

# SENATE BILL 597

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CF HB 811

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By: **Senator Washington**

Introduced and read first time: January 29, 2021

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2021

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

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; altering the year beginning in which a certain licensee  
12 seeking renewal of the license is required to attest that the licensee has submitted  
13 to a certain criminal history records check; repealing the requirement for the Board  
14 to issue a certain renewal certificate; replacing the “social worker rehabilitation  
15 committee” with the “social worker rehabilitation process” and altering certain  
16 requirements; repealing references to the obsolete license category licensed graduate  
17 social worker; increasing a certain fine for a certain violation; altering the short title  
18 of certain provisions of law; altering certain definitions; repealing certain obsolete  
19 provisions of law; updating certain terminology; making stylistic changes; and  
20 generally relating to the State Board of Social Work Examiners.

21 BY repealing and reenacting, with amendments,  
22 Article – Health Occupations

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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 Section 19–101, 19–202(a), (d), and (g)(2), 19–301, 19–302(d), (e), and (f)(5), 19–302.1,  
2 19–302.3(a), 19–306, 19–307, ~~19–308(d)(4)~~ 19–308(d) and (e)(1), 19–309(d)(6),  
3 19–311(15), 19–315, 19–317(a), 19–318(b), 19–402, 19–407(a), and 19–501

4 Annotated Code of Maryland

5 (2014 Replacement Volume and 2020 Supplement)

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

8 **Article – Health Occupations**

9 19–101.

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

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

12 (c) “Certified” means having demonstrated to the satisfaction of the Board that  
13 the individual has completed 2 years of supervised social work practice as defined in §  
14 19–302(d) or (e) of this title.

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

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

19 (1) Bachelor social work;

20 (2) Master social work;

21 (3) Certified social work; or

22 (4) Certified social work–clinical.

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

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

27 (h) “Licensed certified social worker–clinical” means an individual licensed by the  
28 Board to practice clinical social work.

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

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

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

5 (1) Practice social work under the supervision of a licensed certified social  
6 worker, licensed certified social worker–clinical, licensed master social worker, or licensed  
7 bachelor social worker who meets the conditions specified in regulations; or

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

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

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

14 [(n)] “Practice graduate social work” means, on or before June 30, 2018, to have  
15 used the education and training required to obtain a master social work license under §  
16 19–302(c) of this title to practice social work under the supervision of a licensed certified  
17 social worker, licensed certified social worker–clinical, or licensed graduate social worker  
18 who meets the conditions specified in regulations.]

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

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

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

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

32 (i) Assessment;

33 (ii) Planning;

- 1 (iii) Intervention;
- 2 (iv) Evaluation of intervention plans;
- 3 (v) Case management;
- 4 (vi) Information and referral;
- 5 (vii) Counseling that does not include diagnosis or treatment of
- 6 [mental] **BEHAVIORAL HEALTH** disorders;
- 7 (viii) Advocacy;
- 8 (ix) Consultation;
- 9 (x) Education;
- 10 (xi) Research;
- 11 (xii) Community organization;
- 12 (xiii) Development, implementation, and administration of policies,
- 13 programs, and activities; or
- 14 (xiv) Supervision of other social workers as set forth in regulations.

15 (2) "Practice social work" includes:

- 16 (i) Counseling for alcohol and drug use and addictive behavior; and
- 17 (ii) Using technology as set forth in regulations.

18 (3) For an individual licensed [as a graduate social worker on or before

19 June 30, 2018, or] as a master social worker, "practice social work" also includes:

- 20 (i) Supervision of other social workers if the [graduate] **MASTER**
- 21 social worker meets the requirements set out in regulations;
- 22 (ii) Formulating a diagnosis, under the supervision of a licensed
- 23 certified social worker–clinical;
- 24 (iii) Treatment of biopsychosocial conditions, under the supervision
- 25 of a licensed certified social worker–clinical; and

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

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

3           (i) Supervision of other social workers;

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

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

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

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

13           (i) Supervision of other social workers;

14           (ii) Evaluation, diagnosis, and treatment of biopsychosocial  
15 conditions, mental and emotional conditions and impairments, and behavioral health  
16 disorders, including substance use disorders, addictive disorders, and mental disorders, as  
17 defined in [§ 10–101(i)] **§ 7.5–101** of the Health – General Article;

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

20           (iv) The provision of psychotherapy.

21           **[(q)] (O)** “Private practice” means the provision of psychotherapy by a licensed  
22 certified social worker–clinical who assumes responsibility and accountability for the  
23 nature and quality of the services provided to a client:

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

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

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

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



1           (3) If a licensed bachelor social worker, a licensed master social worker, a  
2 licensed certified social worker, a licensed certified social worker–clinical, or a licensed  
3 social worker is not appointed to the Board under paragraph (2)(i) of this subsection within  
4 3 months of a vacancy, a licensee of any license [level] CATEGORY shall be appointed  
5 immediately if that licensee is qualified to be a member of the Board under subsections (b)  
6 and (d) of this section.

