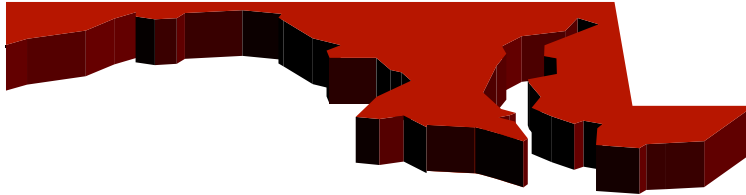


State of Maryland
Board of Social Work Examiners



Open Session Agenda
March 9, 2018, 10:30 AM
Metro Executive Building
Room 110, 4201 Patterson Ave, Baltimore, Maryland 21215

CALL TO ORDER – Denise Capaci, Board Chair

ADJUSTMENTS AND ADDITIONS TO THE AGENDA

APPROVAL OF MINUTES

- January 12, 2018 Meeting *Attachments # 1*

BOARD CHAIR REPORT Denise Capaci

- TBD
- Board Counsel Information - **Rhonda Edwards**
- Jurisprudence Exam Committee Report – **Karen Richards** *Attachments # 2*

EXECUTIVE DIRECTOR’S REPORT Stanley Weinstein

- Update on Draft Regulations – **Gloria J. Hammel**
- COMAR 10.42.01 *Attachments # 3*
- COMAR 10.42.02 *Attachments # 4*
- COMAR 10.42.08 *Attachments # 5*
- COMAR 10.42.09 *Attachments # 6*
- Governor’s Commission on Regulatory Reform - **Stanley E. Weinstein**
- Auditor’s Report: Analysis of the Fiscal Year 2019 Maryland Executive Budget, 2018 on Health Professional Boards - **Stanley E. Weinstein** *Attachments # 7*
- On-line applications status report - **Gloria J. Hammel**
- Financial Disclosure Due April 30, 2018 a requirement of the State Ethics Commission
- DBM requested information on any Board with excess income of 10% or more of total income-
- Boards reply – Stanley E. Weinstein
- Board Staffing – Stanley E. Weinstein

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COMMITTEE REPORTS

Statute and Regulations Committee – Joyce Bell, Chair

Continuing Education Committee – Karen Richards, Chair

ADJOURNMENT OF THE OPEN SESSION

10.42.01.00 February 26, 2018

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

Chapter 01 Regulations Governing Licensure

Authority: Health Occupations Article, §§19-101—19-502, Annotated Code of Maryland

.01 Scope and Purpose.

A. (text unchanged)

B. The purpose of this chapter is to protect the public by:

(1) Providing *minimum* criteria for licensure under the law for those who seek to practice social work; and

(2) (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Accredited" means receiving:

(a) Accreditation from the Council on Social Work Education; [or]

(b) Approval of a program for an individual applicant by the Council on Social Work Education's Foreign Equivalency Determination Service that the program is equivalent to a program accredited by the Council on Social Work Education[.]; *or*

(c) *A program in candidacy for accreditation by the Council of Social Work Education.*

(2) *"Advanced social work practice" means:*

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

Chapter 02 [Case Management] *Social Work Practice*

Authority: Health Occupations Article, §19-205, Annotated Code of Maryland

.01 Scope. (text unchanged)

.02 Definitions.

A. In this chapter, the following terms [has] *have* the meaning indicated.

B. Terms defined.

(1) “Administration” means the process of attaining the objectives of an organization through a system of coordinated and cooperative efforts to make social service programs effective instruments of the amelioration of social conditions and for the solution of social problems.

(2) “Advocacy” means the service in which the social worker acts on behalf of clients to bring about or influence change to improve the quality of life and functioning and assure the basic rights of the client.

(3) “Assessment” means obtaining and analyzing information about a client and the client’s circumstance while using appropriate social work knowledge, skills, values, and theory to develop a service, intervention or treatment plan.

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

(5) “Board approved supervisor” means a licensed bachelor social worker, licensed certified social worker, licensed certified social worker-clinical, or licensed master social worker approved by the Board to supervise social workers as set forth in COMAR

10.42.08

(6) "Case management" means a method of providing services by which a social worker assesses the needs of a client [or the client's family, or both, when appropriate,] and

arranges, coordinates, monitors, evaluates, and advocates for [a package of multiple] services to meet the [complex] needs of the [specific] client.

(7) *“Client” means individuals, groups, families, communities, and organizations.*

(8) *“Clinical social work” means the professional application of social work knowledge, skills, values, theories and methods for the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional, mental disorders, and substance use disorders with individuals and families.*

(a) *“Clinical social work” includes formulating a diagnostic impression and diagnosis based on standard diagnostic criteria.*

(9) *“Clinical social worker” means a licensed certified social worker-clinical.*

(10) *“Counseling” means a method used by social workers to assist clients in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns.*

(11) *“Independent practice” means the practice of a licensed social worker without the requirement of social work supervision.*

(12) *“Informed consent” means a client’s decision to agree to a proposed course of transactions between the client and the licensee after the client has received reasonably full and accurate information pertaining to the risks, benefits and possible consequences of the transaction.*

(13) *“Licensed” means that the individual possesses a license to practice social work issued by the Board.*

(14) *“Licensee” means an individual licensed by the Board.*

(15) *“Practice social work” has the meaning stated in Health Occupations Article, §19-101(m), Annotated Code of Maryland.*

(a) *“Practice social work” includes supervising a candidate for advanced licensure, for independent practice, or a licensee in the practice of social work.*

(16) *“Private practice” means the provision of psychotherapy by a licensed certified social worker-clinical who assumes responsibility and accountability for the nature and quality of services provided to a client in exchange for direct payment or third-party reimbursement or on a pro-bono basis as stated in Health Occupations Article, §19-101(q), Annotated Code of Maryland.*

(a) *“Private practice” may include the terms “solo practice”, “solo private practice”, “group practice.”*

(17) *“Pro-Bono” means the provision of psychotherapy or social work services for no or low payment based on need.*

