

# HOUSE BILL 806

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By: **Delegate Hubbard**

Introduced and read first time: February 6, 2013

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of renaming a certain license issued by the State Board of Social  
4 Work Examiners; requiring the appointment of a certain licensee to the Board  
5 within a certain number of months of a certain vacancy on the Board; altering  
6 the number of signatures required for a certain list of nominees; authorizing  
7 certain officers or directors to submit a certain list of nominees; exempting a  
8 certain member of the Board from a certain requirement; requiring the Board to  
9 elect certain officers for certain purposes; requiring the Board to determine the  
10 manner of election of certain officers and the duties of certain officers;  
11 exempting certain students from certain licensure requirements; requiring  
12 certain applicants to complete a certain criminal history records check and  
13 submit to a certain examination under certain circumstances; authorizing  
14 certain applicants to meet certain licensure requirements by receiving a certain  
15 degree; repealing a certain provisional graduate social worker license; altering  
16 the number of hours of a certain type of supervision required to obtain a certain  
17 license; altering certain education requirements required to obtain a certain  
18 license; repealing the authority of the Board to waive a certain supervision  
19 requirement under certain circumstances; requiring certain applicants for  
20 licensure to submit certain fingerprints and certain fees to the Criminal Justice  
21 Information System Central Repository of the Department of Public Safety and  
22 Correctional Services; requiring the Central Repository to forward certain  
23 criminal history record information to the Board and to certain applicants;  
24 authorizing the Board to accept an alternate method of criminal history records  
25 check under certain circumstances; providing that certain information obtained

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 from the Central Repository is confidential and may be used only for certain  
2 purposes; requiring the Board, in using information obtained from the Central  
3 Repository to determine whether to issue a license, to consider certain factors;  
4 authorizing certain subjects to contest certain contents of a certain printed  
5 statement issued by the Central Repository; authorizing the Board to require  
6 certain applicants to submit to certain examinations under certain  
7 circumstances; providing that certain applicants are deemed to have consented  
8 to submit to certain examinations and to have waived certain claims or  
9 privileges relating to certain examination reports; providing that a certain  
10 refusal to submit to certain examinations must be considered as certain  
11 evidence of certain applicants' inability to practice social work in a certain  
12 manner; repealing a certain obsolete provision; requiring the Board to maintain  
13 a certain roster on its Web site of certain licensees; requiring the Board to  
14 include certain information on certain licensee records; repealing a requirement  
15 that the Board issue certain licenses; prohibiting certain licensees from  
16 practicing social work, engaging in private practice, and diagnosing certain  
17 disorders, except under certain circumstances; requiring the Board to send  
18 certain notices to certain addresses that state certain information; requiring the  
19 Board to maintain certain information regarding certain licensees; prohibiting  
20 the Board from renewing certain licenses under certain circumstances;  
21 exempting certain licensees from the maximum period of time during which a  
22 licensee may be placed on a certain licensure status; requiring the Board to  
23 provide certain licensees certain written notification under certain  
24 circumstances; requiring the Board to reactivate certain licenses under certain  
25 circumstances; requiring the Board to place certain licensees on nonrenewed  
26 status for a certain period of time, subject to a certain exception, under certain  
27 circumstances; altering certain grounds for discipline of certain licensees;  
28 authorizing the Board to take certain actions if certain applicants or licensees  
29 fail to comply with certain requirements pertaining to the maintenance,  
30 disclosure, and destruction of medical records; altering the amount of a certain  
31 fine that the Board may impose under certain circumstances; authorizing the  
32 Board to issue certain subpoenas and administer certain oaths over certain  
33 signatures; prohibiting the use of certain abbreviations under certain  
34 circumstances; altering certain penalty provisions relating to violations of  
35 certain provisions of law; making certain stylistic changes; altering certain  
36 defined terms; defining certain terms; and generally relating to the State Board  
37 of Social Work Examiners.

38 BY repealing and reenacting, without amendments,  
39 Article – Health Occupations  
40 Section 19–101(a) and (b)  
41 Annotated Code of Maryland  
42 (2009 Replacement Volume and 2012 Supplement)

43 BY repealing and reenacting, with amendments,  
44 Article – Health Occupations

1 Section 19–101(d), (e), (i), (j), (m), and (n), 19–202(a)(3) and (5) and (d), 19–203,  
2 19–301, 19–302, 19–304, 19–306, 19–307(c), 19–308(b) and (e), 19–309,  
3 19–311, 19–311.1(a), 19–312(c), 19–314, 19–402, and 19–407

4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2012 Supplement)

6 BY adding to  
7 Article – Health Occupations  
8 Section 19–302.2, 19–302.3, and 19–308(f)  
9 Annotated Code of Maryland  
10 (2009 Replacement Volume and 2012 Supplement)

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

13 **Article – Health Occupations**

14 19–101.

