

## HEALTH OCCUPATIONS TITLE 19. SOCIAL WORKERS

### *SUBTITLE 3 LICENSING*

#### § 19-301. License required; exceptions; practice without license

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(a) **In general.** -- Except as otherwise provided in this title, an individual shall be:

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

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

(b) **Exceptions.** -- This section does not apply to:

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

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

(3) An individual who:

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

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

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

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

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

(d) An individual employed by an agency of the federal government who is licensed to practice social work in the State shall comply with the provisions of this title.

#### § 19-302. Qualifications of applicants

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

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

(2) Is at least 18 years old;

(3) Is of good moral character;

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

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- (5) Has paid all applicable fees specified by the Board;
  - (6) Has completed a criminal history records check in accordance with § 19–302.2 of this subtitle at the applicant’s expense; and
  - (7) Has submitted to an examination if required under § 19–302.3 of this subtitle.
- (b) To obtain a bachelor social worker license, an applicant shall:
- (1) Meet the requirements of subsection (a) of this section; and
  - (2) Have received a baccalaureate degree in social work from a program that is accredited or is a candidate for accreditation by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education.
- (c) To obtain a master social worker license, an applicant shall:
- (1) Meet the requirements of subsection (a) of this section; and
  - (2) Have received a master’s degree from a program that is accredited or is a candidate for accreditation by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education.
- (d) Except as provided in § 19–302.1 of this subtitle, to obtain a certified social worker license, on or before December 31, 2023, an applicant shall:
- (1) Meet the requirements of subsection (a) of this section;
  - (2) Have received a master’s degree from a program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education; and
  - (3) Provide in a form prescribed by the Board, documentation of having completed 2 years as a licensee with supervised experience of at least 3,000 hours after receiving the master’s degree with a minimum of 100 hours of periodic face-to-face supervision in the practice of social work under the terms and conditions that the Board determines by regulation.
- (e) Except as provided in § 19–302.1 of this subtitle, to obtain a certified social worker–clinical license, an applicant shall:
- (1) Meet the requirements of subsection (a) of this section;
  - (2) Have received a master’s degree in social work and documentation of completion of 12 academic credits in clinical course work from a program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education, with a minimum of 6 of the 12 academic credits obtained in a master’s degree program; and
  - (3) Provide in a form prescribed by the Board, documentation of having completed 2 years as a licensee with supervised experience of at least 3,000 hours, of which 1,500 hours are in face-to-face client contact, after receiving the master’s degree with a minimum of 100 hours of periodic face-to-face supervision in the assessment, formulation of a diagnostic impression, and treatment of behavioral health disorders and other conditions and the provision of psychotherapy under the terms and conditions that the Board determines by regulation.

(f) (1) (i) Except as provided in paragraph (2) of this subsection, to obtain approval by the Board to engage in independent practice, a licensed bachelor social worker or a licensed master social worker shall submit to the Board:

1. An application in the form prescribed by the Board;
2. All applicable fees specified by the Board; and
3. Documentation in a form prescribed by the Board of having completed at least 3 years as a licensee with supervised experience of at least 4,500 hours after receiving the baccalaureate or master's degree with a minimum of 150 hours of periodic face-to-face supervision under the terms and conditions that the Board determines by regulation.

(ii) If the Board determines that a licensed bachelor social worker or a licensed master social worker who applies to the Board to engage in the practice of independent practice has not completed the supervised experience as required under paragraph (1)(i)3 of this subsection, the Board may:

1. Reject the application for independent practice; and
2. Require the licensed bachelor social worker or the licensed master social worker to continue to work under supervision as required by the Board for an additional 1,500 hours before reapplying.

(2) The Board shall approve an individual to engage in independent practice if the individual:

(i) Submits to the Board:

1. An application in the form prescribed by the Board; and
2. All applicable fees specified by the Board;

(ii) On or before January 1, 2008, was licensed by the Board as a licensed bachelor social worker or a licensed graduate social worker; and

(iii) Has actively practiced bachelor social work, actively practiced graduate social work, or actively practiced master social work for at least 10 years.