(18) *“Psychotherapy” means formulating a diagnostic impression and an assessment for the treatment of mental and behavioral disturbances while utilizing a specialized formal interaction between the client and the social worker in which a therapeutic relationship is established and maintained.*

(19) *“Scope of practice” means procedures, actions, and processes that a licensed social worker is permitted to undertake in accordance with the terms of the license held.*

(20) *“Social work” means the professional activity of helping individuals, families, groups, couples, organizations, or communities to enhance or restore their capacity for social functioning.*

(21) *“Social worker” means an individual who:*

(a) *Is licensed under the Health Occupations Article, Title 19, Annotated Code of Maryland;*

(b) *Represents to the public by title or description which incorporates the words “social worker”, “social work”, or a similar designation; and*

(c) *Offers, attempts, or renders services involving the application of principles, methods, and procedures of the social work profession to clients.*

(22) *“Supervision” means a formalized professional relationship between a supervisor and supervisee in which the supervisor directs, monitors, and evaluates the supervisee’s social work practice while promoting the development of the supervisee’s knowledge, skills, and abilities to provide social work services in an ethical and competent manner.*

(23) *“Teletherapy” means the provision of psychotherapy by a licensed certified social worker-clinical through the use of interactive audio, video, or other telecommunications or electronic media.*

(a) *“Teletherapy” includes services that are provided to a client who is not physically present with the clinical social worker.*

(b) *“Teletherapy” does not include:*

(i) *Audiophonic or telephonic communications between a clinical social worker and a client;*

(ii) *Electronic communications between a clinical social worker and a client;*

(iii) *Facsimile transmission between a clinical social worker and a client; or*

(iv) *A text message or other type of messages sent between a clinical social worker and a client by a short message service or multimedia service.*

(24) *“Use of technology” means the use of interactive audio, video, or other telecommunications or electronic media by a social worker to deliver social work services within the scope of practice of the licensed social worker.*

(a) *“Use of technology” includes services that are provided to a client who is not physically present with the social worker.*

(b) *“Use of technology” is not limited to teletherapy and may include assessments, case management, information and referral, counseling, consultation, advocacy, and supervision.*

.03 Scope of Practice

A. A licensed bachelor social worker shall practice social work under social work supervision and may include:

(1) Practice social work as stated in Health Occupations Article § 19-101 (m) and § 19-307 (c) (1), Annotated Code of Maryland.

(2) A licensed bachelor social worker's practice includes the basic, generalist practice of social work that includes assessment, planning, intervention, evaluation, case management, information and referral, counseling, supervision, consultation, education, advocacy, community organization, and the development, implementation and administration of policies, programs and activities.

(3) A licensed bachelor social worker's practice may not include making a clinical diagnosis of a mental or emotional disorder, providing psychotherapy or engaging in private practice.

(4) A licensed bachelor social worker may not engage in the practice of social work independent of social work supervision unless approved by the Board for independent practice.

B. Licensed master social worker shall practice social work under social work supervision and may:

(1) Practice social work as stated in Health Occupations Article § 19-101 (m) and § 19-307 (c) (2), Annotated Code of Maryland.

(2) A licensed master social worker's practice is characterized by the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation or evaluation, case management or referral, nonclinical supervision, consultation, education, research, advocacy, community organization, or the development, implementation or administration of policies, programs or activities.

(3) A licensed master social worker's practice may not include the treatment of emotional disorders, psychotherapy, diagnose a mental disorder without the supervision of a licensed certified social worker-clinical.

(4) A licensed master social worker may not engage in the practice of social work independent of social work supervision unless approved by the Board for independent practice.

(5) On or before December 31, 2019, a licensed master social worker may not engage in private practice without the supervision of a licensed certified social worker-clinical.

(6) On or after January 1, 2020 a licensed master social worker may not engage in private practice.

C. Licensed certified social worker may:

(1) Practice social work as stated in Health Occupations Article § 19-101 (m) and § 19-307 (c) (3), Annotated Code of Maryland.

(2) Provide supervision of other social workers in accordance with COMAR 10.42.08.

(3) A licensed certified social worker's practice may not include the treatment of emotional disorders, psychotherapy, formulating a diagnostic impression, or diagnosis for a mental disorder without the supervision of a licensed certified social worker-clinical.

(4) Practice social work independent of supervision when the practice does not include diagnose, treating mental disorders or providing psychotherapy.

D. Licensed certified social worker-clinical may:

(1) Practice social work as stated in Health Occupations Article § 19-101 (m), Annotated Code of Maryland.

(2) Provide supervision of other social workers as set forth in COMAR 10.42.05.

(3) Evaluate, diagnose and treat biopsychosocial conditions, mental and emotional conditions and impairments, and mental disorders as defined in Health General Article § 10-101(f), Annotated code of Maryland.

(4) Petition for emergency evaluation under Health-General Article, title 10, subtitle 6, Annotated Code of Maryland.

(5) Provide psychotherapy, person-to-person or teletherapy.

(6) Have a private clinical practice.

(7) Clinical social work may only be provided by a licensed certified social worker-clinical as stated in Health Occupations Article §19-401(b), Annotated Code of Maryland.

[.03 Standards.] .04 Case Management.

A. –B. (text unchanged)

[.04 Continuing Education.

A licensee who engages in case management on a regular basis should maintain a high level of professional competence through continuing education specific to case management.]

.05 Teletherapy

A. A clinical social worker may practice teletherapy if the clinical social worker:

(1) Limits the practice of teletherapy to areas within the clinical social worker's scope of practice and competency;

(2) Complies with the requirements of this chapter; and

(3) Establishes that the client is in a state in which the clinical social worker is licensed.

B. Prior to engaging in teletherapy, a clinical social worker and client shall have an initial in-person session, unless the clinical social worker documents in the record justification for not meeting in-person.

