

CHAPTER 83

SOCIAL WORKERS

SUBCHAPTER 1

GENERAL PROVISIONS

§7001. Definitions

(REPEALED)

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 805, §§4,5 (AMD). PL 1985, c. 736, §1 (RP).

§7001-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 736, §2 (NEW).]

1. Accredited educational institution. An "accredited educational institution" is an institution accredited by the Council on Social Work Education or its successor or other organization approved by the board.

[PL 2007, c. 402, Pt. V, §1 (AMD).]

2. Board. "Board" is the State Board of Social Worker Licensure.

[PL 1987, c. 395, Pt. B, §10 (AMD).]

3. Certified social worker - independent practice. A "certified social worker - independent practice" is a person who was licensed as a certified social worker and permitted to engage in the independent practice of social work pursuant to section 7052, before January 1, 1985.

[PL 1985, c. 736, §2 (NEW).]

4. Clinical setting. A "clinical setting" is a setting where mental disorders are evaluated, prevented, diagnosed and treated using psychosocial evaluation.

[PL 1985, c. 736, §2 (NEW).]

5. Consultation. "Consultation" is regularly scheduled face-to-face case discussion and evaluation focusing on raw data, goals and objectives from the social worker's practice.

[PL 1985, c. 736, §2 (NEW).]

6. Licensed clinical social worker. A "licensed clinical social worker" is a person who has received a license as a clinical social worker from the board.

[PL 1985, c. 736, §2 (NEW).]

7. Licensed master social worker. A "licensed master social worker" is a person who has received a license as a master social worker from the board.

[PL 1985, c. 736, §2 (NEW).]

8. Licensed social worker. A "licensed social worker" is a person who has received a license as a licensed social worker from the board. In accordance with the provisions of section 7053, subsection 3-B, "licensed social worker" includes a person who has received a conditional license as a licensed social worker.

[PL 2003, c. 429, §1 (AMD); PL 2003, c. 429, §7 (AFF).]

9. Private practice. "Private practice" is practicing social work on a self-employed basis.

[PL 1985, c. 736, §2 (NEW).]

10. Psychosocial evaluation. "Psychosocial evaluation" includes the determination and examination by social workers of the psychosocial situation of an individual or group related to interpersonal and intrapersonal stress, family background, family interaction, living arrangements and socioeconomic problems and treatment, evaluation, plans and goals, including the diagnosis of mental illness and emotional disorders for the purpose of treatment and therapeutic intervention, but excluding the diagnosis of organic mental illness or treatment of any illness by organic therapy, to the extent permitted by the licensure provision of this chapter. In the process of making a diagnosis and formulating a treatment plan for mental illness or emotional disorder, the social worker shall assure, consistent with rules to be promulgated by the board, that the person is examined by a physician and may take into account the physician's opinion in forming the psychosocial evaluation. When a person has been seen by a physician within 3 months prior to seeking mental health treatment, a telephone conversation between that physician and the social worker may be held in lieu of the examination required by this subsection. The medical visit or the telephone conversation shall be documented in the clinical records of the person. This requirement shall apply only in cases where there is a presence of psychopathology. The board shall define standards by rule, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, for implementation of this subsection.

[PL 1985, c. 736, §2 (NEW).]

11. Social work. "Social work" means engaging in psychosocial evaluation and intervention, including therapy, to the extent permitted by the licensure provisions of this chapter, to effect a change in the feelings, attitudes and behavior of a client, whether an individual, group or community. "Social work" also means engaging in community organization, social planning, administration and research.

[PL 1985, c. 736, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 736, §2 (NEW). PL 1987, c. 395, §B10 (AMD). PL 2001, c. 316, §1 (AMD). PL 2003, c. 429, §1 (AMD). PL 2003, c. 429, §7 (AFF). PL 2007, c. 402, Pt. V, §1 (AMD).

§7002. Unlicensed practice

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/01/22)

Notwithstanding Title 17-A, section 4-A, any person who makes a representation to the public or uses the title of social worker, unless licensed by the board, as a licensed clinical social worker, licensed master social worker, certified social worker or a licensed social worker is subject to the provisions of Title 10, section 8003-C. Any person performing the functions of a social worker as a part of a profession or occupation or in a voluntary capacity is not subject to this section. [PL 2007, c. 402, Pt. V, §2 (AMD).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 413, §222 (AMD). PL 1983, c. 805, §6 (AMD). PL 1985, c. 736, §3 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. V, §2 (AMD).

