

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 811

(Delegate Cullison)

Health and Government Operations

Education, Health, and Environmental Affairs

State Board of Social Work Examiners - Revisions

The bill renames the Maryland Social Workers Act as the Maryland Social Workers *Practice* Act, and alters the Act by (1) requiring an individual employed by the federal government and licensed to practice social work in the State to comply with the Act; (2) repealing obsolete provisions related to a licensed graduate social worker (LGSW) and the practice of graduate social work; (3) altering the definition of “licensed certified social worker” (LCSW); (4) altering the number of required hours of specified supervision for a licensed certified social worker-clinical (LCSW-C); (5) redefining the social worker rehabilitation committee as the “social worker rehabilitation *process*”; (6) requiring the board to include disciplinary history, if applicable, on each electronic license record; (7) specifying that the board must approve certain licensees to provide supervision *in accordance with board regulations*; and (8) increasing the penalty for violating certain provisions of the Act from \$5,000 to \$10,000. The bill also makes various technical and clarifying changes.

Fiscal Summary

State Effect: The bill, including the increase in the civil penalty provision, is not expected to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: Under current law, an individual must be licensed by the State Board of Social Work Examiners before they may practice social work in the State. Licensure requirements *do not* apply to (1) an individual employed by any agency of the federal government while performing the duties of that employment; (2) an individual licensed as a social worker in another state while responding to an emergency in the State; (3) an individual who is licensed to practice social work in any other state, has an application for a license pending before the board, and meets the requirements established in regulations; or (4) a student while pursuing a supervised course of study in social work.

The bill requires an individual employed by an agency of the federal government who is licensed to practice social work in the State to comply with the provision of the Maryland Social Workers Practice Act.

Licensed Graduate Social Worker

Under current law, an LGSW is an individual licensed by the board, on or before June 30, 2018, to practice graduate social work under the supervision of an LCSW, LCSW-C, or LGSW who meets specified conditions. According to the Department of Human Services, LGSW is an obsolete license category.

The bill replaces references to graduate social work with *master* social work, where appropriate. A licensed master social worker (LMSW) is an individual licensed by the board, on or after July 1, 2018, to practice master social work under the supervision of an LCSW, LCSW-C, or LMSW who meets specified conditions. If approved by the board, an LMSW may engage in independent practice.

Licensed Certified Social Worker

An applicant for a certified social worker license must, among other requirements, have received a master's degree from an accredited program and provide documentation of having completed specified supervision. Under the bill, "licensed certified social worker" means an individual licensed by the board *on or before December 31, 2023*, to practice certified social work. Thus, the bill requires applicants to fulfill these requirements by December 31, 2023. The bill also specifies that an LCSW may not engage in private practice.

Licensed Certified Social Worker-Clinical

Under current law, an applicant for an LCSW-C must provide the board with documentation of having completed two years as a licensee with supervised experience of

at least 3,000 hours, of which 1,500 hours are in face-to-face client contact, after receiving the master's degree with a minimum of 144 hours of periodic face-to-face supervision in the assessment, formulation of a diagnostic impression, and treatment of mental disorders and other conditions and the provision of psychotherapy. The bill reduces the number of hours of periodic face-to-face supervision in the assessment, formulation of a diagnostic impression, and treatment of mental disorders and other conditions and the provision of psychotherapy from 144 hours to 100 hours.

Social Worker Rehabilitation Process

The bill redefines the social worker rehabilitation committee as the “social worker rehabilitation *process*.” “Social worker rehabilitation process” means a process that may include the evaluation and provision of assistance or the provision of information and resources to a licensee in need of treatment and rehabilitation for alcoholism; substance abuse or dependency; or other physical, emotional, or behavioral health conditions.

Under current law, the social worker rehabilitation committee is a committee of the board or with representatives from one or more professional social work organizations that evaluates and provides assistance to any social worker in need of treatment and rehabilitation for alcoholism; substance abuse or dependency; or other physical, emotional, or mental condition. The committee provides information and resources to the individual to address the impairment. A person who acts in good faith and within the scope of jurisdiction of the committee is not civilly liable for any action as a member of the committee or for giving information to, participating in, or contributing to the function of the committee.

Under current law, the board may require a licensee to submit to an appropriate examination by a health care provider designated by the board if the board has reason to believe the licensee may cause harm to a person. Under the bill, this is expanded to include if the board has reason to believe that a licensee may cause harm *to self or others*.

Supervision

Under current law, the board must approve a licensee to provide supervision if the licensee is a licensed bachelor social worker or LMSW approved to engage in independent practice, meets the board's education and training requirements for supervision, and has actively practice for at least five years under the license that the licensee holds. Under the bill, approval to provide supervision must also be made *in accordance with regulations adopted by the board*.

License Renewal and Criminal History Records Check

Under current law, a license may be renewed for a two-year term if the licensee (1) is otherwise entitled to be licensed; (2) pays a renewal fee; and (3) submits a renewal application and satisfactory evidence of continuing education requirements. Beginning in calendar 2021, an applicant for a renewal license must attest that the licensee has submitted to a criminal history records check (CHRC). The bill delays, from calendar 2021 to 2023, that year in which a licensee must submit to a CHRC as a condition of license renewal.

Violations of the Maryland Social Workers Act

A person who violates any provision of Title 19, Subtitle 4 of the Health Occupations Article (practicing without a license, misrepresentation, using the license of another person, impersonating a licensed social worker, or giving false information to the board) or § 19-301 of the Health Occupations Article (the requirement to have a license to practice social work and exceptions to licensure) is guilty of a misdemeanor and on conviction subject to a fine of up to \$5,000 and/or imprisonment for up to two years. The bill increases this fine to \$10,000.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 597 (Senator Washington) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Health; Department of Human Services; Department of Legislative Services

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