C. A clinical social worker shall determine that delivery of teletherapy is appropriate, considering at least the following factors:

- (1) The client's diagnosis, symptoms, and medical and psychological history;*
- (2) The client's preference for receiving services via teletherapy;*
- (3) The nature of the services to be provided, including anticipated benefits, risks, and constraints resulting from the delivery for services via teletherapy; and*
- (4) That the client is not suicidal or homicidal at the initiation and throughout the teletherapy.*

D. Technological requirements.

(1) A clinical social worker shall ensure that the technology used to provide teletherapy services:

- (a) Is compliant with Maryland and federal law and regulations pertaining to confidentiality and disclosure of medical records.*
- (b) Provides a secure and private connection; and*
- (c) Allows for real-time, two-way audio or visual communication.*

(2) A clinical social worker shall:

- (a) Have a procedure in place to prevent unauthorized access to a client's data through encryption or other means and to respond to any data breached; and*
- (b) Immediately inform the client, verbally and in writing, of any breaches in technology used to provide teletherapy services that compromised the client's data.*

E. Safety and security.

(1) A clinical social worker shall make a positive identification of a client through:

- (a) The initial in-person session; or*
- (b) The use of government-issued photographic identification, if the clinical social worker and client did not have an initial in-person session.*

(2) At every teletherapy session, a clinical social worker shall obtain or confirm an alternative method of contacting the client in case of a technological failure.

(3) A clinical social worker providing teletherapy services shall establish safety protocols to be used in the case of an emergency or crisis, including local telephone numbers at the client's location for:

(a) Police, fire, and emergency mental health and medical services;

(b) The local hospital emergency room; and

(c) An emergency contact.

(4) A clinical social worker engaged in teletherapy shall establish safety protocols to be used if:

(a) Privacy of the session is compromised, either electronically or otherwise;

(b) The conditions of the session become unsafe; or

(c) The session has been, or is likely to be, affected by coercion, force, or unauthorized third-party involvement.

F. Informed consent.

(1) A clinical social worker providing teletherapy services shall obtain written informed consent using appropriate language understandable to the client.

(2) Informed consent for teletherapy shall also include:

(a) Requirements for privacy such that only the clinical social worker and client shall participate in, or be present during, a teletherapy session, unless otherwise agreed to by the clinical social worker and client;

(b) Actions to be taken if the technology session is disconnected or any other technological issues arise;

(c) The emergency safety protocols required by E (3) and (4) of this regulation; and

(d) Disclosure of the privacy and security risks of teletherapy and potential risks of disruption of teletherapy sessions.

G. A clinical social worker providing teletherapy services shall maintain records of teletherapy in accordance with COMAR 10.42.03.

H. A clinical social worker providing teletherapy services shall practice at all times in accordance with COMAR 10.42.03.

I. A clinical social worker who engages in teletherapy in a manner inconsistent with the standards of practice enumerated in this chapter shall be subject to discipline

.06 Independent Practice.

A. A licensed certified social worker-clinical may engage in the independent practice of social work.

B. A licensed certified social worker may engage in the independent practice of social work, except when formulating a diagnostic impression, a diagnosis or providing psychotherapy.

C. A licensed bachelor or licensed master social worker may not engage in the independent practice of social work until the licensee is approved by the Board for independent status, in accordance with of this regulation.

D. A licensed bachelor or licensed master social worker shall practice in accordance with the restrictions set forth in Health Occupations Article § 19-307, Annotated Code of Maryland.

E. A licensed bachelor or licensed master social worker licensed on or before January 1, 2008 shall:

(1) Have actively practiced bachelor or master social work under social work supervision;

(2) Have completed at least 10 years of social work experience under social work supervision;

(3) Submit an application in the form prescribed by the Board;

(4) Pay all applicable fees; and

(5) Provide documentation in the form prescribed by the Board.

F. A licensed bachelor or licensed master social worker licensed on or after January 1, 2008 shall:

(1) Have actively practiced bachelor or master social work under social work supervision;

(2) Have completed at least 3 years as an active licensee with at least 4,500 hours and a minimum of 150 hours of periodic face-to-face supervision;

(3) Submit an application in the form prescribed by the Board;

(4) Pay all applicable fees; and

(5) Provide documentation in the form prescribed by the Board.

G. A licensed bachelor or licensed master social worker licensed on or after July 1, 2019 shall:

(1) Have actively practiced bachelor or master social work under the supervision of Board approved social work supervision;

(2) Have completed at least 3 years as an active licensee with at least 4,500 hours and a minimum of 150 hours of periodic face-to-face supervision;

(3) Submit an application in the form prescribed by the board;

(4) Pay all applicable fees; and

(5) Provide documentation in the form prescribed by the board.

H. The Board shall approve an application to engage in independent practice provided:

(1) The application is complete; and

(2) The applicant practiced social work in accordance with the statute and regulations in effect at the time the bachelor or master social worker practiced in Maryland.

I. The Board shall not approve the licensee to engage in independent practice if, the licensee fails to demonstrate sufficient supervised experience.

(1) The Board may require the applicant to complete up to 1,500 additional supervised social work experience; and

(2) Reapply for independent practice.

.07 Private Practice

A. Licensed bachelor may not engage in private practice.

B. Licensed certified social worker may not engage in private practice.

C. Licensed certified social worker-clinical may engage in private practice

D. Licensed master social worker may not engage in private practice on or after January 1, 2020.

(a) Being licensed or registered to practice social work in another state at a level of licensure that is equivalent to a certified social worker license or a certified social worker-clinical having passed an examination in that state as a condition of licensure; and

(b) Having performed at least 1,000 hours of a compensated social work practice per year for 5 years out of the 10 years preceding the application to the Board.

[(2)] (3) (text unchanged)

(4) "Board approved supervisor" means a licensed bachelor social worker, licensed certified social worker, licensed certified social worker-clinical or licensed masters social worker approved by the Board to supervisor social worker as set forth in COMAR 10.42.08.

(5) "Central repository" means the criminal justice information system central repository of the Maryland Department of Public Safety and Correctional Services.

[(3)] (6) (text unchanged)

[(4)] (7) Clinical Social Work.

(a) "Clinical social work" means the professional application of social work [theory] knowledge, skills, values, theories, and methods for the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional, [and] mental disorders, and substance use disorders [of] with individuals, groups and families.