(3) Nothing in this subsection may be construed to prohibit an individual licensed by the Board on or before January 1, 2008, as a licensed bachelor social worker or a licensed graduate social worker and who does not meet the conditions listed under paragraph (2) of this subsection from applying or qualifying to obtain approval by the Board to engage in independent practice under paragraph (1) of this subsection.

(4) Nothing in this subsection may be construed to prohibit an employer from requiring supervision of a licensed bachelor social worker or a licensed master social worker who is approved to engage in independent practice under this subsection.

(5) The Board shall approve a licensee to provide supervision, in accordance with regulations adopted by the Board, if the licensee:

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

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

(iii) Has actively practiced social work for at least 5 years under the category of license that the licensee holds, regardless of whether the licensee was approved by the Board to engage in independent practice.

## § 19-302.1. Out-of-state applicant

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

- (1) Meet the requirements of § 19-302(a) of this subtitle;
- (2) Be 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 license;
- (3) Have passed an examination in that state as a condition of licensure; and
- (4) Have performed at least 1,000 hours of compensated social work practice per year for 5 years out of the 10 years preceding application to the Board.

## § 19-302.2. Criminal history records check.

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(a) **"Central Repository" defined.** -- In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) **Application.** -- As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

- (1) A complete set of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
- (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
- (3) The processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) **Central Repository to forward information.** -- In accordance with §§ 10-201 through 10-228 of the Criminal Procedure Article, the Central Repository shall forward to the Board and to the applicant the criminal history record information of the applicant.

(d) **Revised statement of record.** -- If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Board a revised printed statement of the individual's State criminal history record.

(e) **Confidentiality; use of information.** --

(1) Information obtained from the Central Repository under this section:

- (i) Is confidential and may not be disseminated; and

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(ii) May be used only for the licensing purpose authorized by this title.

(2) In using information obtained from the Central Repository under this section to determine whether to issue a license, the Board shall consider:

(i) The age at which the crime was committed;

(ii) The nature of the crime;

(iii) The circumstances surrounding the crime;

(iv) The length of time that has passed since the crime was committed;

(v) Subsequent work history;

(vi) Employment and character references; and

(vii) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

**(f) Contesting information.** -- The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

## **§ 19-302.3. Physical or mental examination of applicants**

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**(a) In general.** -- The Board may require an applicant to submit to a mental or physical examination by a health care practitioner designated by the Board if the Board:

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

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

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

(4) Pays the cost of the examination.

**(b) Consent of applicant; waivers.** -- An applicant required to submit to an examination under subsection (a) of this section shall be deemed to have:

(1) Consented to submit to the examination; and

(2) Waived any claim or privilege as to the examination report.

**(c) Effect of refusal.** -- The refusal of an applicant to submit to the examination required under subsection (a) of this section shall be prima facie evidence of the applicant's inability to practice social work competently, unless the Board finds that the refusal was beyond the control of the applicant.

## **§ 19-303. Applications for licenses**

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**(a) Applicant requirements.** -- To apply for a license, an applicant shall:

(1) Submit an application to the Board on the form that the Board requires; and

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(2) Pay to the Board the application fee set by the Board.

**(b) Duties of Board.** -- The Board shall:

(1) Review each application; and

(2) Notify each applicant whether the applicant has been approved to take the pertinent licensure examination within 60 days from the date the Board received a completed application from the applicant.

## **§ 19-304. Examinations**

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**(a) Right to license examination.** -- An approved applicant is entitled to be examined for licensure as provided in this section.

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

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

**(d) Duty to approve examination.** --

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

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

**(e) Discretion of Board.** --

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

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

(ii) The interval between reexaminations.

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

**(f) Measure of competency.** -- The examination shall be prepared to measure the competence of the applicant to engage in the pertinent practice of social work.

