

Chapter 228

(Senate Bill 871)

AN ACT concerning

**Social Workers – ~~Licensure Examinations – Moratorium~~ Sunset Extension,
Notification of Complete Application, and Workgroup on Social Worker
Examination Requirements for Licensure**

FOR the purpose of ~~altering the licensure examination requirements for social workers; requiring the Maryland Department of Health to establish a workgroup continuing the State Board of Social Work Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring the Board, within certain time periods, to notify an applicant of whether the application is complete; establishing the Workgroup on Social Worker Examination Requirements for Licensure to identify alternatives to examination requirements for a master social worker license, a certified social worker license, or a certified social worker clinical license and develop recommendations for a certain assessment method to replace a certain examination requirement~~ *make certain findings and recommendations regarding the licensure of social workers in the State;* and generally relating to the State Board of Social Work Examiners and licensure examinations requirements for social workers.

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 19–201

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

~~Section 19–302(a) and (b), 19–302.1, 19–303, 19–304(b), and 19–309(d)(6)~~ Section 19–303 and 19–502

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

~~BY repealing~~

~~Article – Health Occupations~~

~~Section 19–304~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2022 Supplement)~~

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

Article – Health Occupations19–201.

There is a State Board of Social Work Examiners in the Department.

19–303.

(a) To apply for a license, an applicant shall:

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

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

(b) The Board shall:

(1) Review each application; [and]

(2) WITHIN ~~10~~ 15 BUSINESS DAYS AFTER THE INITIAL RECEIPT OF AN APPLICATION AND AFTER THE RECEIPT OF SUPPLEMENTAL DOCUMENTATION, NOTIFY THE APPLICANT OF WHETHER THE APPLICATION IS COMPLETE; AND

[(2)] (3) 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.

19–502.

Subject to the evaluation and reestablishment provisions of the MARYLAND Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2024] 2025.

~~19–302.~~

~~(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;~~

~~(5)] Has paid all applicable fees specified by the Board;~~

~~[(6)] (5) Has completed a criminal history records check in accordance with § 19-302.2 of this subtitle at the applicant's expense; and~~

~~[(7)] (6) Has submitted to an examination if required under § 19-302.3 of this subtitle.~~

~~19-302.1.~~

~~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 under a category of licensure that is equivalent to a certified social worker license or a certified social worker clinical license; AND~~

~~(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.~~

~~19-303.~~

~~[(a)] To apply for a license, an applicant shall:~~

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

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

~~[(b)] 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.~~

~~(a) An approved applicant is entitled to be examined for licensure as provided in this section.~~

~~(b) 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) The Board shall notify each approved applicant of the procedures for taking the examination.~~

~~(d) (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) (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) The examination shall be prepared to measure the competence of the applicant to engage in the pertinent practice of social work.~~

~~(g) In the preparation, administration, and grading of an examination, the Board may employ, cooperate, or contract with an organization or consultant.]~~

~~19-309.~~

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

~~(6) [(i) Passes the respective examination required for initial licensure;~~
~~or~~

~~(ii) 1.] Holds an active license to practice social work in another state under a category 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.]~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Health Occupations~~

~~19-302.~~

~~(b) To obtain a bachelor social worker license, an applicant shall:~~

~~(1) [Meet] EXCEPT FOR THE EXAMINATION REQUIREMENT IN SUBSECTION (A)(4) OF THIS SECTION, 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.~~

~~19-304.~~

~~(b) [The] IF THE QUALIFICATIONS FOR A CATEGORY OF LICENSE INCLUDE THE PASSAGE OF A BOARD-APPROVED EXAMINATION, THE Board shall ensure that [a] THE Board-approved examination for [each] THE 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.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That:

(a) ~~The Maryland Department of Health shall establish a workgroup to:~~ There is a Workgroup on Social Worker Examination Requirements for Licensure.

(b) The Workgroup consists of the following members:

(1) one member of the Senate of Maryland who is a member of the Legislative Black Caucus, appointed by the President of the Senate;

(2) one member of the House of Delegates who is a member of the Legislative Black Caucus, appointed by the Speaker of the House;

(3) the Secretary of Health, or the Secretary's designee;

(4) the Secretary of Human Services, or the Secretary's designee;

(5) the Chair of the State Board of Social Work Examiners, or the Chair's designee;

(6) the Chair of the Maryland Commission on Health Equity, or the Chair's designee;

(7) the Executive Director of the State Board of Social Work Examiners, or the Executive Director's designee;

(8) the Director of the Governor's Office of the Deaf and Hard of Hearing, or the Director's designee;

(9) one social worker who is deaf or hard of hearing and is familiar with the licensing process for deaf and hard of hearing social workers, designated by the Maryland Association of the Deaf;

(10) one representative of the NAACP Maryland State Conference, designated by the President of the NAACP Maryland State Conference;

~~(7)~~ (11) one representative of the Baltimore Legacy Chapter of the Association of Black Social Workers, designated by the Baltimore Legacy Chapter of the Association of Black Social Workers;

~~(8)~~ (12) one representative of the Maryland Chapter of the National Association of Social Workers, designated by the Executive Director of the Maryland Chapter of the National Association of Social Workers;