(b) "Clinical social work" includes [rendering] formulating a diagnostic impression or a diagnosis based on [the Diagnostic and Statistical Manual in current use] standard diagnostic criteria.

[(5)] (8) "Clinical social work experience" means:

(a) (text unchanged)

(b) Formulating diagnostic impressions or a diagnosis;

(c) Treating mental disorders and other conditions; [and]

(d) Treating behavioral health disorders, including but not limited to substance use disorders, addictive disorders and other conditions; and

[(d)] *(e)* (text unchanged)

(9) "Criminal history records check" means the performance of both State criminal history check by the Central Repository and national criminal history check by the Federal Bureau of Investigation.

(10) "Criminal history records information" means;

(a) Information obtained from the criminal history records check regarding an applicant's criminal arrests, charges, convictions, and the disposition of pending criminal charges; and

(b) Information obtained through the "Rap Back" service which allows the Board to receive notification of charges thus eliminating the need for repeated background checks on a licensee.

[(6)] *(11) "Documentation of clinical course work" means providing transcripts indicating the completion of clinical course work from a college or university [that is based on:] whose bachelor's or master's program is accredited, in candidacy, or deemed equivalent by the Council on Social Work Education.*

[(a) An accredited or a provisionally accredited graduate social work program; or

(b) An accredited bachelor of social work program if a student entered an accredited or provisionally accredited graduate program with advanced standing.]

[(7) "Independent practice" means the practice of a licensed social worker without the requirement of supervision.]

(12) *“Federal entity” means an agency of the federal government which employs licensed social workers who are licensed or certified to independently practice social work in a state according to federal government guidelines.*

[(8)] (13)—[(13)] (18) (text unchanged)

[(14)] *“Provisionally accredited” means a social work program that currently holds formal candidacy status, but is not accredited by the Council on Social Work Education.]*

[(15)] (19) *“Social Work” means the professional activity of helping individuals, families, groups, organizations or communities to enhance or restore their capacity for social functioning.*

[(16)] (20) (text unchanged)

(21) *“Reactivation” means the process of obtaining a license less than 5 years after the Board placed the license on inactive status.*

(22) *“Reinstatement” means the process of obtaining a license less than 5 years after the Board placed the license on a non-renewed status.*

(23) *“Reissuance” means the process of obtaining a license more than 5 years after the Board placed the license on inactive or non-renewed status.*

[(17)] (24) (text unchanged)

[(.05)] .04 Licensure.

A. To obtain an initial license or a license for renewal, reactivation, reinstatement or reissuance, an applicant shall complete a criminal history records check through the central repository which shall provide criminal history records information to the Board.

B. The Board shall review the criminal history records information provided for any positive results from the criminal history records check.

C. An applicant is not required to complete a criminal history records check provided the applicant completes a criminal records check under the rap back service, which will automatically alert the Board of any future criminal charges.

[A.] *D.* (text unchanged)

[B.] *E.* [Graduate] *Master Social Worker.*

(1) The Board shall issue a [graduate] *master* social worker license to an applicant who has met the applicable qualifications in Health Occupations Article, §19-302(a) and (c), Annotated Code of Maryland.

(2) If a [graduate] *master* social worker applies for licensure in a different category, the application shall be treated as an initial application subject to the fees set forth in COMAR 10.42.05.

[C.] *F.* Certified Social Worker.

(1) (text unchanged)

(2) The applicant for a certified social worker's license shall have 2 years of supervised social work experience as a licensed [graduate] *master* social worker with supervised social work experience of at least 3,000 hours while licensed as a [graduate] *master* social worker which is:

(a) (text unchanged)

(3) A candidate shall have obtained a [graduate] *master* social worker license before beginning to obtain the 3,000 hours of supervised social work experience.

(4) A candidate shall have obtained a [graduate] *master* social worker license before applying for a certified social worker license.

(5) –(7) (text unchanged)

[(8) Unless otherwise excepted under Health Occupations Article, Title 19, Annotated Code of Maryland, or COMAR 10.42.01—.07, waiver of supervision shall be in compliance with COMAR 10.42.08.09 if performed as a social worker.]

[D.] G. Certified Social Worker—Clinical.

(1) –(2) (text unchanged)

(3) The applicant for a certified social worker—clinical license shall have 2 years of supervised clinical social work experience as a licensed [graduate] *master* social worker with supervised clinical social work experience of at least 3,000 hours while licensed as a [graduate] *master* social worker which is:

(a) –(c) (text unchanged)

(4) A candidate shall have obtained a [graduate] *master* social worker license before applying for a certified social worker—clinical license.

(5) A candidate shall have obtained a [graduate] *master* social worker license before beginning to obtain the 3,000 hours of supervised social work experience.

(6) A licensed [graduate] *master* social worker [may render] *shall formulate* a [diagnosis] *diagnostic impression* while[:]

[(a)] [Under] *under* the [direct] supervision of a licensed certified social worker—clinical[; or]

[(b)] [Obtaining] *obtaining* the requisite 3,000 hours of supervised clinical social work experience.

(7) –(9) (text unchanged)

[.06] .05 Required Hours of Supervised Social Work Experience.

A. A candidate with experience obtained in Maryland shall have obtained a licensed [graduate] *master* social worker license before beginning to obtain the requisite 3,000 hours of supervised social work experience.

B. A candidate with 3,000 hours of supervised social work experience from another state or jurisdiction of the United States *or another country* shall provide documentation that the candidate met the licensing, certification, or registration requirements in that state or jurisdiction *or country* while acquiring the requisite supervised social work experience.

[.07] .06 Examinations.

A. The general requirements for examination are:

(1) –(2) (text unchanged)

(3) [Receipt] *Either*

(a) *A receipt* of an official transcript indicating completion of an accredited program from the university or school awarding the applicable social work degree attained; or[,] [for]

(b) *For* applicants who are expected to receive the applicable social work degree at the end of the semester, [official evidence under seal of the university or school with the accredited program indicating the] *indication on the Board's form of the:*

[(a)] (i) (text unchanged)

[(b)] (ii) Date that the applicant is expected to receive the degree[.] ; *and*

[(4) Receipt of three professional references from individuals familiar with the work of the applicant][; and]

[(5)] (4) (text unchanged)

B. (text unchanged)

[.08] .07 Approval Notification.