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

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

17 (d) “License” means, unless the context requires otherwise, one of four types  
18 of licenses issued by the Board authorizing an individual to practice:

19 (1) [Associate] **BACHELOR** social work;

20 (2) Graduate social work;

21 (3) Certified social work; or

22 (4) Certified social work–clinical.

23 (e) “Licensed [associate] **BACHELOR** social worker” means an individual  
24 licensed by the Board to practice [associate] **BACHELOR** social work.

25 (i) “Practice [associate] **BACHELOR** social work” means to practice social  
26 work:

27 (1) Under the supervision of a licensed certified social worker, licensed  
28 certified social worker–clinical, or licensed graduate social worker who meets the  
29 conditions specified in regulations; and

30 (2) Utilizing the education and training required under § 19–302(b) of  
31 this title.

1 (j) “Practice certified social work” means to practice social work utilizing the  
2 education, training, and experience required under § 19–302(d) [or (e)] of this title.

3 (m) (1) “Practice social work” means to apply the theories, knowledge,  
4 procedures, methods, or ethics derived from a formal educational program in social  
5 work to restore or enhance social functioning of individuals, couples, families, groups,  
6 organizations, or communities through:

7 (i) Assessment;

8 [(ii) Formulating diagnostic impressions;]

9 [(iii) (II) Planning;

10 [(iv) (III) Intervention;

11 [(v) (IV) Evaluation of intervention plans;

12 [(vi) (V) Case management;

13 [(vii) (VI) Information and referral;

14 [(viii) (VII) Counseling that does not include diagnosis or  
15 treatment of mental disorders;

16 [(ix) (VIII) Advocacy;

17 [(x) (IX) Consultation;

18 [(xi) (X) Education;

19 [(xii) (XI) Research;

20 [(xiii) (XII) Community organization; or

21 [(xiv) (XIII) Development, implementation, and administration of  
22 policies, programs, and activities.

23 (2) For an individual licensed as a graduate social worker, “practice  
24 social work” also includes:

25 (i) Supervision of other social workers if the graduate social  
26 worker meets the requirements set out in regulations; [and]

27 (II) FORMULATING A DIAGNOSIS, UNDER THE DIRECT  
28 SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER—CLINICAL;

1                    [(ii)] (III) Treatment of [psychosocial conditions]  
2 **BIOPSYCHOSOCIAL CONDITIONS; and**

3                    (IV) **TREATMENT OF** mental disorders and the provision of  
4 psychotherapy under the direct supervision of a licensed certified social  
5 worker–clinical.

6                    (3) For an individual licensed as a certified social worker, “practice  
7 social work” also includes:

8                    (i) Supervision of other social workers; [and]

9                    (II) **FORMULATING A DIAGNOSIS, UNDER THE DIRECT**  
10 **SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER–CLINICAL;**

11                    [(ii)] (III) Treatment of [psychosocial conditions]  
12 **BIOPSYCHOSOCIAL CONDITIONS; and**

13                    (IV) **TREATMENT OF** mental disorders and the provision of  
14 psychotherapy under the direct supervision of a licensed certified social  
15 worker–clinical.

16                    (4) For an individual licensed as a certified social worker–clinical,  
17 “practice social work” also includes:

18                    (i) Supervision of other social workers;

19                    (ii) Evaluation, diagnosis, and treatment of [psychosocial]  
20 **BIOPSYCHOSOCIAL** conditions, mental and emotional conditions and impairments,  
21 and mental disorders as defined in § 10–101(f) of the Health – General Article; [and]

22                    (III) **PETITIONING FOR EMERGENCY EVALUATION UNDER**  
23 **TITLE 10, SUBTITLE 6 OF THE HEALTH – GENERAL ARTICLE; AND**

24                    [(iii)] (IV) The provision of psychotherapy.

25                    (n) “Psychotherapy” means [a method for] the **ASSESSMENT AND** treatment  
26 of mental disorders and behavioral disturbances [in which a licensed health care  
27 practitioner enters into a professional contract with the patient and, through a  
28 therapeutic communication or interaction, attempts to:

29                    (1) Alleviate emotional disturbances;

30                    (2) Reverse or alter maladaptive patterns of behavior; or

1 (3) Encourage personality growth and development].

2 19–202.

