

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

Chapter 02 Social Work Practice

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

.01 Scope.

This chapter applies to individuals authorized to practice social work under Health Occupations Article, Title 19, Subtitle 3, Annotated Code of Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "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.

(2) "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.

(3) "Board" means the State Board of Social Work Examiners.

(4) "Case management" means a method of providing services by which a social worker assesses the needs of a client and arranges, coordinates, monitors, evaluates, and advocates for services to meet the needs of the client.

(5) "Client" means individuals, groups, families, communities, and organizations.

(6) Clinical Social Work.

(a) "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 disorders, mental disorders, and substance use disorders with individuals, groups, and families.

(b) "Clinical social work" includes formulating a diagnostic impression and diagnosis based on standard diagnostic criteria.

(7) "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.

(8) "Independent practice" means the practice of licensed social work without the requirement of social work supervision.

(9) "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.

(10) "Licensed" means that the individual possesses a license to practice social work issued by the Board.

(11) "Licensee" means an individual licensed by the Board.

(12) Practice Social Work.

(a) "Practice social work" has the meaning stated in Health Occupations Article, §19-101(p), Annotated Code of Maryland.

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

(13) Private Practice.

(a) "Private practice" means the provision of psychotherapy by a licensed certified social worker-clinical (LCSW-C) 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.

(b) "Private practice" includes the terms solo practice, solo private practice, or group practice.

(14) "Pro-bono" means the provision of psychotherapy or social work services for no or low payment based on need.

(15) "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.

(16) "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.

(17) "Social work" means the professional activity of helping individuals, families, groups, couples, organizations, or communities to enhance or restore their capacity for social and psychosocial functioning.

(18) "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.

(19) "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.

(20) Technology Used.

(a) "Technology used" means the use of interactive audio, video, or other telecommunications or electronic media by a social worker to deliver social work services.

(b) "Technology used" includes, but is not limited to services that are provided to a client who is not physically present with the social worker.

(c) "Technology used" does not include:

(i) Audio phonic or telephonic communications between an LCSW-C and a client;

(ii) Electronic communications between an LCSW-C and a client;

(iii) Facsimile transmission between an LCSW-C and a client; or

(iv) A text message or other type of message sent between an LCSW-C and a client by a short message service or multimedia service.

.03 Scope of Practice.

A. Licensed Bachelor Social Worker (LBSW).

(1) An LBSW shall practice social work under a social work supervisor and may include practice social work as stated in Health Occupations Article, §§ 19-101(m) and 19-307(c)(1), Annotated Code of Maryland.

(2) An LBSW's practice includes the basic, generalist practice of social work which includes:

(a) Assessment;

(b) Planning;

(c) Intervention;

(d) Evaluation;

(e) Case management;

(f) Information and referral;

(g) Counseling;

(h) Supervision;

(i) Consultation;

(j) Education;

(k) Advocacy;

(l) Community organization; and

(m) The development, implementation and administration of policies, programs, and activities.

(3) An LBSW's practice may not include:

(a) Making a clinical diagnosis of a mental or emotional disorder;

(b) Providing psychotherapy; or

(c) Engaging in private practice.

(4) An LBSW 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 (LMSW).

(1) An LMSW shall practice social work under a social work supervisor and may practice social work as stated in Health Occupations Article, §§19-101(p) and 19-307(c)(2), Annotated Code of Maryland.

(2) An LMSW's practice is characterized by the application of specialized knowledge and advanced practice skills in the areas of:

(a) Assessment;

(b) Planning;

(c) Intervention;

(d) Evaluation;

(e) Case management;

(f) Information and referral;

(g) Counseling;

(h) Supervision;

(i) Consultation;

(j) Education;

(k) Advocacy;

(l) Community organization; and

(m) The development, implementation, and administration of policies, programs, and activities.

(3) An LMSW's practice may not include the treatment of emotional disorders, psychotherapy, or diagnosis of a mental disorder without the supervision of an LCSW-C.

(4) An LMSW 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, an LMSW may not engage in private practice without the supervision of an LCSW-C.

(6) On or after January 1, 2020, an LMSW may not engage in private practice as defined in Regulation .02B(14) of this chapter.

(7) On or after January 1, 2020, an LMSW may be employed in a private practice working under the supervision of an LCSW-C.

C. Licensed Certified Social Worker (LCSW).

(1) An LCSW may:

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

(b) Provide supervision of other social workers in accordance with COMAR 10.42.08; and

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

(2) An LCSW's practice may not include the treatment of emotional disorders, psychotherapy, or diagnosis for a mental disorder without the supervision of an LCSW-C.

(3) On or after January 1, 2020, an LCSW may not engage in private practice as defined in Regulation .02B(14) of this chapter.

(4) On or after January 1, 2020, an LCSW may be employed in a private practice working under the supervision of an LCSW-C.

D. Licensed Certified Social Worker-Clinical (LCSW-C). An LCSW-C 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 person-to person psychotherapy;

(6) Have a private practice; and

(7) Practice clinical social work as stated in Health Occupations Article §19-401(b), Annotated Code of Maryland.

.04 Case Management.

A. A licensed social worker shall meet the standards outlined in this regulation when involved in case management, whether or not the licensee shares case management responsibilities with others as a member of a multidisciplinary team.

B. A licensee shall:

- (1) Affirm the worth and dignity of the individual client as well as mutual responsibility in decision making;
- (2) Promote client self-determination by assuring client involvement in planning and implementation of services;
- (3) Keep the interest of the client as the focus of all case management activities; and
- (4) Assure appropriate confidentiality of client information.

.05 Independent Practice.

A. An LCSW-C may engage in the independent practice of social work.

B. An LCSW may engage in the independent practice of social work, except when formulating a diagnostic impression, a diagnosis, or providing psychotherapy.

C. An LBSW or LMSW may not engage in the independent practice of social work until the licensee is approved by the Board for independent status in accordance with this regulation.

D. An LBSW or LMSW shall practice in accordance with the restrictions set forth in Health Occupations Article, §19-307, Annotated Code of Maryland.

E. An LBSW or LMSW 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 as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland; and
- (4) Provide documentation in the form prescribed by the Board as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland.

F. An LBSW or LMSW 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 as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland; and

(4) Provide documentation in the form prescribed by the Board as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland.

G. An LBSW or LMSW licensed on or after January 1, 2021 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 as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland; and

(4) Provide documentation in the form prescribed by the Board as set forth in Health Occupations Article, §19-302, Annotated Code of Maryland.

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 may not approve the licensee to engage in independent practice if the licensee fails to demonstrate the required supervised experience.

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

(2) The applicant may reapply for independent practice following the completion of the required social work experience.

Administrative History

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