

Chapter 391

(House Bill 806)

AN ACT concerning

Health Occupations – State Board of Social Work Examiners – Revisions

FOR the purpose of renaming a certain license issued by the State Board of Social Work Examiners; requiring the appointment of a certain licensee to the Board within a certain number of months of a certain vacancy on the Board; altering the number of signatures required for a certain list of nominees; authorizing certain officers or directors to submit a certain list of nominees; exempting a certain member of the Board from a certain requirement; requiring the Board to elect certain officers for certain purposes; requiring the Board to determine the manner of election of certain officers and the duties of certain officers; exempting certain students from certain licensure requirements; requiring certain applicants to complete a certain criminal history records check and submit to a certain examination under certain circumstances; authorizing certain applicants to meet certain licensure requirements by receiving a certain degree; repealing a certain provisional graduate social worker license; altering the number of hours of a certain type of supervision required to obtain a certain license; altering certain education requirements required to obtain a certain license; repealing the authority of the Board to waive a certain supervision requirement under certain circumstances; requiring certain applicants for licensure to submit certain fingerprints and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services; requiring the Central Repository to forward certain criminal history record information to the Board and to certain applicants; authorizing the Board to accept an alternate method of criminal history records check under certain circumstances; providing that certain information obtained from the Central Repository is confidential and may be used only for certain purposes; requiring the Board, in using information obtained from the Central Repository to determine whether to issue a license, to consider certain factors; authorizing certain subjects to contest certain contents of a certain printed statement issued by the Central Repository; authorizing the Board to require certain applicants to submit to certain examinations under certain circumstances; providing that certain applicants are deemed to have consented to submit to certain examinations and to have waived certain claims or privileges relating to certain examination reports; providing that a certain refusal to submit to certain examinations must be considered as certain evidence of certain applicants' inability to practice social work in a certain manner; repealing a certain obsolete provision; requiring the Board to maintain a certain roster on its Web site of certain licensees; requiring the Board to include certain information on certain licensee records; repealing a requirement

that the Board issue certain licenses; prohibiting certain licensees from practicing social work, engaging in private practice, and diagnosing certain disorders, except under certain circumstances; requiring the Board to send certain notices to certain addresses that state certain information; requiring the Board to maintain certain information regarding certain licensees; prohibiting the Board from renewing certain licenses under certain circumstances; exempting certain licensees from the maximum period of time during which a licensee may be placed on a certain licensure status; requiring the Board to provide certain licensees certain written notification under certain circumstances; requiring the Board to reactivate certain licenses under certain circumstances; requiring the Board to place certain licensees on nonrenewed status for a certain period of time, subject to a certain exception, under certain circumstances; altering certain grounds for discipline of certain licensees; authorizing the Board to take certain actions if certain applicants or licensees fail to comply with certain requirements pertaining to the maintenance, disclosure, and destruction of medical records; altering the amount of a certain fine that the Board may impose under certain circumstances; authorizing the Board to issue certain subpoenas and administer certain oaths over certain signatures; prohibiting the use of certain abbreviations under certain circumstances; altering certain penalty provisions relating to violations of certain provisions of law; making certain stylistic changes; altering certain defined terms; defining certain terms; and generally relating to the State Board of Social Work Examiners.

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 19–101(a) and (b)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

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

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – Health Occupations

Section 19–302.2, 19–302.3, and 19–308(f)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

Article – Health Occupations

19–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the State Board of Social Work Examiners.
- (d) “License” means, unless the context requires otherwise, one of four types of licenses issued by the Board authorizing an individual to practice:
 - (1) [Associate] **BACHELOR** social work;
 - (2) Graduate social work;
 - (3) Certified social work; or
 - (4) Certified social work–clinical.
- (e) “Licensed [associate] **BACHELOR** social worker” means an individual licensed by the Board to practice [associate] **BACHELOR** social work.
- (i) “Practice [associate] **BACHELOR** social work” means to practice social work:
 - (1) Under the supervision of a licensed certified social worker, licensed certified social worker–clinical, or licensed graduate social worker who meets the conditions specified in regulations; and
 - (2) Utilizing the education and training required under § 19–302(b) of this title.
- (j) “Practice certified social work” means to practice social work utilizing the education, training, and experience required under § 19–302(d) [or (e)] of this title.
- (m) (1) “Practice social work” means to apply the theories, knowledge, procedures, methods, or ethics derived from a formal educational program in social work to restore or enhance social functioning of individuals, couples, families, groups, organizations, or communities through:
 - (i) Assessment;
 - [(ii) Formulating diagnostic impressions;]
 - [(iii) (II) Planning;

- [(iv)] (III) Intervention;
- [(v)] (IV) Evaluation of intervention plans;
- [(vi)] (V) Case management;
- [(vii)] (VI) Information and referral;
- [(viii)] (VII) Counseling that does not include diagnosis or treatment of mental disorders;
- [(ix)] (VIII) Advocacy;
- [(x)] (IX) Consultation;
- [(xi)] (X) Education;
- [(xii)] (XI) Research;
- [(xiii)] (XII) Community organization; or
- [(xiv)] (XIII) Development, implementation, and administration of policies, programs, and activities.

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

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

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

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

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

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

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

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

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

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

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

(i) Supervision of other social workers;

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

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

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

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

- (1) Alleviate emotional disturbances;
- (2) Reverse or alter maladaptive patterns of behavior; or
- (3) Encourage personality growth and development].