3 (a) (3) If a licensed [social work associate] **BACHELOR SOCIAL WORKER**,  
4 a licensed graduate social worker, a licensed certified social worker, a licensed  
5 certified social worker–clinical, or a licensed social worker is not appointed to the  
6 Board under paragraph (2)(i) of this subsection within [6] **3** months of a vacancy, a  
7 licensee of any license level shall be appointed immediately if that licensee is qualified  
8 to be a member of the Board under subsections (b) and (d) of this section.

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

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

12 (ii) Any person who provides a statement of nomination signed  
13 by at least [25] **15** social workers licensed in the State; [or]

14 (iii) The secretaries of public agencies of the State where social  
15 workers are employed; **OR**

16 (IV) **THE CORPORATE EXECUTIVE OFFICERS OR EXECUTIVE**  
17 **DIRECTORS OF PRIVATE ORGANIZATIONS WHERE SOCIAL WORKERS ARE**  
18 **EMPLOYED.**

19 (d) Except for the licensed **BACHELOR** social worker [associate] member and  
20 the licensed graduate social worker member, each social worker member of the Board  
21 shall have been licensed in the State for 5 years immediately preceding the  
22 appointment and actively employed in the field of social work for at least 3 of the 5  
23 years immediately preceding the appointment.

24 19–203.

25 (a) (1) From among its members, the Board shall elect a [chairman]  
26 **CHAIR, VICE CHAIR, and [a secretary] SECRETARY–TREASURER** every 2 years.

27 (2) The Board may elect other officers as necessary to fulfill the duties  
28 and responsibilities of the Board.

29 (b) The Board shall determine:

30 (1) The manner of election of the [chairman, secretary,] **CHAIR,**  
31 **VICE CHAIR, SECRETARY–TREASURER,** and other officers; and

32 (2) The duties of each officer.

1 19-301.

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

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

5 (2) Licensed as a certified social worker-clinical before the individual  
6 may practice clinical social work in this State.

7 (b) This section does not apply to:

8 (1) An individual employed by any agency of the federal government  
9 while performing the duties of that employment;

10 (2) An individual licensed as a social worker in another state while  
11 responding to an emergency in this State; [or]

12 (3) An individual who:

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

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

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

17 **OR**

18 **(4) A STUDENT WHILE PURSUING A SUPERVISED COURSE OF**  
19 **STUDY IN A SOCIAL WORK PROGRAM THAT IS ACCREDITED OR IS A CANDIDATE**  
20 **FOR ACCREDITATION BY THE COUNCIL ON SOCIAL WORK EDUCATION.**

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

23 19-302.

24 (a) To obtain a license, an applicant shall demonstrate to the satisfaction of  
25 the Board that the applicant:

26 (1) Has submitted a complete written application in the form  
27 prescribed by the Board;

28 (2) Is at least 18 years old;

1 (3) Is of good moral character;

2 (4) Except as otherwise provided in this title, has successfully passed  
3 an examination or examinations prescribed by the Board pertinent to the license  
4 sought; [and]

5 (5) Has paid all applicable fees specified by the Board [relative to the  
6 licensure process];

7 (6) **HAS COMPLETED A CRIMINAL HISTORY RECORDS CHECK IN**  
8 **ACCORDANCE WITH § 19-302.2 OF THIS SUBTITLE AT THE APPLICANT'S**  
9 **EXPENSE; AND**

10 (7) **HAS SUBMITTED TO AN EXAMINATION IF REQUIRED UNDER §**  
11 **19-302.3 OF THIS SUBTITLE.**

12 (b) To obtain a **BACHELOR** social work [associate] license, an applicant  
13 shall:

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

15 (2) Have received a baccalaureate degree in social work from a  
16 program **THAT IS** accredited **OR IS A CANDIDATE FOR ACCREDITATION** by the  
17 Council on Social Work Education or an equivalent organization approved by the  
18 Council on Social Work Education.

19 (c) [(1)] To obtain a graduate social worker license, an applicant shall:

20 [(i)] (1) Meet the requirements of subsection (a) of this  
21 section; and

22 [(ii)] (2) Have received a master's degree from a program  
23 **THAT IS** accredited **OR IS A CANDIDATE FOR ACCREDITATION** by the Council on  
24 Social Work Education or an equivalent organization approved by the Council on  
25 Social Work Education.

26 [(2)] (i) To obtain a provisional graduate social worker license, an  
27 applicant shall:

28 1. Meet the requirements of subsection (a) of this  
29 section; and

30 2. Have received a master's degree from a program  
31 which had received formal candidacy status from the Council on Social Work  
32 Education or an equivalent organization approved by the Council on Social Work  
33 Education at the time the degree was awarded.