A. An application packet for licensure is complete when the application packet is:

- (1) Submitted to the Board signed and dated; and*
- (2) Accompanied by the required non-refundable application fee.*

B. The application packet shall include:

- (1) The completed application form answering all questions on the application;*
- (2) Official transcripts containing the date the degree was conferred by a program approved or deemed equivalent by the Council of Social Work Education;*
- (3) A passing score from the required examination administered by the Association of Social Work Boards; and*
- (4) Criminal history records check reports.*

C. LCSW and LCSW-C applications shall include:

- (1) The contractual agreement form for supervision, shall be signed and dated by the supervisor, supervisee and agency administrator before supervision was initiated;*
- (2) Documentation of supervised social work experience; and*
- (3) The information and documentation required in §B of this regulation.*

[A.] D. –[C.] F. (text unchanged)

G. An applicant shall submit any additional required documentation needed to complete the application within 1 year of the Board's receipt of the application.

[.09] .08 –[.11] .10 (text unchanged)

[.12] .11 Licensure by Endorsement.

A. –B. (text unchanged)

C. [Graduate] *Master* Social Worker.

(1) The Board shall issue a [graduate] *master* social worker license to an applicant who has met the applicable qualifications in Health Occupations Article, §19-302(a) and (c), Annotated Code of Maryland.

(2) If a [graduate] *master* social worker applies for licensure at a different level, the application shall be treated as an initial application subject to the fees set forth in COMAR 10.42.05.

D. Certified Social Worker.

(1) –(2) (text unchanged)

(3) The applicant for a certified social worker license with less than 5 years of advanced social work experience shall have 2 years of at least 3,000 hours of supervised social work experience, which shall be:

(a) Obtained after receiving a master's degree in social work and as a license [graduate] *master* social worker, if a licensed [graduate] *master* social worker license is required in the state where the supervised experience was obtained.

(b) –(c) (text unchanged)

(4) A candidate shall have obtained a [graduate] *master* social worker license in the state where the experience was obtained if required in that jurisdiction, before applying for a certified social worker license and before beginning to obtain the 3,000 hours of supervised social work experience.

(5) If a certified social worker applies for licensure at a different level, the application shall be treated as an initial application subject to the appropriate fees.

(6) –(8) (text unchanged)

E. Certified Social Worker—Clinical.

(1) –(3) (text unchanged)

(4) The applicant for a certified social worker—clinical license shall have 2 years of at least 3,000 hours of supervised clinical social work *experience*, which shall be:

(a) [Experience obtained] *Obtained* after receiving a master’s degree in social work and as a licensed [graduate] *master* social worker, if a licensed [graduate] *master* social worker license was required in the jurisdiction where the supervised experience was obtained;

(b) –(c) (text unchanged)

(5) A candidate shall have obtained a [graduate] *master* social worker license before applying for a certified social worker—clinical license.

(6) A candidate shall have obtained a [graduate] *master* social worker license in the jurisdiction where the experience was obtained if required in that jurisdiction, before beginning to obtain the 3,000 hours of supervised social work experience.

(7) –(10) (text unchanged)

[.13] *.12* (text unchanged)

[.14] *.13* To Practice Social Work While a License Application is Pending.

A. –B. (text unchanged)

C. To practice as a [graduate] *master* social worker under this regulation, the applicant shall:

(1) –(2) (text unchanged)

D. To practice as a certified social worker under this regulation, the applicant shall:

(1) –(2) (text unchanged)

(3) Provide documentation in a form prescribed by the Board:

(a) (text unchanged)

(b) Indicating that the supervision complied with the supervision requirements of:

(i) [The other] *Another* state;

(ii) [The other] *Another* country; or

(iii) (text unchanged)

(c) (text unchanged)

E. –F. (text unchanged)

[.15] **.14** (text unchanged)

[.16] .15 Renewal of License.

A. –E. (text unchanged)

F. The Board may not renew a bachelor or [graduate] *master* social worker license to a licensee who holds a baccalaureate or master’s degree from a provisionally accredited program that was denied full accreditation.

G. –J. (text unchanged)

[.17] **.16** (text unchanged)

[.18] **.17** (text unchanged)

[.19] .18 Replacement of Wall Certificates.

A. The Board shall issue a replacement wall certificate upon written request by a licensee [and payment of a replacement fee set forth in COMAR 10.42.05].

B. (text unchanged)

Title 10 MARYLAND DEPARTMENT OF HEALTH
Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

Chapter 08 Supervision

Authority: Health Occupations Article, §§19-101—19-502, Annotated Code of Maryland

.01 Scope.

A. This chapter establishes *qualifications and standards [of] for independent practice*, supervision and the responsibilities of supervisors and supervisees in the practice of social work.

B. –C. (text unchanged)

D. Nothing in this chapter may be construed to prohibit an employer from requiring supervision of a licensed bachelor social worker, licensed certified social worker, licensed certified social worker-clinical, or licensed master social worker who is approved to engage in independent practice.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) *“Board approved supervisor” means a licensed bachelor social worker, licensed certified social worker, licensed certified social worker-clinical, or licensed master social worker approved by the Board to supervise social workers as set forth in this chapter.*

[(2)] (3) Face-to-Face.

(a) "Face-to-face" means in the physical presence of *or electronic presence of* the individuals involved in the supervisory relationship during either individual or group supervision.

(b) "Face-to-face" [does not include] *includes*:

(i) [Telephone supervision] *Secure video conferencing; or*

(ii) [Video conferencing; or] *Real-time communication with both parties in each other's physical presence.*

[(iii) Internet communication.]

(c) *"Face-to-face" does not include:*

(i) *Telephone supervision;*

(ii) *Written communication via the internet; or*

(iii) *Technological communication that is not visual.*

[(4) "Registered supervisor" means a Licensed Certified Social Worker or Licensed Certified Social Worker-Clinical that meets the requirements under Regulation .04 of this chapter.]