§7002. Unlicensed practice

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 7/01/22)

Notwithstanding Title 17-A, section 4-A, any person who makes a representation to the public or uses the title of social worker, unless licensed by the board, as a licensed clinical social worker, licensed master social worker, certified social worker or a licensed social worker is subject to the provisions of

Title 10, section 8003-C. Any person performing the functions of a social worker as a part of a profession or occupation or in a voluntary capacity is not subject to this section. A person who engages in the practice of a clinical social worker, master social worker or social worker without a license under this chapter has engaged in an unfair trade practice in violation of Title 5, chapter 10. [PL 2021, c. 233, §2 (AMD); PL 2021, c. 233, §6 (AFF).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 413, §222 (AMD). PL 1983, c. 805, §6 (AMD). PL 1985, c. 736, §3 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. V, §2 (AMD). PL 2021, c. 233, §2 (AMD). PL 2021, c. 233, §6 (AFF).

§7003. Exemptions

(REPEALED)

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1979, c. 554 (AMD). PL 1981, c. 172 (AMD). PL 1983, c. 263 (AMD). PL 1983, c. 805, §7 (AMD). PL 1985, c. 199 (AMD). PL 1985, c. 736, §4 (RP).

§7004. Services to minors for substance use

Any person licensed under this chapter who renders social work services to a minor for problems associated with substance use is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of the treatment. Nothing in this section may be construed so as to prohibit the licensed person rendering this treatment from informing that parent or guardian. For purposes of this section, "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment. [PL 2017, c. 407, Pt. A, §140 (AMD).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1979, c. 96, §6 (AMD). PL 2007, c. 402, Pt. V, §3 (AMD). PL 2017, c. 407, Pt. A, §140 (AMD).

§7005. Communication between social workers and clients

Except at the request of, or with the consent of, the client, no person licensed under this chapter may be required to testify in any civil or criminal action, suit or proceeding at law or in equity respecting any information which he may have acquired in providing social work services to the client in a professional and contractual capacity if that information was necessary to enable him to furnish professional social work services to the client. However, when the physical or mental condition of the client is an issue in that action, suit or proceeding or when a court in the exercise of sound discretion deems the disclosure necessary to the proper administration of justice, no information communicated to, or otherwise learned by, that licensed person in connection with the provision of social work services may be privileged and disclosure may be required. [PL 1985, c. 736, §5 (AMD).]

Nothing in this section may prohibit disclosure by a person licensed under this chapter of information concerning a client when that disclosure is required by law and nothing in this section may modify or affect the provisions of Title 22, sections 4011-A to 4015. [PL 2001, c. 345, §9 (AMD).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1979, c. 733, §19 (AMD). PL 1985, c. 736, §5 (AMD). PL 2001, c. 345, §9 (AMD).

§7006. Prohibition on providing conversion therapy to minors

An individual licensed under this chapter may not advertise, offer or administer conversion therapy to a minor. [PL 2019, c. 165, §24 (NEW).]

REVISOR'S NOTE: §7006. Duty to warn and protect as enacted by PL 2019, c. 317, §5 is REALLOCATED TO TITLE 32, SECTION 7007

SECTION HISTORY

PL 2019, c. 165, §24 (NEW).

§7007. Duty to warn and protect

(REALLOCATED FROM TITLE 32, SECTION 7006)

1. Duty. A licensee under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a client's violent behavior if the licensee has a reasonable belief based on communications with the client that the client is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the licensee to take any action that in the reasonable professional judgment of the licensee would endanger the licensee or increase the threat of danger to a potential victim.

[PL 2019, c. 317, §5 (NEW); RR 2019, c. 1, Pt. A, §46 (RAL).]

2. Discharge of duty. A licensee subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the licensee makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the client under Title 34-B, chapter 3, subchapter 4, article 3.

[PL 2019, c. 317, §5 (NEW); RR 2019, c. 1, Pt. A, §46 (RAL).]