1 (ii) A provisional graduate social work license shall be issued for  
2 the lesser of a period:

3 1. Not to exceed 3 years; or

4 2. Until the program has attained accredited status from  
5 the Council on Social Work Education or an equivalent organization approved by the  
6 Council on Social Work Education.

7 (iii) Provisional licensees whose degree programs become  
8 accredited during the license period shall be permitted to apply for a license as a  
9 graduate social worker upon accreditation being granted to the program.]

10 (d) Except as provided in § 19–302.1 of this subtitle, to obtain a certified  
11 social worker license, an applicant shall:

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

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

16 (3) Except as provided in subsection (g) of this section, provide in a  
17 form prescribed by the Board, documentation of having completed 2 years as a licensee  
18 with supervised experience of at least 3,000 hours after receiving the master's degree  
19 with a minimum of [144] **100** hours of periodic face-to-face supervision in the practice  
20 of social work under the terms and conditions that the Board determines by  
21 regulation.

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

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

25 (2) Have received a master's degree in social work and documentation  
26 of **COMPLETION OF 12 ACADEMIC CREDITS IN** clinical course work from a  
27 **MASTER'S DEGREE** program accredited by the Council on Social Work Education or  
28 an equivalent organization approved by the Council on Social Work Education; and

29 (3) Provide in a form prescribed by the Board, documentation of  
30 having completed 2 years as a licensee with supervised experience of at least 3,000  
31 hours, **OF WHICH 1,500 HOURS ARE IN FACE-TO-FACE CLIENT CONTACT**, after  
32 receiving the master's degree with a minimum of 144 hours of periodic face-to-face  
33 supervision in the assessment, formulation of a diagnostic impression, and treatment  
34 of mental disorders and other conditions and the provision of psychotherapy under the  
35 terms and conditions that the Board determines by regulation.

1 [(f) If the supervision required for a certified social worker license under  
2 subsection (d)(3) of this section was not available to the applicant while the applicant  
3 was obtaining the required 2 years of experience, the Board may waive the supervision  
4 requirement on the request of the applicant.

5 (g) If an applicant who is licensed or registered to practice social work in  
6 another state has obtained 2 years of supervised experience under circumstances that  
7 are otherwise equivalent to those required under subsection (d) of this section, the  
8 Board may waive the supervision requirement.]

9 **19-302.2.**

10 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL  
11 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT  
12 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

13 (B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A  
14 STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT  
15 SHALL SUBMIT TO THE CENTRAL REPOSITORY:

16 (1) ~~TWO COMPLETE SETS~~ A COMPLETE SET OF LEGIBLE  
17 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE  
18 CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF  
19 INVESTIGATION;

20 (2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE  
21 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY  
22 RECORDS; AND

23 (3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU  
24 OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

25 (C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE  
26 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD  
27 TO THE BOARD AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD  
28 INFORMATION OF THE APPLICANT.

29 (D) IF AN APPLICANT HAS MADE TWO OR MORE UNSUCCESSFUL  
30 ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN  
31 ALTERNATE METHOD OF CRIMINAL HISTORY RECORDS CHECK AS PERMITTED  
32 BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE  
33 FEDERAL BUREAU OF INVESTIGATION.

1           **(E) (1) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**  
2 **UNDER THIS SECTION:**

3           ~~(1)~~ **(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**  
4 **AND**

5           ~~(2)~~ **(II) MAY BE USED ONLY FOR THE LICENSING PURPOSE**  
6 **AUTHORIZED BY THIS TITLE.**

7           **(2) IN USING INFORMATION OBTAINED FROM THE CENTRAL**  
8 **REPOSITORY UNDER THIS SECTION TO DETERMINE WHETHER TO ISSUE A**  
9 **LICENSE, THE BOARD SHALL CONSIDER:**

10                   **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

11                   **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

12                   **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE**  
13 **CRIME WAS COMMITTED;**

14                   **(IV) SUBSEQUENT WORK HISTORY;**

15                   **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

16                   **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**  
17 **APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

18           **(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER**  
19 **THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT**  
20 **ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE**  
21 **CRIMINAL PROCEDURE ARTICLE.**

22 **19-302.3.**

23           **(A) THE BOARD MAY REQUIRE AN APPLICANT TO SUBMIT TO A MENTAL**  
24 **OR PHYSICAL EXAMINATION BY A HEALTH CARE PRACTITIONER DESIGNATED BY**  
25 **THE BOARD IF THE BOARD:**

26                   **(1) HAS REASON TO BELIEVE THAT THE APPLICANT MAY CAUSE**  
27 **HARM TO THE APPLICANT OR TO ANOTHER PERSON;**