(4) *"Independent practice" means to practice bachelor social work or master social work without the requirement of supervision by a social worker.*

[(3)] (5) (text unchanged)

[(5)] (6) (text unchanged)

[(6)] (7) "Supervision training" means a course or program designed to provide information regarding the supervision process utilized by social workers in a variety of settings as [stipulated] *set forth* in regulation [.04A(2)(c)] *.04B(1) of this chapter.*

[(7) "Unavailable" means that a supervisor who has met the requirements of Regulation .04B of this chapter, is not available within 75 miles of the licensee's place of social work practice.]

(8) "Written contract" for advanced licensure *or independent practice* means an agreement, on a form provided by the Board and initiated before beginning supervision, between the supervisee, [and the registered] *the Board approved supervisor and administrator* that details the scope of supervision.

.03 Requirements for a Board Approved Social Work Supervisor.

A. A social worker who intends to provide supervision to a licensed social worker for independent practice or for advanced licensure shall apply to the Board for approval as a Board approved supervisor.

B. A current social work supervisor of a licensed social worker may continue to provide supervision without Board approval until June 30, 2019.

C. Bachelor social worker.

(1) The Board shall approve an application filed by a bachelor social worker to be a Board approved supervisor that met the requirements set forth in this regulation and in accordance with regulations .04 and .05 of this chapter.

(2) The bachelor social worker applicant for a Board approved supervisor shall:

(a) Obtain independent status, in accordance with COMAR 10.42.02;

(b) Obtain the additional hours of experience as a bachelor social worker in accordance with COMAR 10.42.02;

(c) File with the Board the supervisory registration form and pay the required fee;

(d) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;

(e) Meet the training requirement as set forth in regulation .04B(1) of this chapter; and

(f) Be approved as a supervisor by the board.

(3) A bachelor social work supervisor:

(a) May only supervise a licensed bachelor social worker in the practice of social work.

(b) May not supervise a licensed social worker for advanced licensure.

D. Master social worker.

(1) The Board shall approve an application filed by a master social worker to be a Board approved supervisor that met the requirements set forth in this regulation and in accordance with regulations .04 and .05 of this chapter.

(2) The master social worker applicant for a Board approved supervisor shall:

(a) Obtain independent status, in accordance with COMAR 10.42.02;

(b) Obtain the additional hours of experience as a master social worker in accordance with COMAR 10.42.02.

- (c) File with the Board the supervisory registration form and pay the required fee;*
- (d) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;*
- (e) Meet the training requirement as set forth in regulation .04B(1) of this chapter; and*
- (f) Be approved as a supervisor by the board.*

(3) A master social work supervisor:

- (a) May supervise a licensed bachelor social worker and a licensed master social worker in the practice of social work.*
- (b) May not supervise a licensed social worker for advanced licensure.*

E. Certified social worker.

(1) The Board shall approve an application filed by a certified social worker to be a Board approved supervisor that met the requirements set forth in this regulation and in accordance with regulations .04 and .05 of this chapter.

(2) The certified social worker applicant for Board approved supervisor shall:

- (a) Obtain 18 months of active social work experience after obtaining the certified license;*
- (b) File with the Board the supervisory form and pay the required fee;*
- (c) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;*
- (d) Meet the training requirement as set forth in regulation .04B(1) of this chapter; and*
- (e) Be approved as a supervisor by the Board.*

(3) A certified social work supervisor:

- (a) May supervise a licensed bachelor social worker and a licensed master social worker in the practice of social work.*
- (b) May not supervise a licensed social worker for advanced clinical licensure.*

F. certified social worker-clinical

(1) The Board shall approve an application filed by a certified social worker-clinical to be a Board approved supervisor that met the requirements set forth in this regulation and in accordance with regulations .04 and .05 of this chapter.

(2) The certified social worker-clinical applicant for Board approved supervisor shall:

(a) Obtain 18 months of active social work experience after obtaining the certified license;

(b) File with the Board the supervisory form and pay the required fee;

(c) Have a license that is unencumbered and without restrictions or conditions due to a disciplinary action for the 5 years preceding application for supervisor status;

(d) Meet the training requirement as set forth in regulation .04B(1) of this chapter; and

(e) Be approved as a supervisor by the Board.

.04 Qualifications [, Education, and Responsibilities of] For a Board Approved Supervisor.

[A. Qualifications.]

[(1)] A. License.

[(a)] (1) For social workers licensed by the Maryland Board of Social Work Examiners a supervisor shall hold an active license as a:

[(i)] (a) Bachelor social worker (LBSW)

(b) Certified Social Worker (LCSW); [or]

[(ii)] (c) Certified Social Worker-Clinical (LCSW-C)[.]; or

(d) Masters social worker (LMSW).

[(b)] (2) For social workers licensed by an out-of-State licensing board, a [Supervisor] supervisor shall hold an active license comparable to the:

[(i)] (a) Bachelor social worker (LBSW);

(b) Certified Social Worker (LCSW); [or]

[(ii)] (c) Certified Social Worker-Clinical (LCSW-C)[.]; or

(d) Masters social worker (LMSW).

[(2)] B. Education.

[(a)] (1) Social workers licensed by the Maryland Board of Social Work shall have:

[(i)] (a) One social work graduate course in supervision from a master's degree program accredited by the Council on Social Work Education;

[(ii)] (b) 12 hours of agency-sponsored supervision training; or

[(iii)] (c) 12 credit hours of continuing education in social work supervision by a Board-authorized sponsor.

[(b)] (2) Social workers licensed as social workers by an out-of-State licensing Board at a level comparable to the *LBSW*, *LCSW*, [or] *LCSW-C*, *OR LMSW* shall:

[(i)] (a) Have the same qualifications under §A(2)(a) of this regulation; [or] *and*

[(ii)] (b) Complete the education requirement within 12 months of obtaining [an] *a Maryland LBSW*, *LCSW*, [or] *LCSW-C*, *or LMSW*.