3. Immunity. No monetary liability and no cause of action may arise concerning client privacy or confidentiality against a person licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

[PL 2019, c. 317, §5 (NEW); RR 2019, c. 1, Pt. A, §46 (RAL).]

SECTION HISTORY

PL 2019, c. 317, §5 (NEW). RR 2019, c. 1, Pt. A, §46 (RAL).

§7008. Services to minors with consent of a parent or guardian

A person licensed under this chapter who renders services under this chapter to a minor with the consent of one of the minor's parents or the minor's guardian is under no obligation to obtain the consent of any other parent or guardian of the minor. Nothing in this section may be construed so as to prohibit the licensed person rendering the services from informing another parent or guardian of the services.

[PL 2021, c. 302, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 302, §2 (NEW).

SUBCHAPTER 2

STATE BOARD OF SOCIAL WORKER LICENSURE

§7026. State Board of Social Worker Licensure

The State Board of Social Worker Licensure, as established by Title 5, section 12004-A, subsection 38, within the Department of Professional and Financial Regulation, shall administer this chapter. The board consists of 7 members appointed by the Governor. Five members of the board must be licensed clinical social workers or licensed master social workers and there must be 2 public members as defined

in Title 5, section 12004-A. In addition, board members must meet the qualifications required under section 7027. [PL 2013, c. 424, Pt. B, §12 (AMD).]

Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009. [PL 2007, c. 402, Pt. V, §4 (AMD).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 413, §223 (RPR). PL 1983, c. 553, §43 (AMD). PL 1983, c. 812, §252 (AMD). PL 1985, c. 736, §6 (AMD). PL 1987, c. 395, §B12 (AMD). PL 1989, c. 503, §B150 (AMD). PL 1993, c. 600, §A258 (AMD). PL 2005, c. 235, §4 (AMD). PL 2007, c. 402, Pt. V, §4 (AMD). PL 2007, c. 621, §10 (AMD). PL 2013, c. 424, Pt. B, §12 (AMD).

§7027. Qualifications

Members of the board shall be residents of this State, and shall be trustworthy and competent to fulfill the responsibilities imposed by this chapter. Each board member other than the public members shall have been engaged in the active practice of social work as a certified social worker - independent practice or licensed clinical, licensed master or licensed social worker for not less than 5 years prior to appointment. [PL 1985, c. 736, §7 (AMD).]

The Governor may remove any member for cause. [PL 1983, c. 413, §223 (NEW).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 413, §223 (RPR). PL 1985, c. 736, §7 (AMD).

§7028. Compensation and expenses

(REPEALED)

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 812, §253 (RPR). PL 1987, c. 113, §1 (RPR). PL 1995, c. 397, §83 (RP).

§7029. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. [PL 2013, c. 246, Pt. B, §17 (AMD).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 413, §224 (AMD). PL 1985, c. 736, §8 (AMD). PL 1987, c. 395, §B13 (AMD). PL 2007, c. 402, Pt. V, §5 (AMD). PL 2013, c. 246, Pt. B, §17 (AMD).

§7030. Powers

The board has the following duties and powers, in addition to those otherwise set forth in this chapter. [PL 2007, c. 402, Pt. V, §6 (AMD).]

1. Licenses. The board shall evaluate the qualifications and approve the examination to be taken by applicants for licensure under this chapter. [PL 2007, c. 402, Pt. V, §6 (AMD).]

1-A. Enforcement.

[PL 2007, c. 402, Pt. V, §6 (RP).]

2. Rules. The board may, in accordance with procedures established by Title 5, chapter 375, subchapter 2, adopt such rules as may be reasonably necessary for the proper performance of its duties

and the administration of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 402, Pt. V, §6 (AMD).]

3. Hearings.

[PL 2007, c. 402, Pt. V, §6 (RP).]

4. Contracts.

[PL 1995, c. 397, §84 (RP).]

5. Continuing educational requirements. The board may establish continuing educational requirements as the board considers necessary. In developing these requirements, the board shall consider training requirements for social workers who are required to conduct investigations or assessments that may lead to the filing of civil or criminal actions.