28                   **(2) MAKES A WRITTEN REQUEST FOR THE APPLICANT TO SUBMIT**  
29 **TO THE EXAMINATION;**

1           **(3) PROVIDES THE APPLICANT WITH A LIST OF THREE HEALTH**  
2 **CARE PRACTITIONERS FROM WHICH THE APPLICANT MAY CHOOSE A HEALTH**  
3 **CARE PRACTITIONER TO CONDUCT THE EXAMINATION; AND**

4           **(4) PAYS THE COST OF THE EXAMINATION.**

5           **(B) AN APPLICANT REQUIRED TO SUBMIT TO AN EXAMINATION UNDER**  
6 **SUBSECTION (A) OF THIS SECTION SHALL BE DEEMED TO HAVE:**

7           **(1) CONSENTED TO SUBMIT TO THE EXAMINATION; AND**

8           **(2) WAIVED ANY CLAIM OR PRIVILEGE AS TO THE EXAMINATION**  
9 **REPORT.**

10           **(C) THE REFUSAL OF AN APPLICANT TO SUBMIT TO THE EXAMINATION**  
11 **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PRIMA FACIE**  
12 **EVIDENCE OF THE APPLICANT'S INABILITY TO PRACTICE SOCIAL WORK**  
13 **COMPETENTLY, UNLESS THE BOARD FINDS THAT THE REFUSAL WAS BEYOND**  
14 **THE CONTROL OF THE APPLICANT.**

15 19-304.

16           (a) An approved applicant is entitled to be examined for licensure as  
17 provided in this section.

18           (b) The Board shall ensure that a Board-approved examination for each  
19 category of license is made available for an applicant to take at least twice a year, at  
20 the times and places that the Board determines.

21           (c) The Board shall notify each approved applicant of the procedures for  
22 taking the examination.

23           (d) (1) The Board shall approve the subjects, scope, form, and passing  
24 score for each type of examination given under this subtitle.

25           (2) The examinations given under this subtitle shall strive to be free of  
26 cultural bias.

27           (e) (1) The Board, by regulation, may limit:

28                   (i) The number of times an applicant may be reexamined after  
29 failing an examination required under this subtitle; and

30                   (ii) The interval between reexaminations.

1           (2) If an applicant is permitted to be reexamined under paragraph (1)  
2 of this subsection, the applicant shall pay a fee to the examining body approved by the  
3 Board.

4           [(f) Notwithstanding the provisions of § 19–302 of this subtitle, an applicant  
5 for a certified social worker license or a certified social worker–clinical license who was  
6 enrolled in a doctoral program on October 1, 1992 and has remained continuously  
7 enrolled in a doctoral program and who otherwise qualifies for the applicable license is  
8 entitled to be examined for that license as provided in this section.]

9           [(g) (F) The examination shall be prepared to measure the competence of  
10 the applicant to engage in the pertinent practice of social work.

11           [(h) (G) In the preparation, administration, and grading of an examination,  
12 the Board may employ, cooperate, or contract with an organization or consultant.

13 19–306.

14           (a) The Board shall [issue a license to any applicant who meets] **MAINTAIN**  
15 **ON ITS WEB SITE A ROSTER OF ALL LICENSEES WHO MEET** the requirements of  
16 this title.

17           (b) The Board shall include on each **ELECTRONIC** license [that the Board  
18 issues] **RECORD:**

19           (1) The kind of license;

20           (2) The full name of the licensee;

21           (3) A [serial] **LICENSE** number;

22           (4) The [signatures of the chairman and the secretary of the Board]  
23 **LICENSE STATUS;**

24           (5) The [seal of the Board] **EXPIRATION DATE;** and

25           (6) The original date of issuance.

26           [(c) The Board shall issue a license to replace a lost, destroyed, or mutilated  
27 license if the licensee pays the license replacement fee set by the Board and  
28 demonstrates to the satisfaction of the Board that the license was lost, destroyed, or  
29 mutilated.]

30 19–307.