[(c)] (3) Supervision training required in [§A(2)(a)] .04B(1) of this regulation shall be obtained in Category I or Category II and may include, but is not limited to:

[(i)] (a) The role and responsibilities of the social work supervisor;

[(ii)] (b) The needs of the supervisee, supervisor, and the agency setting while maintaining a clear ethical perspective;

[(iii)] (c) The role of the social work supervisor as gatekeeper to the profession;

[(iv)] (d) Methods for building effective and appropriate relationships with clients;

[(v)] (e) Methods for group supervision; and

[(vi)] (f) Models and modalities for practice intervention.

[(3)] (C) Experience. A supervisor shall have completed:

[(a)] (1) 18 months of active social work experience after obtaining an *LCSW* or *LCSW-C*;

[(b)] (2) 18 months of active social work experience as a social worker licensed by an out-of-State licensing Board at a level comparable to the *LCSW* or *LCSW-C*;

[(c)] [60] (3) 24 months of social work experience as [a] *an independent* licensed [graduate] *master* social worker or its equivalent before obtaining an the *LCSW* or *LCSW-C* license; or *60*

months of social work experience as a licensed master social worker or its equivalent before obtaining a LCSW or LCSW-C license; or

[d] [96] (4) 24 months of social work experience as [a] *an independent* licensed [social work associate] *bachelor social worker* or its equivalent before obtaining the LCSW or LCSW-C license; *or 60 months of social work experience as a licensed bachelor social worker or its equivalent before obtaining a LCSW or LCSW-C license.*

[B. Additional Responsibilities. In addition to the requirements under §A of this regulation, the supervisor for advanced licensure shall:]

.05 Registration

[(1) have]: A. *A supervisor shall*

(1) Have filed with the Board *the form designated as* the supervisory registration form;

(2) –(3) (text unchanged)

(4) Have established and maintained a written contract, *on a form provided by the Board prior to initiating supervision* for advanced licensure *and independent practice in order* to provide supervision with the supervisee.

[C.] B. A supervisor shall be:

(1) –(2) (text unchanged)

[.03] .06 Standards for Supervision.

A.—B. (text unchanged)

(1) –(7) (text unchanged)

(8) Administrative skills; [and]

(9) Supervision[.] ;*and*

(10) *Documentation and record keeping requirements as set forth in Health-General Article in accordance with COMAR 10.42.03.*

C. (text unchanged)

(1) (text unchanged)

(a) (text unchanged)

(i)—(iii) (text unchanged)

(iv) Financing services; [and]

(v) Terms and conditions of service; [and]

(b) Financial record keeping and disclosure; *and*

(c) *Documentation and record keeping requirements as set forth in Health-General Article in accordance with COMAR 10.42.03.*

(2)–(3) (text unchanged)

D. (text unchanged)

E. A licensed [graduate] *master social worker in independent practice* may [not] provide supervision for [a] *bachelor or master social [worker] workers under the terms and conditions set forth in regulations .04 and .05 and in accordance with COMAR 10.42.02.*

F. A licensed *bachelor social [work associate] worker* may [not] provide supervision for [a] *bachelor social [worker] workers under the terms and conditions set forth in regulations .04 and .05 and in accordance with COMAR 10.42.02.*

[.05] .07 Responsibilities of a Supervisor.

A. *A social work supervisor shall be Board approved before providing supervision to licensed social workers for advanced practice or independent practice.*

B. *A Board approved supervisor shall remain knowledgeable of the statutes and regulations as set forth in Health Occupations Article, §19, Annotated Code of Maryland and COMAR 10.42.01–COMAR 10.42.09.*

[A.] C. [Responsibilities.] A supervisor shall:

(1)–(4) (text unchanged)

(5) Provide *a minimum of [3 hours] 1hour* of face-to-face supervision [per month] *for every 40 hours worked [with] by each supervisee;*

(6) Ensure that a supervisee has read and is knowledgeable about Health Occupations Article, Title 19, Annotated Code of Maryland, and COMAR 10.42.01—[10.42.08] *10.42.09*;

(7)–(8) (text unchanged)

[B. Additional Responsibilities. In addition to the requirements of §A of this regulation, the supervisor for advanced licensure shall:]

[(1)] (9) Establish a written contract, *on the form provided by the Board*, [for advanced licensure] initiated before beginning supervision;

[(2)] (10)–[(6)] (14) (text unchanged)

[(07)] .08 Responsibilities of a Supervisee.

A. A supervisee shall:

(1) *Receive social work supervision for social work practice as set forth in Health Occupations Article, §19-101, Annotated Code of Maryland.*

[(1)] (2) Participate in a minimum of [3 hours] *1 hour* of face-to-face supervision [per month] *for every 40 hours worked* with the supervisee's supervisor;

[(2)] (3) Prepare for supervision using case materials related to the supervisee's social work practice; [and]

[(3)] (4) Maintain documentation, for at least 5 years, of the supervisory sessions, including the dates, duration, and focus of the supervisory sessions[.];

[B. A supervisee may not engage in the practice of social work independent of supervision.]

[C. In addition to the requirements of §§A and B of this regulation, the supervisee for advanced licensure:]

[(1)] (5) Shall establish a written contract, *on a form provided by the Board*, for advanced licensure *or independent practice*, initiated before beginning supervision;

[(2)] (6) Shall attend and participate in supervision as agreed *upon* in the written contract for advanced licensure *or independent practice*; and

[(3)] (7) May contract for supervision outside of the employment setting *as approved by the agency administrator.*

[.06] .09 Group Supervision for Advanced Licensure.

A. [Only 72 hours of group supervision may count towards the 144 hours of supervision required for advanced licensure by Health Occupations Article, §19-302, Annotated Code of Maryland.] *Group supervision is an optional form of supervision and should not be used as the sole form of supervision.*

B. Only half of the required hours of supervision may be obtained from group supervision.

[B.] C.—(C.) D. (text unchanged)

[.08 Waiver of Supervision for Candidates for Certified Social Workers.