19–202.

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

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

- (i) Professional social work associations in the State;
- (ii) Any person who provides a statement of nomination signed by at least **[25] 15** social workers licensed in the State; **[or]**
- (iii) The secretaries of public agencies of the State where social workers are employed; **OR**

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

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

19-203.

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

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

(b) The Board shall determine:

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

(2) The duties of each officer.

19-301.

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

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

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

(b) This section does 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 this State; [or]

(3) An individual who:

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

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

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

OR

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

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

19-302.

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

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

(2) Is at least 18 years old;

(3) Is of good moral character;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Not to exceed 3 years; or

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

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

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

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

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

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

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

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

(2) Have received a master's degree in social work and documentation of **COMPLETION OF 12 ACADEMIC CREDITS IN** clinical course work from a ~~MASTER'S DEGREE~~ program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education, **WITH A MINIMUM OF 6 OF THE 12 ACADEMIC CREDITS OBTAINED IN A MASTER'S DEGREE PROGRAM**; and

(3) Provide in a form prescribed by the Board, documentation of having completed 2 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 under the terms and conditions that the Board determines by regulation.

[(f) If the supervision required for a certified social worker license under subsection (d)(3) of this section was not available to the applicant while the applicant

was obtaining the required 2 years of experience, the Board may waive the supervision requirement on the request of the applicant.

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

19-302.2.

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

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

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

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

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

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

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

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

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

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

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

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

(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

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

(IV) SUBSEQUENT WORK HISTORY;

(V) EMPLOYMENT AND CHARACTER REFERENCES; AND

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

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

19-302.3.

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

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

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

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

(4) PAYS THE COST OF THE EXAMINATION.

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

(1) CONSENTED TO SUBMIT TO THE EXAMINATION; AND

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

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

19-304.

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

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

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

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

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

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

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

(ii) The interval between reexaminations.

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

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

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

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

19–306.

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

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

- (1) The kind of license;
- (2) The full name of the licensee;
- (3) A [serial] **LICENSE** number;
- (4) The [signatures of the chairman and the secretary of the Board] **LICENSE STATUS**;
- (5) The [seal of the Board] **EXPIRATION DATE**; and
- (6) The original date of issuance.

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

19–307.

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

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

[or]

(ii) Make a clinical diagnosis of a mental or emotional disorder;

(iii) Provide psychotherapy; **OR**

(IV) ENGAGE IN PRIVATE PRACTICE.

(2) A licensed graduate social worker may not:

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

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

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

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

(3) A licensed certified social worker may not:

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

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

19–308.

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

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

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

(3) The amount of the renewal fee.

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

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

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

19-309.

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

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

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

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

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

(II) The date that the licensee's inactive status becomes effective;

[(ii)] (III) The date that the licensee's inactive status expires; and

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

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

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

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

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

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

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

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

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

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

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

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

(II) SUBMITS TO THE BOARD:

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

2. THE APPLICABLE FEE SET BY THE BOARD.

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

- (I) THE DATE THAT THE LICENSE EXPIRED;**
- (II) THE DATE THAT THE INACTIVE STATUS EXPIRED;**
- (III) THE DATE THAT THE LICENSEE'S NONRENEWED STATUS BECOMES EFFECTIVE;**
- (IV) THE DATE THAT THE LICENSEE'S NONRENEWED STATUS EXPIRES; AND**
- (V) THE FACT THAT THE LICENSEE MAY NOT PRACTICE SOCIAL WORK IN THE STATE.**

(3) THE BOARD SHALL REACTIVATE A LICENSE FOR AN INDIVIDUAL ON NONRENEWED STATUS WHO:

- (I) APPLIES TO THE BOARD FOR REACTIVATION OF THE LICENSE;**
- (II) PAYS TO THE BOARD THE REACTIVATION PROCESSING FEE SET BY THE BOARD;**
- (III) COMPLIES WITH THE RENEWAL REQUIREMENTS THAT ARE IN EFFECT WHEN THE INDIVIDUAL REQUESTS THE REACTIVATION OF THE LICENSE;**
- (IV) HAS COMPLETED THE NUMBER OF CREDIT HOURS OF APPROVED CONTINUING EDUCATION IN SOCIAL WORK SET BY THE BOARD IN THE 2 YEARS PRECEDING THE INDIVIDUAL'S APPLICATION FOR AN ACTIVE LICENSE; AND**
- (V) HAS BEEN ON NONRENEWED STATUS FOR LESS THAN 5 YEARS.**

(C) NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION, THE BOARD SHALL REACTIVATE THE LICENSE OF AN INDIVIDUAL WHO:

- (1) APPLIES TO THE BOARD FOR REACTIVATION OF THE LICENSE;**
- (2) PAYS TO THE BOARD THE REACTIVATION PROCESSING FEE SET BY THE BOARD AND ANY OTHER FEES REQUIRED BY THE BOARD;**

(3) PROVIDES ANY DOCUMENTATION REQUIRED BY THE BOARD, IN A FORM PRESCRIBED BY THE BOARD; AND

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

19-311.

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

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

(2) Fraudulently or deceptively uses a license;

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

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

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

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

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

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

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

(i) Under the influence of alcohol; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19–311.1.

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

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

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

19–312.

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

19–314.

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

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

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

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

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

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

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

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

19-402.

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

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

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

19-407.

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

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

Approved by the Governor, May 2, 2013.