31           (c) (1) A licensed [associate] **BACHELOR** social worker may not:

1 (i) Practice social work without the supervision of a licensed  
2 certified social worker, licensed certified social worker–clinical, or licensed graduate  
3 social worker who meets the requirements specified in the regulations;

4 (ii) Make a clinical diagnosis of a mental or emotional disorder;  
5 [or]

6 (iii) Provide psychotherapy; **OR**

7 **(IV) ENGAGE IN PRIVATE PRACTICE.**

8 (2) A licensed graduate social worker may not:

9 (i) Practice graduate social work without the supervision of a  
10 licensed certified social worker, licensed certified social worker–clinical, or licensed  
11 graduate social worker who meets the requirements specified in the regulations;

12 (ii) Treat mental or emotional disorders or provide  
13 psychotherapy without the direct supervision of a licensed certified social  
14 worker–clinical; [or]

15 (iii) Diagnose a mental disorder **WITHOUT THE DIRECT**  
16 **SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER–CLINICAL; OR**

17 **(IV) ENGAGE IN PRIVATE PRACTICE WITHOUT THE DIRECT**  
18 **SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER–CLINICAL.**

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

20 (i) Treat mental or emotional disorders or provide  
21 psychotherapy without the direct supervision of a licensed certified social  
22 worker–clinical; or

23 (ii) Diagnose a mental disorder **WITHOUT THE DIRECT**  
24 **SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER–CLINICAL.**

25 19–308.

26 (b) At least 1 month before the license expires, the Board shall send to the  
27 licensee, [by first–class mail to] **AT** the last known **ELECTRONIC OR PHYSICAL**  
28 address of the licensee, a renewal notice that states:

29 (1) The date on which the current license expires;

1           (2)    The date by which the renewal application must be received by the  
2 Board for the renewal to be issued and mailed before the license expires; and

3           (3)    The amount of the renewal fee.

4           (e)    (1)    The Board shall renew the license of and issue a renewal certificate  
5 to each licensee who meets the requirements of this section.

6                   (2)    The Board shall [include the term of the renewal on each renewal  
7 certificate that the Board issues] **MAINTAIN THE SAME INFORMATION ON EACH**  
8 **LICENSEE.**

9           **(F)    THE BOARD MAY NOT RENEW A BACHELOR SOCIAL WORK LICENSE**  
10 **OR A GRADUATE SOCIAL WORK LICENSE OF A LICENSEE WHO HOLDS A**  
11 **BACCALAUREATE DEGREE OR MASTER’S DEGREE FROM A PROGRAM THAT WAS A**  
12 **CANDIDATE FOR ACCREDITATION BUT WAS DENIED ACCREDITATION.**

13 19–309.

14           (a)    (1)    [The] **EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF**  
15 **THIS SECTION,** THE Board shall place a licensee on inactive status for a maximum of  
16 5 years, if the licensee submits to the Board:

17                   (i)    A written application for inactive status in a form prescribed  
18 by the Board; and

19                   (ii)   The inactive status fee set by the Board.

20           (2)    The Board shall provide a licensee who has complied with the  
21 requirements of paragraph (1) of this subsection with written notification of:

22                   (i)    **THE DATE THAT THE LICENSE EXPIRED;**

23                   **(II)**   The date that the licensee’s inactive status becomes  
24 effective;

25                   **[(ii)] (III)**   The date that the licensee’s inactive status expires;  
26 and

27                   **[(iii)] (IV)**   The consequences of not resuming active status before  
28 expiration of inactive status.

29           (3)    The Board shall [issue] **REACTIVATE** a license [to] **FOR** an  
30 individual on inactive status who:

1 (i) **APPLIES TO THE BOARD FOR REACTIVATION OF THE**  
2 **LICENSE;**

3 (II) Complies with the renewal requirements that are in effect  
4 when the individual requests the reactivation of the license;

5 [(ii)] (III) Has completed the number of credit hours of approved  
6 continuing education in social work set by the Board in the 2 years preceding the  
7 licensee's application for an active license; [and]

8 (IV) **PAYS TO THE BOARD THE REACTIVATION PROCESSING**  
9 **FEE SET BY THE BOARD; AND**

10 [(iii)] (V) Has been on inactive status for less than 5 years.

11 [(b) A social worker whose inactive license expires before the social worker  
12 returns to active licensure shall meet the reinstatement requirements of § 19-314 of  
13 this subtitle.

14 (c) (1) A social worker who is on inactive status as of October 1, 2000  
15 shall have a 5-year period during which to continue on inactive status following  
16 notification by the Board.

17 (2) A social worker who fails to return to active licensure within that  
18 5-year period shall meet the reinstatement requirements of § 19-314 of this subtitle.]

