

## **PROPOSAL**

### **Maryland Register**

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## **Title 10**

# **MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS**

### **Notice of Proposed Action**

[19-013-P]

The Secretary of Health proposes to:

- (1) Amend Regulations **.01— .07** under **COMAR 10.42.03 Code of Ethics**;
- (2) Amend Regulation **.11** under **COMAR 10.42.04 Rules of Procedure for Board Hearings**; and
- (3) Amend Regulations **.04** and **.05**, recodify existing Regulations **.06**, **.08**, and **.09— .11** to be Regulations **.11**, **.10**, and **.07— .09**, respectively, and amend and recodify existing Regulation **.07** to be Regulation **.06** under **COMAR 10.42.06 Continuing Education Requirements**.

This action was considered by the Board of Social Work Examiners at a public meeting on October 12, 2018, notice of which was given by publication on the Board's website at <https://health.maryland.gov/bswe/Pages/default.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

### **Statement of Purpose**

The purpose of this action is to:

- (1) Add clarifying language to COMAR 10.42.03;
- (2) Create an exception to a dual relationship for licensees;
- (3) Clarify the Category I and II continuing education requirements;
- (4) Amend certain education requirements;
- (5) Require a Board-authorized sponsor for certain education activities; and
- (6) Clarify the definition of Board-authorized sponsor and Board-authorized provisional sponsor.

### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

### **Estimate of Economic Impact**

The proposed action has no economic impact.

### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### **Opportunity for Public Comment**

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

## **10.42.03 Code of Ethics**

Authority: Health Occupations Article, §§1-212 and 19-101—19-502, Annotated Code of Maryland

### **.01 Scope and Purpose.**

- A. (text unchanged)
- B. The objective of this chapter is the protection of the public[. The best interest of the public], *which* shall be the primary guide in determining the appropriate professional conduct of all individuals whose activities are regulated by the Board.
- C. (text unchanged)

### **.02 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1) "Board" means the *State* Board of Social Work Examiners.

(2) “Client” means the individual, couple, family, [or] group, *or organization* to whom the licensee is rendering professional service.

(3) (text unchanged)

(4) “Impairment” means a licensee whose diminished capacity affects the licensee’s practice of social work [because of:

(a) Substance abuse;

(b) Psychological illness; or

(c) Physical illness].

(5)—(7) (text unchanged)

(8) “Sexual harassment” means:

(a) A deliberate or repeated comment *of a sexual nature* unrelated to client treatment; or

(b) (text unchanged)

(9)—(12) (text unchanged)

### **.03 Responsibilities to Clients.**

A. The licensee shall:

(1) (text unchanged)

(2) Make the fee for service clear, maintain [adequate] *accurate* financial records, stipulate payment schedules, and confirm arrangements for financial reimbursement with the client;

(3)—(4) (text unchanged)

(5) Maintain documentation in the client’s record which:

(a)—(d) (text unchanged)

(e) Is sufficient and timely to facilitate the delivery and continuity of *future* services [to be delivered in the future];

(f) (text unchanged)

(g) Ensures that no confidential information is disseminated and identities are protected when [computer and internet technologies are used] *using technology to communicate or access client information*.

B. The licensee may not:

(1)—(3) (text unchanged)

(4) Engage in solicitation which amounts to fraud, intimidation, or undue influence[, including but not limited to in-person, telephone, social media, or direct mail solicitation];

(5)—(8) (text unchanged)

### **.04 Responsibilities to Colleagues.**

A. The licensee shall inform the Board of:

(1) [Of unethical] *Unethical* conduct by a licensed social worker; and

(2) [About an] *An* individual who is not licensed by the Board but who represents that the individual is a social worker and is practicing, attempting to practice, or offering to practice social work.