**(g) Outside contracting permitted.** -- In the preparation, administration, and grading of an examination, the Board may employ, cooperate, or contract with an organization or consultant.

## **§ 19-305. Waiver of examination requirement - In general**

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Repealed by Acts 2010, ch. 715, § 1, effective October 1, 2010.

### **§ 19-305.1. Waiver of examination requirements for social worker-clinical license applicants**

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Repealed by Acts 2000, ch. 554 , effective October 1, 2000.

## § 19-306. Maintenance of roster of licensees on website; electronic license records

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

(b) **Contents.** -- The Board shall include on each electronic license record:

- (1) The kind of license;
- (2) The full name of the licensee;
- (3) If the licensee is a licensed bachelor social worker or a licensed master social worker, whether the licensee is approved to engage in independent practice;
- (4) A license number;
- (5) The license status;
- (6) The expiration date; and
- (7) The original date of issuance, and
- (8) If applicable, disciplinary history.

## § 19-307. Scope of licenses

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(a) **In general.** -- Subject to the provisions of subsections (b) and (c) of this section, a license authorizes the licensee to practice social work while the license is in effect.

(b) **Practice limited.** -- A licensed social worker may practice social work only within the scope of the specific type of license issued by the Board.

(c) **Restrictions.** --

(1) A licensed bachelor social worker may not:

- (i) Engage in independent practice unless the licensed bachelor social worker is approved by the Board to engage in independent practice in accordance with § 19-302(f) of this subtitle;
- (ii) Make a clinical diagnosis of a behavioral health or emotional disorder;
- (iii) Provide psychotherapy; or
- (iv) Engage in private practice.

(2) A licensed master social worker may not:

- (i) Engage in independent practice unless the licensed master social worker is approved by the Board to engage in independent practice in accordance with § 19-302(f) of this subtitle;
- (ii) Treat behavioral health or emotional disorders or provide psychotherapy without the supervision of a licensed certified social worker-clinical;
- (iii) Diagnose a behavioral health disorder without the supervision of a licensed certified social worker-

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clinical; or

(iv) Engage in private practice.

(3) A licensed certified social worker may not:

(i) Treat behavioral health or emotional disorders or provide psychotherapy without the supervision of a licensed certified social worker-clinical; or

(ii) Diagnose a behavioral health disorder without the supervision of a licensed certified social worker-clinical; or

(iii) Engage in private practice.

## § 19-308. Term and renewal of licenses; change of address

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(a) **Term of licenses.** -- A license expires on the date set by the Board, unless the license is renewed for an additional term as provided in this section. A license may not be renewed for a term longer than 2 years.

(b) **Renewal notice.** -- At least 1 month before the license expires, the Board shall send to the licensee, at the last known electronic or physical address of the licensee, a renewal notice that states:

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

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

(3) The amount of the renewal fee.

(c) **Change of address.** -- Each licensee shall notify the Board of any change in the address of the licensee within 60 days after the change occurs.

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

(1) Otherwise is entitled to be licensed;

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

(3) Submits to the Board:

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

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

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

(e) **Issuance of renewal.** --

(1) Subject to subsection (g) of this section, the Board shall renew the license of each licensee who meets the requirements of this section.

(2) The Board shall maintain the same information on each licensee.

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**(f) Renewal prohibited.** -- The Board may not renew a bachelor social worker license or a master social worker license of a licensee who holds a baccalaureate degree or master's degree from a program that was a candidate for accreditation but was denied accreditation.

**(g) Criminal history record information.** --

(1) On receipt of the criminal history record information of an applicant for licensure forwarded to the Board in accordance with § 19-302.2 of this subtitle, in determining whether disciplinary action should be taken, based on the criminal record information, against a licensee who renewed a license, the Board shall consider:

(i) The age at which the crime was committed;

(ii) The nature of the crime;

(iii) The circumstances surrounding the crime;

(iv) The length of time that has passed since the crime;

(v) Subsequent work history;

(vi) Employment and character references; and

(vii) Any other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may renew a license only if the licensee attests that the licensee has submitted to a criminal history records check under § 19-302.2 of this subtitle.