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

9           (5) The Governor shall appoint all social work members of the Board from  
10 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 by at  
13 least 15 social workers licensed in the State;

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 directors of private  
17 organizations where social workers are employed.

18           (d) Except for [the] A licensed bachelor social worker member [and the] OR A  
19 licensed master social worker member, each social worker member of the Board shall have  
20 been licensed in the State for 5 years immediately preceding the appointment and actively  
21 employed in the field of social work for at least 3 of the 5 years immediately preceding the  
22 appointment.

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

25 19–301.

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

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

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

31           (b) This section does not apply to:

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

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

6           (3)    An individual who:

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

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

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

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

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

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

18 19–302.

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

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

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

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

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

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



1 (2) Have received a master's degree in social work and documentation of  
2 completion of 12 academic credits in clinical course work from a program accredited by the  
3 Council on Social Work Education or an equivalent organization approved by the Council  
4 on Social Work Education, with a minimum of 6 of the 12 academic credits obtained in a  
5 master's degree program; and

6 (3) Provide in a form prescribed by the Board, documentation of having  
7 completed 2 years as a licensee with supervised experience of at least 3,000 hours, of which  
8 1,500 hours are in face-to-face client contact, after receiving the master's degree with a  
9 minimum of [144] **100** hours of periodic face-to-face supervision in the assessment,  
10 formulation of a diagnostic impression, and treatment of [mental] **BEHAVIORAL HEALTH**  
11 disorders and other conditions and the provision of psychotherapy under the terms and  
12 conditions that the Board determines by regulation.

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

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

17 (ii) Meets the education and training requirements for supervision  
18 established by the Board; and

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

22 19-302.1.

23 To obtain a certified social worker license or a certified social worker-clinical license,  
24 an out-of-state applicant shall:

25 (1) Meet the requirements of § 19-302(a) of this subtitle;

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

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

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

33 19-302.3.

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

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

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

7 (3) Provides the applicant with a list of three health care practitioners from  
8 which the applicant may choose a health care practitioner to conduct the examination; and

9 (4) Pays the cost of the examination.

10 19–306.

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

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

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

15 (2) The full name of the licensee;

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

18 (4) A license number;

19 (5) The license status;

20 (6) The expiration date; [and]

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

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

23 19–307.

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

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

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

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

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

7 (iii) Provide psychotherapy; or

8 (iv) Engage in private practice.

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

10 (i) Engage in independent practice unless the licensed master social  
11 worker is approved by the Board to engage in independent practice in accordance with §  
12 19–302(f) of this subtitle;

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

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

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

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

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

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

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

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

28 19–308.

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

3 (1) Otherwise is entitled to be licensed;

4 (2) Pays to the Board the appropriate renewal fee specified by this subtitle;

5 (3) Submits to the Board:

6 (i) A renewal application on the form that the Board requires; and

7 (ii) Satisfactory evidence of compliance with any continuing  
8 education requirement set under this section for license renewal; and

9 (4) ~~Beginning in calendar year 2021~~ **2023** and except ~~EXCEPT~~ as  
10 provided in subsection (g)(3) of this section, attests that the licensee has submitted to a  
11 State and national criminal history records check in accordance with § 19-302.2 of this  
12 subtitle.

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

16 19-309.

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

19 (6) (i) Passes the respective examination required for initial licensure;  
20 or

21 (ii) 1. Holds an active license to practice social work in another  
22 state [at] **UNDER** a [level] **CATEGORY** of licensure that is equivalent to a licensed bachelor  
23 social worker, licensed master social worker, certified social worker, or certified social  
24 worker-clinical; and

25 2. Has passed an examination in that state as a condition of  
26 licensure.

27 19-311.

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

31 (15) Refuses, withholds from, denies, or discriminates against an individual  
32 with regard to the provision of professional services on the basis of race, age, gender, sexual

1 orientation, disability, religion, [or] ethnic origin, or [because the individual is] HIV  
2 [positive] STATUS;

3 19–315.

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

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

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

11 (1) **ALCOHOLISM;**

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

13 (3) **OTHER PHYSICAL, EMOTIONAL, OR BEHAVIORAL HEALTH**  
14 **CONDITIONS.**

15 [(b) For purposes of this section, a social worker rehabilitation committee is a  
16 committee of the Board or a committee with representatives from one or more professional  
17 social work organizations that:

18 (1) Is recognized by the Board; and

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

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

22 (1) Solely by the Board;

23 (2) Jointly with a rehabilitation committee representing another board or  
24 boards; or

25 (3) By the licensee.

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

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

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

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

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

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

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

18 19–317.

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

23 19–318.

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

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

27 (2) The licensee's services and fees may be provided by documented  
28 discussion or printed fee schedule; and

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

31 19–402.

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

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

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

6 19-407.

7 (a) A person who violates any provision of this subtitle or § 19-301 of this title is  
8 guilty of a misdemeanor and on conviction is subject to a fine not exceeding [~~\$5,000~~]  
9 **\$10,000** or imprisonment not exceeding 2 years or both.

10 19-501.

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

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

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.