B.—C. (text unchanged)

### **.05 Relationships.**

A. (text unchanged)

B. *Adoption of a Former Client. The Board may make an exception to §A of this regulation in the case of a licensee seeking the adoption of a former client under what is deemed extraordinary circumstances as a result of a Board investigation.*

[B.] C.—[F.] G. (text unchanged)

### **.06 Standards of Practice.**

A. Professional Competence. The licensee shall:

(1)—(3) (text unchanged)

(4) Monitor the effectiveness of [his or her] *a licensee’s* interventions;

(5)—(6) (text unchanged)

(7) Document and maintain appropriate *and accurate* records of professional service, supervision, and research work;

(8) Represent accurately [and objectively] the licensee’s professional qualifications; and

(9) (text unchanged)

B. (text unchanged)

C. Research. A licensee shall:

(1)—(4) (text unchanged)

(5) Respect the dignity and protect the welfare of the research subject, and comply with all relevant statutes, regulations, and institutional and administrative rules concerning treatment of the research [subject] *participant*;

(6) (text unchanged)

(7) Make clear, either as a researcher or a writer, the:

(a) (text unchanged)

(b) [The costs] *Costs*; and

(c) [The licensee’s] *Licensee’s* obligations to the research participants; and

(8) (text unchanged)

D. The licensee engaging in physical, *nonsexual* contact with a client as an accepted component of a professionally recognized, nontraditional treatment modality shall document in the client's record:

(1)—(3) (text unchanged)

**.07 Sanctions.**

A. (text unchanged)

B. The Board shall [advise the Association of Social Work Boards and] *notify* the National Practitioner Data Bank of any formal sanction of a licensee on the grounds of ethical misconduct.

C. (text unchanged)

## 10.42.04 Rules of Procedure for Board Hearings

Authority: Health Occupations Article, §§19-310—19-313 and 19-401; State Government Article, §§10-201—10-226; Annotated Code of Maryland

**.11 Fines.**

[A. This regulation establishes the standards by which the Board may impose a fine not exceeding \$5,000.]

[B.] A.—[H.] G. (text unchanged)

## 10.42.06 Continuing Education Requirements

Authority: Health Occupations Article, §§19-205 and 19-308, Annotated Code of Maryland

**.04 Continuing Education *Learning Activities.***

A.—C. (text unchanged)

D. *Category I Activities.* Of the 40 (30 for Licensed Bachelor Social Workers) required continuing education units[.]:

(1) *A minimum of 20* (15 for Licensed Bachelor Social Workers) shall be earned; and

(2) [all] *All* may be earned from one or any combination of the following Category I activities *provided by a Board-authorized sponsor:*

[(1)] (a) A course[.] including, but not limited to, a series of learning experiences with a specific content and offered for credit, noncredit, or audit by an accredited educational institution;

[(2)] (b) A workshop[.] including, but not limited to, a session designed to bring together individuals around a common theme to solve problems and gain new knowledge, skills, and attitudes, with ample opportunity to interact;

[(3)] (c) A seminar[.] including, but not limited to, a group of social workers who meet under expert leadership or a resource individual who conducts a discussion on a specific topic;

[(4)] (d) A symposium[.] including, but not limited to, a presentation or presentations by professional specialists on a particular subject;

[(5)] (e) A conference[.] including, but not limited to, sessions of 1 or more days duration designed to explore a central theme; *and*

[(6)] (f) Attendance at programs offered at professional or scientific meetings of local, State, regional, national, and international professional or scientific organizations[; and

(7) Attending staff development, professional training, and invited in-house speaker sessions, including but not limited to an educational program planned by an agency to assist employees in becoming knowledgeable and competent about professional social work practice].

E. *Category II Activities.* Of the 40 (30 for Licensed Bachelor Social Workers) required continuing education units, a maximum of 20 (15 for Licensed Bachelor Social Workers) continuing education units may be earned from one or any combination of the following Category II activities:

(1) Peer case conferences among licensed social workers *and licensed health care professionals* designed to promote more effective interventions and advanced practice;

(2) *Journal or clinical book* clubs that meet for at least 1 hour and are organized for the purpose of examining the literature and incorporating in the discussion the application of current literature to social work practice;

(3) Preparing and presenting approved face-to-face programs of instruction with 1 hour of preparation or presentation equal to 1 continuing education unit up to a maximum of 12 [hours] *units per license renewal period;*