(3) Unless otherwise required, a renewal applicant who previously has completed the criminal history records check as required for the Board's license renewal application process does not have to submit to a subsequent criminal history records check for license renewal.

## § 19-309. Inactive status and reactivation

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**(a) In general.** --

(1) The Board shall place a licensee on inactive status for a maximum of 5 years, if the licensee submits to the Board:

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

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

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

(i) The date that the license expired;

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

(iii) The date that the licensee's inactive status expires; and

(iv) The consequences of not resuming active status before expiration of inactive status.

(3) Subject to subsection (e) of this section, the Board shall reactivate a license for an individual on inactive status who:

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- (i) Applies to the Board for reactivation of the license;
- (ii) Complies with the reactivation requirements that are in effect when the individual requests the reactivation of the license;
- (iii) Has completed the number of credit hours of approved continuing education in social work set by the Board in the 2 years preceding the licensee's application for reactivation;
- (iv) Pays to the Board the reactivation processing fee set by the Board;
- (v) Submits to the Board satisfactory evidence of having completed a State and national criminal history records check in accordance with § 19-302.2 of this subtitle; and
- (vi) Has been on inactive status for less than 5 years.

#### **(b) Term of nonrenewed status; reinstatement. --**

(1) The Board shall place a licensee on nonrenewed status for a maximum of 5 years if the licensee does not renew the licensee's license under § 19-308 of this subtitle or apply for inactive status under subsection (a) of this section.

(2) The Board shall provide a licensee who does not renew the licensee's license under § 19-308 of this subtitle or apply for inactive status under subsection (a) of this section with written notification of:

- (i) The date that the license expired;
- (ii) The date that the licensee's nonrenewed status becomes effective;
- (iii) The date that the licensee's nonrenewed status expires; and
- (iv) The fact that the licensee may not practice social work in the State.

(3) Subject to subsection (e) of this section, the Board shall reinstate a license for an individual on nonrenewed status who:

- (i) Applies to the Board for reinstatement of the license;
- (ii) Pays to the Board the reinstatement processing fee set by the Board;
- (iii) Complies with the reinstatement requirements that are in effect when the individual requests the reinstatement of the license;
- (iv) Has completed the number of credit hours of approved continuing education in social work set by the Board in the 2 years preceding the individual's application for reinstatement;
- (v) Submits to the Board satisfactory evidence of having completed a State and national criminal history records check in accordance with § 19-302.2 of this subtitle; and
- (vi) Has been on nonrenewed status for less than 5 years.

**(c) Application for reissuance. --** An individual who has been on inactive status or nonrenewed status for more than 5 years or who otherwise fails to apply for reactivation under subsection (a)(3) of this section or reinstatement under subsection (b)(3) of this section shall apply for reissuance in accordance with subsection (d) of this section.

**(d) Reissuance process. --** Subject to subsection (e) of this section, the Board shall reissue a license to an individual who:

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- (1) Applies to the Board for reissuance of the license;
- (2) Pays to the Board the reissuance processing fee set by the Board and any other appropriate fees required by the Board;
- (3) Provides any documentation required by the Board, in a form prescribed by the Board;
- (4) Meets the requirements of § 19-302(a) of this subtitle;
- (5) Submits to the Board satisfactory evidence of having completed a State and national criminal history records check in accordance with § 19-302.2 of this subtitle; and
- (6)
- (i) Passes the respective examination required for initial licensure; or
- (ii) 1. Holds an active license to practice social work in another state at a level of licensure that is equivalent to a licensed bachelor social worker, licensed master social worker, certified social worker, or certified social worker-clinical; and  
2. Has passed an examination in that state as a condition of licensure.
- (e) **Criminal history record information.** --
- (1) On receipt of the criminal history record information of an applicant for licensure forwarded to the Board in accordance with § 19-302.2 of this subtitle, in determining whether to reactivate, reinstate, or reissue a license, the Board shall consider:
  - (i) The age at which the crime was committed;
  - (ii) The nature of the crime;
  - (iii) The circumstances surrounding the crime;
  - (iv) The length of time that has passed since the crime;
  - (v) Subsequent work history;
  - (vi) Employment and character references; and
  - (vii) Any other evidence that demonstrates whether the applicant poses a threat to the public health or safety.
- (2) The Board may not reactivate, reinstate, or reissue a license if the criminal history record information required under § 19-302.2 of this subtitle has not been received.