~~(9)~~ (13) one member from the Greater Washington Society for Clinical Social Work, designated by the President of the Greater Washington Society for Clinical Social Work;

~~(10)~~ (14) two representatives of the Association of Social Work Boards, designated by the President of the Association of Social Work Boards; and

~~(11)~~ (15) the following members, appointed by the Governor:

(i) three Deans of Social Work from accredited social work master's programs serving the State, one of which shall be from a historically Black college or university;

(ii) three representatives from nongovernmental social service organizations that primarily work to support Western Maryland, Central Maryland, and the Eastern Shore; and

(iii) two individuals who received a master's degree in social work within the immediately preceding 10 years and who have been negatively impacted by the

examination requirement for licensure under Title 19 of the Health Occupations Article; and

~~(iv) a representative of Gallaudet University.~~

(c) The Governor shall designate the chair of the Workgroup.

(d) The Maryland Department of Health shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

~~(f) The Workgroup shall:~~

~~(1) identify alternatives to examination requirements that may be used to assess an applicant's qualifications for a master social worker license, a certified social worker license, or a certified social worker clinical license under Title 19 of the Health Occupations Article;~~

~~(2) develop recommendations for an assessment method for independent practice to replace the Association of Social Work Boards examination; and~~

~~(3) (g) on or before December 1, 2023, the Workgroup shall report the its preliminary findings and recommendations of the workgroup to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article.~~

~~(h) On or before July 1, 2024, the Workgroup shall report its final findings and recommendations to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article.~~

(f) To complete its work as required under this section, the Workgroup may:

(1) establish subgroups; or

(2) contract with an entity with expertise in analyzing assessment bias.

(g) The Workgroup shall:

(1) determine:

(i) whether to continue to use examinations developed by the Association of Social Work Boards as a requirement for a bachelor social worker license or a master social worker license;

(ii) whether to establish a temporary license for applicants for a bachelor social worker license or a master social worker license who, except for passing an examination required under Title 19, Subtitle 3 of the Health Occupations Article, meet the education and experience requirements for a license to practice bachelor social work or master social work under Title 19 of the Health Occupations Article;

(iii) how supervision may be provided to bachelor social worker licensees and master social worker licensees at no cost to the licensees;

(iv) if the Workgroup determines under item (i) of this item that the examinations developed by the Association of Social Work Boards should not be used or under item (ii) of this item that temporary licenses should be established, whether additional experience or education requirements are necessary;

(v) a timeline for phasing in any determinations made under item (i), (ii), (iii), or (iv) of this item; and

(vi) an outline and timeline for conducting the study required in subsection (h) of this section; and

(2) (i) on or before September 1, 2023, submit a preliminary report of the findings and recommendations required under item (1)(i) through (iv) of this subsection to the Senate Finance Committee and the House Health and Government Operations Committee in accordance with § 2-1257 of the State Government Article; and

(ii) on or before December 1, 2023, submit an interim report of the findings and recommendations required under item (1)(i) through (iv) of this subsection and the outlines and timelines required under item (1)(v) and (vi) of this subsection to the Senate Finance Committee and the House Health and Government Operations Committee in accordance with § 2-1257 of the State Government Article.

(h) The Workgroup shall:

(1) examine each type of license established under Title 19 of the Health Occupations Article by:

(i) conducting a bias analysis of the qualifications for each type of license;

(ii) determining whether each type of license is necessary;

(iii) identifying alternatives to examination requirements that may be used to assess an applicant's qualifications for each type of license;

(iv) considering examination testing options, including the development of a State-based competency examination, minimum requirements for a national examination to be approved for State applicants, utilization of ranges of examination scores, and other policies to ensure a bias-free examination;

(v) identifying barriers in addition to the examination that present challenges to licensure in the State; and

(vi) identifying the circumstances under which unlicensed individuals work in State and federal government positions as social workers; and

(2) on or before December 1, 2024, report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, on its:

(i) findings under item (1) of this subsection; and

(ii) recommendations to eliminate bias and make the process for licensing social workers in the State more fair, diverse, and efficient.

~~(b) The workgroup established under subsection (a) of this section shall include:~~

~~(1) at least three representatives from nongovernmental social service agencies;~~

~~(2) at least three masters of social work or bachelor of social work graduates who have been negatively impacted by the examination requirement;~~

~~(3) at least two consumers who have been impacted by the shortage of social workers;~~

~~(4) at least one member of the State Board of Social Work Examiners; and~~

~~(5) any additional members the Department considers necessary to create a diverse set of stakeholders on the workgroup.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2024.~~

~~SECTION 5. 3. AND BE IT FURTHER ENACTED, That, except as provided for in Section 4 of this Act, this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three fifths of all the members elected to each of the two Houses of the General~~

~~Assembly, and shall take effect from the date it is enacted. Sections 1 and 3 of this Act shall remain effective through June 30, 2024, and, at the end of June 30, 2024, Sections 1 and 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. That this Act shall take effect June 1, 2023. Section 2 of this Act shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~ *That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 2 of this Act shall remain effective through June 30, 2025, and, at the end of June 30, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.*

Approved by the Governor, April 24, 2023.