[PL 2007, c. 402, Pt. V, §6 (AMD).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 413, §225 (RPR). PL 1987, c. 735, §§67,68 (AMD). PL 1989, c. 268, §2 (AMD). PL 1995, c. 397, §84 (AMD). PL 2007, c. 402, Pt. V, §6 (AMD).

§7031. Volunteer Social Workers Project

The board shall contract with a statewide agency or entity that represents social workers to establish and administer the Volunteer Social Workers Project. The project, pursuant to the contract and in accordance with procedures and protocols developed by the project and approved by the board, shall match persons referred by social service agencies and providers with social workers who have agreed to provide their services on a pro bono basis. In addition, the project shall develop opportunities for social workers to participate on a pro bono basis in community organization activities. The funding of the project is the responsibility of the board and must be derived from the board's revenues. The project may also accept gifts, grants or other income from outside sources to supplement this funding. [PL 1993, c. 584, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 584, §1 (NEW).

§7032. Addresses confidential

The address and telephone number of an applicant for licensure or a person licensed under this chapter that are in the possession of the board are confidential. Nothing in this section prohibits the board and its staff from using and disclosing the address and telephone number of an applicant or licensee as necessary to perform the duties and functions of the board. [PL 2015, c. 476, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 476, §1 (NEW).

SUBCHAPTER 3

REGISTRATION

§7051. License required

In order to safeguard the life, health and welfare of the people of this State, any person practicing or offering to practice as a certified social worker - independent practice or licensed clinical, licensed master or licensed social worker shall be required to submit evidence that he is qualified to so practice and shall be licensed as provided in this subchapter. [PL 1985, c. 736, §9 (AMD).]

The board may grant a conditional license to any person eligible to take the examination for licensure while waiting to sit for the examination or to any person who is waiting to retake the examination according to rules issued by the board. [PL 1985, c. 736, §9 (NEW).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 805, §8 (AMD). PL 1985, c. 736, §9 (AMD).

§7052. Independent practice of social work; license required

(REPEALED)

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 805, §9 (AMD). PL 1985, c. 736, §10 (RP).

§7053. Qualifications

To be eligible for a license to practice social work at any level, an applicant must be at least 18 years of age and must satisfactorily pass any examination as the board may prescribe by its rules. Each applicant must demonstrate trustworthiness and competence to engage in the practice of social work in such a manner as to safeguard the interests of the public. Applications for licensure must be submitted to the board together with the fee as set under section 7056. [PL 2007, c. 402, Pt. V, §7 (AMD).]

The following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for licensure under this chapter. [PL 1985, c. 736, §11 (AMD).]

1. Licensed clinical social worker. To be qualified as a licensed clinical social worker, an applicant shall have demonstrated to the satisfaction of the board adherence to the ethics of the social work profession; shall have successfully completed the examination prescribed by the board; and shall have received either:

A. A master's or doctoral degree in social work or social welfare from an accredited educational institution in a clinical concentration and:

- (1) Shall have subsequently completed 2 years of social work experience with 96 hours of consultation in a clinical setting; or
- (2) Shall have demonstrated 2 years of full-time clinical social work experience or its equivalent and have completed the graduate degree prior to January 1, 1987 and have completed 2 years of subsequent social work experience with 96 hours of consultation in a private setting; or [PL 2013, c. 262, §3 (AMD).]

B. A master's or doctoral degree in social work in a nonclinical concentration from an accredited educational institution and:

- (1) Shall have subsequently completed 4 years of social work experience with 192 hours of consultation in a clinical setting; or
- (2) Shall have demonstrated 2 years of full-time clinical social work experience or its equivalent and have completed the graduate degree prior to January 1, 1987 and have completed 4 years of subsequent social work experience with 192 hours of consultation in a private setting. [PL 2013, c. 262, §3 (AMD).]

The board may waive up to one year of the post-master of social work, clinical experience requirement pursuant to this subsection for those candidates who demonstrate to the satisfaction of the board equivalent clinical experience prior to receiving the master's degree in social work.

The board shall issue rules in accordance with Title 5, chapter 375 defining the clinical experience required for this level of licensure.