19 (B) (1) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**  
20 **THE BOARD SHALL PLACE A LICENSEE ON NONRENEWED STATUS FOR A**  
21 **MAXIMUM OF 5 YEARS IF THE LICENSEE:**

22 (I) **DOES NOT RENEW THE LICENSEE'S LICENSE UNDER**  
23 **SUBSECTION (A) OF THIS SECTION; AND**

24 (II) **SUBMITS TO THE BOARD:**

25 1. **A WRITTEN APPLICATION FOR NONRENEWED**  
26 **STATUS IN A FORM PRESCRIBED BY THE BOARD; AND**

27 2. **THE APPLICABLE FEE SET BY THE BOARD.**

28 (2) **THE BOARD SHALL PROVIDE A LICENSEE WHO HAS COMPLIED**  
29 **WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION WITH**  
30 **WRITTEN NOTIFICATION OF:**

31 (I) **THE DATE THAT THE LICENSE EXPIRED;**



- 1                   **(II) THE DATE THAT THE INACTIVE STATUS EXPIRED;**
- 2                   **(III) THE DATE THAT THE LICENSEE'S NONRENEWED STATUS**  
3 **BECOMES EFFECTIVE;**
- 4                   **(IV) THE DATE THAT THE LICENSEE'S NONRENEWED STATUS**  
5 **EXPIRES; AND**
- 6                   **(V) THE FACT THAT THE LICENSEE MAY NOT PRACTICE**  
7 **SOCIAL WORK IN THE STATE.**
- 8                   **(3) THE BOARD SHALL REACTIVATE A LICENSE FOR AN**  
9 **INDIVIDUAL ON NONRENEWED STATUS WHO:**
- 10                   **(I) APPLIES TO THE BOARD FOR REACTIVATION OF THE**  
11 **LICENSE;**
- 12                   **(II) PAYS TO THE BOARD THE REACTIVATION PROCESSING**  
13 **FEE SET BY THE BOARD;**
- 14                   **(III) COMPLIES WITH THE RENEWAL REQUIREMENTS THAT**  
15 **ARE IN EFFECT WHEN THE INDIVIDUAL REQUESTS THE REACTIVATION OF THE**  
16 **LICENSE;**
- 17                   **(IV) HAS COMPLETED THE NUMBER OF CREDIT HOURS OF**  
18 **APPROVED CONTINUING EDUCATION IN SOCIAL WORK SET BY THE BOARD IN**  
19 **THE 2 YEARS PRECEDING THE INDIVIDUAL'S APPLICATION FOR AN ACTIVE**  
20 **LICENSE; AND**
- 21                   **(V) HAS BEEN ON NONRENEWED STATUS FOR LESS THAN 5**  
22 **YEARS.**
- 23                   **(C) NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION,**  
24 **THE BOARD SHALL REACTIVATE THE LICENSE OF AN INDIVIDUAL WHO:**
- 25                   **(1) APPLIES TO THE BOARD FOR REACTIVATION OF THE**  
26 **LICENSE;**
- 27                   **(2) PAYS TO THE BOARD THE REACTIVATION PROCESSING FEE**  
28 **SET BY THE BOARD AND ANY OTHER FEES REQUIRED BY THE BOARD;**
- 29                   **(3) PROVIDES ANY DOCUMENTATION REQUIRED BY THE BOARD,**  
30 **IN A FORM PRESCRIBED BY THE BOARD; AND**

1           **(4) PASSES THE RESPECTIVE EXAMINATION REQUIRED FOR**  
2 **INITIAL LICENSURE.**

3 19–311.

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

7           (1) Obtained or attempted to obtain a license for the applicant or  
8 licensee or for another through fraud, deceit, or misrepresentation;

9           (2) Fraudulently or deceptively uses a license;

10           (3) Is mentally or physically incompetent **TO PRACTICE SOCIAL**  
11 **WORK;**

12           (4) Commits any act of gross negligence, incompetence, or misconduct  
13 in the practice of social work;

14           **[(5) Knowingly violates any provision of this title;]**

15           **[(6) (5)** Engages in a course of conduct that is inconsistent with  
16 generally accepted professional standards in the practice of social work;

17           **[(7) (6)** Violates any provision of this title or regulations governing  
18 the practice of social work adopted and published by the Board;

19           **[(8) (7)** Is convicted of or pleads guilty or nolo contendere to a felony  
20 or to a crime involving moral turpitude, whether or not any appeal or other proceeding  
21 is pending to have the conviction or plea set aside;

22           **[(9) (8)** Provides professional services while:

23                   (i) Under the influence of alcohol; or

24                   (ii) Using any narcotic or controlled dangerous substance, as  
25 defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of  
26 prescribed amounts or without valid medical indication;

27           **[(10) (9)** Is disciplined by a licensing or disciplinary authority of any  
28 state, country, or branch of the armed services, or the Veterans' Administration for an  
29 act that would be grounds for disciplinary action under this section;