A. Request for Waiver. A candidate for a certified social work license may become licensed without being supervised by a licensed certified social worker or a licensed certified social worker—clinical if:

(1) The candidate submits to the Board before initiating the alternative plan of supervision:

(a) Documentation of unavailability of a licensed certified social worker or licensed certified social worker —clinical supervisor;

(b) An explanation regarding the unavailability of a licensed certified social worker or licensed certified social worker—clinical supervisor; and

(c) An alternative supervision plan under §B of this regulation; and

(2) The Board determines that supervision by a licensed certified social worker—clinical or a licensed certified social worker is unavailable.

B. If the Board determines that supervision by a licensed certified social worker—clinical or a licensed certified social worker is unavailable, any of the following may be an acceptable alternate supervisor:

(1) A licensed physician who is certified by the American Board of Medical Specialties in psychiatry; or

(2) A licensed psychologist.

C. The Board may accept a maximum of 1 year consisting of 72 hours of supervision provided by a practitioner listed under §B of this regulation.]

[.10 Waiver of Documentation.

If the Board determines that an applicant for licensure could not reasonably have anticipated the need for documentation of supervision at the time the supervision was given, the Board may, in its discretion, consider any evidence produced by the applicant to substantiate that the licensee satisfied the requirements of COMAR 10.42.01.05C(2) and D(3).]

.10 Status of Independent Practice.

The Board shall maintain, on its roster of licensees on the web site, an indication that the licensee is approved for independent practice.

.11 Status of Board Approved Supervisor.

The Board shall maintain, on its roster of licensees on the web site, an indication that the licensee is a Board approved supervisor.

10.42.09.00 (February 27, 2018)

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

Chapter 09 Disciplinary Sanctions and Monetary Penalties

Authority: Health Occupations Article, §§19-311 and 19-311.1, Annotated Code of Maryland

.01 Scope.

This chapter establishes standards for sanctions and monetary penalties not exceeding [\$5,000] \$10,000 against any social worker in the State if, after a hearing, the Board finds that there are grounds under Health Occupations Article, §19-311.1, Annotated Code of Maryland, to impose a sanction or monetary penalty.

.02 –.03 (text unchanged)

.04 Guidelines for Disciplinary Sanctions and Imposition of Penalties.

A. Subject to the provisions of this section, the Board may impose sanctions and penalties for violations of the Maryland Social Workers Act [and its regulations] §19-311 according to the guidelines set forth in the following chart:

VIOLATION	Minimum SANCTION/PENALTY	Maximum SANCTION/PENALTY
(1) Fraudulently or deceptively obtains, attempts to obtain	Active suspension for 90 days, or [\$1,000] \$2,000 fine, or both	Denial of a license application or revocation, or [\$5,000] \$10,000 fine, or both
(2) Fraudulently uses a license	Active suspension for 90 days, or [\$1,000] \$2,000	Denial of a license application or revocation, or [\$5,000]

	fine, or both	\$10,000 fine, or both
(3) Physical or mental incompetence	Probation of 1 year	Denial of license application or revocation
(4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work	Probation for 1 year, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(5) Knowingly violates any provision of Health Occupations Article, Title 19, Annotated Code of Maryland	Probation for 1 year, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work	Probation for 1 year, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(7) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(8) Is convicted of or pleads guilty or nolo contendere to a felony or crime of moral turpitude	Probation for 1 year, or [\$500] \$1,000 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both

(9) Provides professional services while: under the influence of alcohol; or using any narcotic or controlled dangerous substance	Probation for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(10) Reciprocal discipline	Reprimand, or [\$100] \$200 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(11) Practices social work with an unauthorized person or supervises or aids an unauthorized person in the practice of social work	Reprimand, or [\$500] \$1,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(12) Knowingly makes or files a false report in the practice of social work	Probation for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(13) Knowingly fails to file or record any report as required under law	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(14) Knowingly fails to report suspected child abuse in violation of Family Law Article, §5-704, Annotated Code of Maryland	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(15) Submits a false statement to	Probation for 1 year, or	Revocation, or [\$5,000]

collect a fee	[\$1,000] \$2,000 fine, or both	\$10,000 fine, or both
(16) Discrimination	Reprimand, or [\$100] \$200 fine, or both	Probation for 2 years, or [\$1,000] \$2,000 fine, or both
(17) Failure to cooperate with a lawful investigation conducted by the Board	Reprimand, or [\$100] \$200 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(18) Exploitation/undue influence	Active suspension for 1 year, or [\$1,000] \$2,000 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(19) Knowingly fails to report suspected abuse or neglect of a vulnerable adult in violation of Criminal Law Article, §3-604 or 3-605, Annotated Code of Maryland	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(20) Fails to comply with the requirements of any order entered by the Board	Reprimand, or [\$1,000] \$2,000 fine, or both	Denial of license application or revocation, or [\$5,000] \$10,000 fine, or both
(21) Record-keeping violations	Reprimand	Probation for 2 years
(22) Sexual misconduct or boundary violations within the professional relationship	Reprimand, or [\$100] \$200 fine, or both	Revocation, or [\$5,000] \$10,000 fine, or both
(23) Violations of COMAR	Reprimand, or [\$100] \$200	Revocation, or [\$5,000]

10.42.03 Code of Ethics	fine, or both	\$10,000 fine, or both
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B. –D. (text unchanged)

.05 –.06 (text unchanged)

.07 Civil Fines.

(A) The Board may impose a civil fine of no less than \$1,000 and no more than \$50,000 against an individual who:

(1) Practices social work without a license in violation of Health Occupations Article, §19-311, Annotated Code of Maryland: or

(2) Misrepresents or implies to the public use of protected titles in violation of Health Occupations Article, §19-402, Annotated Code of Maryland.

B. Factors to be used in determining the amount of the fine may include, but are not limited to, the following:

(1) The extent to which the individual derived any financial benefit from the unauthorized practice or misrepresentation of title;

(2) The willfulness of the unauthorized practice or misrepresentation of title;

(3) Actual or potential harm caused by the unauthorized practice or misrepresentation of title;

(4) The cost of the investigation; and

(5) The length of time in which the individual engaged in the unauthorized practice or misrepresentation of title.