(4) Preparing and presenting a scientific or professional paper at a meeting of a professional or scientific organization with 1 hour of preparation or presentation equal to 1 continuing education unit up to a maximum of 12 [hours] *units per license renewal period;*

(5) Authoring a professional publication (including peer-reviewed journals, books, and other professional publications) with 1 hour of authoring equal to 1 continuing education unit earned at the time the publication is published up to a maximum of 12 [hours] *units per license renewal period;*

(6) Teaching a social work related course in an academic setting *up to a maximum of 12 units per license renewal period;*

(7) [Home-study, audiovisual and Internet on-line courses provided] *Online learning provided by [an approved] a Board-authorized sponsor[; and], such as:*

(a) *Digital seminar;*

- (b) Webinar, pre-recorded and non-interactive;
- (c) Online course;
- (d) Distance learning; and
- (e) Home study course;

(8) [Taking] *Attending a foreign or sign language [courses] course* intended to enhance the delivery of social work services up to a maximum of 6 [hours.] *units per license renewal period; and*

(9) *Attending in-service staff development, professional training, and invited in-house speaker sessions including, but not limited to, an educational program planned by an agency to assist employees in becoming knowledgeable of and competent in professional social work practice.*

#### **.05 Authorization of Sponsors and Approval of Continuing Education Programs.**

##### **A. [Automatically Authorized] Board-Authorized Sponsors.**

(1) [Automatically] *Board-authorized sponsors* shall offer continuing education programs that meet the objectives set forth in Regulations .01B and .04 of this chapter.

(2) The following are [automatically] *Board-authorized sponsors*:

(a) National, regional, or State accredited academic institutions offering academic courses or programs recognized as acceptable social work curriculum subject areas *by the Council on Social Work Education*;

(b) [State] *National, regional, or [national] State* [, or international] social work associations[, ] including, but not limited to [social]:

- (i) *Social work licensing boards*[, the];
- (ii) *The Association of Social Work Boards*[, and the];
- (iii) *The National Association of Social Workers*; and

[(c)] (iv) [State, regional, national, or international non-social-work] *Non-social-work* professional membership organizations providing programs that are relevant to the professional development of social workers; *and*

(c) *International social work associations and accredited academic institutions including, but not limited to:*

(i) *Social work licensing boards which provide programs that foster improvement, advancement, and extension of the social worker's professional skill, knowledge, and competence; and*

(ii) *Non-social-work organizations providing programs that are relevant to the professional development of social workers.*

##### **B. Board-Authorized Provisional Sponsors.**

(1) Individuals and organizations not included in §A(2) of this regulation may become authorized sponsors of continuing education programs by:

(a) Submitting [an] *the required* application on a form provided by the Board at least 45 days before conducting the sponsor's first program;

(b)—(c) (text unchanged)

(2) Board-authorized *provisional* sponsors will receive authorization upon approval and shall provide to the Board all program [announcements]*required documentation.*

C.—F. (text unchanged)

#### **[.07] .06 Reporting, Documenting, and Auditing Compliance with Continuing Education Requirements.**

A.—C. (text unchanged)

##### **D. Documentation.**

(1) A social worker shall provide to the Board:

[(1)] (a)—[(2)] (b) (text unchanged)

[(3)] (c) If a certificate of completion is not available, *the following documentation, which may earn Category II continuing education units:*

[(a)] (i) [Dates on which] *Date, location, and proof of attendance of the program* [was] presented;

[(b)] (ii) *Names and credentials* of the presenters;

[(c)] (iii) [Topics] *Agenda, learning objectives, and topics* presented; and

[(d)] (iv) (text unchanged)

[(4)] (d) (text unchanged)

[(5)] (e)—[(7)] (g) (text unchanged)

(2) *If a certificate of completion as required by §D(1) of this regulation is not available, the social worker may not earn Category I continuing education units.*

E.—F. (text unchanged)

ROBERT R. NEALL  
Secretary of Health