1            [(11)] **(10)** Practices social work with an unauthorized person or  
2 supervises or aids an unauthorized person in the practice of social work;

3            [(12)] **(11)** [Knowingly makes] **MAKES** or files a false report or record  
4 in the practice of social work;

5            [(13)] **(12)** [Knowingly fails] **FAILS** to file or record any report as  
6 required by law, willfully impedes or obstructs the filing or recording of the report, or  
7 induces another to fail to file the report;

8            [(14)] **(13)** Submits a false statement to collect a fee;

9            [(15)] **(14)** [Knowingly fails] **FAILS** to report suspected child abuse **OR**  
10 **NEGLECT** in violation of § 5–704 of the Family Law Article;

11           [(16)] **(15)** Refuses, withholds from, denies, or discriminates against an  
12 individual with regard to the provision of professional services on the basis of race,  
13 age, gender, sexual orientation, disability, religion, or ethnic origin or because the  
14 individual is HIV positive;

15           [(17)] **(16)** Fails to cooperate with a lawful investigation conducted by  
16 the Board;

17           [(18)] **(17)** By threats, force, or improper means, intimidates or  
18 influences, or attempts to intimidate or influence, for the purpose of:

19                    (i) Causing any person to withhold or change testimony in  
20 hearings or proceedings before the Board or otherwise delegated to the Office of  
21 Administrative Hearings; or

22                    (ii) Hindering, preventing, or otherwise delaying a person from  
23 making information available to the Board in furtherance of an investigation by the  
24 Board;

25           [(19)] **(18)** [Knowingly fails] **FAILS** to report suspected abuse or  
26 neglect of a vulnerable adult in violation of § 3–604 or § 3–605 of the Criminal Law  
27 Article;

28           [(20)] **(19)** Fails to comply with the requirements of any order entered  
29 by the Board as a result of any disciplinary matter with the Board, including payment  
30 of costs as required by § 19–312 of this subtitle; [or]

31           [(21)] **(20)** Fails to maintain adequate patient records; **OR**

1           **(21) FAILS TO COMPLY WITH THE MAINTENANCE, DISCLOSURE,**  
2 **AND DESTRUCTION OF MEDICAL RECORDS AS REQUIRED UNDER TITLE 4,**  
3 **SUBTITLES 3 AND 4 OF THE HEALTH – GENERAL ARTICLE.**

4 19–311.1.

5           (a) If after a hearing under § 19–312 of this subtitle the Board finds that  
6 there are grounds under § 19–311 of this subtitle to reprimand a licensee, place a  
7 licensee on probation, or suspend or revoke a license, the Board may impose a fine on  
8 the licensee in an amount not exceeding [~~\$5,000~~] **\$10,000**:

9           (1) Instead of reprimanding the licensee, placing the licensee on  
10 probation, or suspending or revoking the social worker’s license; or

11           (2) In addition to reprimanding the licensee, placing the licensee on  
12 probation, or suspending or revoking the social worker’s license.

13 19–312.

14           (c) Over the signature of an officer or the [administrator] **EXECUTIVE**  
15 **DIRECTOR** of the Board, the Board may issue subpoenas and administer oaths in  
16 connection with any investigation under this title and any hearings or proceedings  
17 before it.

18 19–314.

19           **[(a)]** If a license has been suspended or revoked under § 19–311 of this  
20 subtitle, the Board may reinstate that license only in accordance with:

21           (1) The terms and conditions of the order of suspension or revocation;  
22 or

23           (2) An order of reinstatement issued by the Board.

24           **[(b)]** If a licensee has failed for any reason to renew the license for a period of  
25 less than 5 years, the Board shall reinstate the license if the social worker:

26           (1) Applies to the Board for reinstatement of the license;

27           (2) Meets the continuing education requirements of § 19–308 of this  
28 subtitle for each 2–year period that the license was not renewed; and

29           (3) Pays to the Board the reinstatement fee set by the Board.

30           (c) If a licensee has failed for any reason to renew the license for a period of 5  
31 years or more, the social worker shall meet the current requirements for licensure.]

1 19-402.

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

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

5 (2) Use any title, abbreviation, sign, card, or other representation that  
6 the person is a licensed social worker, including the use of the words "social worker" or  
7 "social work" and the use of the abbreviations ["LSWA"] "**LBSW**", "LGSW", "LCSW",  
8 or "LCSW-C".

9 19-407.

10 A person who violates any provision of this subtitle is guilty of a misdemeanor  
11 and on conviction is subject to a fine not exceeding [\$500] **\$5,000** or imprisonment not  
12 exceeding [90 days] **2 YEARS**.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.