## **§ 19-310. Surrender of license**

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- (a) **In general.** -- Unless the Board agrees to accept the surrender of a license, a licensed social worker may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the social worker.
- (b) **Conditions.** -- The Board may set conditions on its agreement with the social worker under investigation or against whom charges are pending to accept surrender of the social worker's license.

## § 19-311. Denials, reprimands, suspensions, and revocations -- Grounds

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

- (1) Obtained or attempted to obtain a license for the applicant or licensee or for another through fraud, deceit, or misrepresentation;
- (2) Fraudulently or deceptively uses a license;
- (3) Is mentally or physically incompetent to practice social work;
- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (5) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;
- (6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board;
- (7) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (8) Provides professional services while:
  - (i) Under the influence of alcohol; or
  - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of prescribed amounts or without valid medical indication;
- (9) Is disciplined by a licensing or disciplinary authority of any state, country, or branch of the armed services, or the Veterans' Administration for an act that would be grounds for disciplinary action under this section;
- (10) Practices social work with an unauthorized person or supervises or aids an unauthorized person in the practice of social work;
- (11) Makes or files a false report or record in the practice of social work;
- (12) Fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file the report;
- (13) Submits a false statement to collect a fee;
- (14) Fails to report suspected child abuse or neglect in violation of § 5-704 of the Family Law Article;
- (15) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services on the basis of race, age, gender, sexual orientation, disability, religion, ethnic origin, or HIV status;
- (16) Fails to cooperate with a lawful investigation conducted by the Board;
- (17) By threats, force, or improper means, intimidates or influences, or attempts to intimidate or influence, for the purpose of:

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

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

(18) Fails to report suspected abuse or neglect of a vulnerable adult in violation of § 3-604 or § 3-605 of the Criminal Law Article;

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

(20) Fails to maintain adequate patient records; or

(21) Fails to comply with the maintenance, disclosure, and destruction of medical records as required under Title 4, Subtitles 3 and 4 of the Health - General Article.

### § 19-311.1. Fines

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

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

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

(b) **Regulations.** -- The Board shall adopt regulations to set standards for the imposition of fines under this section.

(c) **Payment into General Fund.** -- The Board shall pay any fine collected under this section into the General Fund.

### § 19-312. Hearings

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(a) **Right to hearing.** -- Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 19-311 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) **Application of Administrative Procedure Act.** -- The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) **Subpoenas and oaths.** -- Over the signature of an officer or the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(d) **Contempt of court.** -- If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.

(e) **Ex parte hearings.** -- If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

(f) **Costs.** -- If, after a hearing, an individual is found in violation of § 19-311 of this subtitle, the individual shall pay the costs of the hearing as specified in a regulation adopted by the Board.

## § 19-313. Review

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(a) **In general.** -- Except as provided in this section for an action under § 19-311 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may petition for judicial review as allowed by the Administrative Procedure Act.

(b) **Action under § 19-311 of this subtitle.** -- Any person aggrieved by a final decision of the Board under § 19-311 of this subtitle may not appeal to the Secretary but may take a direct judicial appeal as provided in the Administrative Procedure Act.

## § 19-314. Reinstatement of licenses

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If a license has been suspended or revoked under § 19-311 of this subtitle, the Board may reinstate that license only in accordance with:

- (1) The terms and conditions of the order of suspension or revocation; or
- (2) An order of reinstatement issued by the Board.

