and fees may be provided by documented
10 discussion or printed fee schedule; and

11 (3) Informed consent may be provided by documented discussion or a
12 written form signed by the client which is kept in the client’s file.

13 19–402.

14 Unless authorized to practice social work under this title, a person may not:

15 (1) Represent to the public that the person is a licensed social worker; or

16 (2) Use any title, abbreviation, sign, card, or other representation that the
17 person is a licensed social worker, including the use of the words “social worker” or “social
18 work” and the use of the abbreviations “LBSW”, [“LGSW”,] “LMSW”, “LCSW”, or
19 “LCSW–C”.

20 19–407.

21 (a) A person who violates any provision of this subtitle or § 19–301 of this title is
22 guilty of a misdemeanor and on conviction is subject to a fine not exceeding [**\$5,000**]
23 **\$10,000** or imprisonment not exceeding 2 years or both.

24 19–501.

25 This title may be cited as the “Maryland Social Workers **PRACTICE** Act”.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2021.