## § 19-315. Social worker rehabilitation process

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(a) In this section, "social worker rehabilitation process" means a process that may include the evaluation and provision of assistance or the provision of information and resources to a licensee in need of treatment and rehabilitation for:

- (1) Alcoholism;
- (2) Substance abuse or dependency; or
- (3) Other physical, emotional, or behavioral health conditions.

(b) The social worker rehabilitation process of the Board may function to assist persons referred:

- (1) Solely by the Board;
- (2) Jointly with a rehabilitation committee representing another board or boards; or
- (3) By the licensee.

(c) (1) Except as otherwise provided in this subsection, the proceedings, records, and files related to the social worker rehabilitation process are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated as a result of the social worker rehabilitation process.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered in the social worker rehabilitation process and that otherwise would be subject to discovery or introduction into evidence in a civil action.

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

(d) A person who acts in good faith and within the scope of jurisdiction of the Board is not civilly liable for any action relating to the social worker rehabilitation process or for giving

information to, participating in, or contributing to the administration of the social worker rehabilitation process.

## § 19-316. Injunctive relief

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(a) **Actions.** -- An action may be maintained in the name of the State or the Board to enjoin:

- (1) The unauthorized practice of social work; or
- (2) Conduct that is a ground for disciplinary action under § 19-311 of this subtitle.

(b) **Standing.** -- An action under this section may be brought by:

- (1) The Board, in its own name;
- (2) The Attorney General, in the name of the State; or
- (3) A State's Attorney, in the name of the State.

(c) **Venue.** -- An action under this section shall be brought in the county where the defendant:

- (1) Resides; or
- (2) Engages in the act sought to be enjoined.

(d) **Proof of damages not required.** -- Proof of actual damage or that any person will sustain any damage if an injunction is not granted is not required for an action under this section.

(e) **Other actions not precluded.** -- An action under this section is in addition to and not instead of criminal prosecution for unauthorized practice of social work under § 19-401 of this title or disciplinary action under § 19-311 of this subtitle.

### § 19-316.1. Cease and desist order or injunction.

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The Board may issue a cease and desist order or obtain injunctive relief for a violation of any provision of § 19-301 of this subtitle or §§ 19-401 through 19-403 of this title.

## § 19-317. Investigation and examination

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(a) **Board may direct examination.** -- While investigating an allegation against a licensee under this title, the Board may require the licensee to submit to an appropriate examination by a health care provider designated by the Board if the Board has reason to believe that the licensee may cause harm to self or others.

(b) **Consent and waiver.** -- In return for the privilege given to a licensee to practice social work in the State, the licensee is deemed to have:

- (1) Consented to submit to an examination under this section, if requested by the Board in writing; and
- (2) Waived any claim of privilege as to the testimony or report of a health care provider who examines the licensee.

(c) **Failure or refusal to submit.** -- The failure or refusal of the licensee to submit to an examination required under this section is prima facie evidence of the licensee's inability to practice social work

competently, unless the Board finds that the failure or refusal was beyond the control of the licensee.

(d) **Costs.** -- The Board shall pay the cost of any examination made under this section.

## § 19-318. Disclosures

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(a) **When required.** -- Before a licensee in a private individual, partnership, or group practice provides social work services to a client, the licensee shall provide to the client the following disclosures:

- (1) The licensee's professional identity;
- (2) The services which are or may be provided by the licensee and the fees for each service or the hourly rate; and
- (3) Sufficient information for a patient to give informed consent regarding the nature of the services to be provided.

(b) **Manner of disclosure.** -- The manner of providing these disclosures shall be as follows:

- (1) The licensee's professional identity may be provided by directing the client to the license verification section on the Board's website;
- (2) The licensee's services and fees may be provided by documented discussion or printed fee schedule; and
- (3) Informed consent may be provided by documented discussion or a written form signed by the client which is kept in the client's file.