Beginning January 1, 2020, an applicant for initial licensure shall demonstrate to the satisfaction of the board successful completion of a minimum of 12 hours of course work in family or intimate partner violence, including course work in spousal or partner abuse that addresses screening, referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. An applicant may fulfill this requirement through course work taken in fulfillment of other educational requirements for licensure or through separate course work provided through contact hours, Internet hours or distance learning programs, as evidenced by certification from an accredited educational institution. The board shall accept certification from the accredited educational institution from which the applicant is a graduate that verifies the applicant's satisfaction of this requirement within the applicant's completed course curriculum. An applicant for initial licensure that is unable to demonstrate completion of the requirement of 12 hours of course work at the time the initial application is submitted shall demonstrate to the board that this requirement has been fulfilled upon the applicant's first application for license renewal. [PL 2013, c. 262, §3 (AMD).]

2. Licensed master social worker.

[PL 2003, c. 211, §1 (AMD); MRSA T. 32 §7053, sub-§2 (RP).]

2-A. Licensed master social worker. As a licensed master social worker, an applicant must have received either a masters or doctoral degree in social work or social welfare from an accredited educational institution, must have demonstrated to the satisfaction of the board adherence to the ethics of the social work profession and must have successfully completed the examination prescribed by the board. After meeting these qualifications, the applicant must receive a "licensed master social worker" license. In addition, any person wishing to practice social work in a clinical setting must receive a "licensed master social worker, conditional" license.

This subsection takes effect July 1, 2005.

[PL 2003, c. 211, §2 (NEW).]

3. Requirements to be a licensed social worker. To be qualified to be licensed as a social worker an applicant must meet one of the following requirements:

A. The applicant must have received a bachelor's degree or higher in social work or social welfare from an accredited educational institution; demonstrated to the satisfaction of the board adherence to the ethics of the social worker profession; and successfully completed the examination prescribed by the board; or [PL 2009, c. 112, Pt. A, §13 (AMD).]

B. The applicant must have received a conditional license as a licensed social worker in accordance with subsection 3-B; completed the requirements for consultation and contact hours in accordance with subsection 3-C, paragraph B and subsection 3-D; and successfully completed the examination prescribed by the board. [PL 2003, c. 429, §2 (AMD); PL 2003, c. 429, §7 (AFF).]

[PL 2009, c. 112, Pt. A, §13 (AMD).]

3-A. Requirements for licensed social worker after September 30, 2003.

[PL 2003, c. 429, §3 (RP); PL 2003, c. 429, §7 (AFF).]

3-B. Conditional license as a licensed social worker. The board may issue a conditional license as a licensed social worker to an applicant who provides to the board:

A. Documented proof of a bachelor's degree or higher in a field that is sufficiently related to social work or social welfare, as determined by the board; and [PL 2009, c. 112, Pt. A, §14 (AMD).]

B. Any documentation as required by the board, which may include, but is not limited to:

(1) Evidence of employment in a social service delivery field; and

(2) Evidence of an arrangement of consultation to be provided in accordance with subsection 3-C, paragraph B. [PL 2013, c. 217, Pt. J, §4 (AMD).]

[PL 2013, c. 217, Pt. J, §4 (AMD).]

3-C. Consultation requirements for licensed social workers and conditionally licensed social workers. A licensed social worker or conditionally licensed social worker must complete the following requirements for consultation.

A. A licensed social worker must complete a minimum of 96 hours of consultation as determined by the board. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years. [PL 2003, c. 429, §4 (NEW); PL 2003, c. 429, §7 (AFF).]

B. A person who receives a conditional license as a licensed social worker on or after January 1, 2004 must complete the following requirements for consultation.

(1) A person who is not an employee of the Department of Health and Human Services must complete a minimum of 96 hours of consultation as determined by the board. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years. For purposes of fulfilling the requirement of 96 hours of consultation during the first 3,200 hours of social work employment, a licensed social worker who practiced social work and obtained social work consultation hours in a long-term care setting and who held a valid license as of September 13, 2003 may count consultation hours that were obtained prior to August 3, 2004, whether the consultation hours were obtained in individual or group settings, if the consultation was provided by a licensed social worker, regardless of the group size and the eligibility requirements of the consulting licensed social worker.

(2) A person who is an employee of the Department of Health and Human Services must complete a minimum of 96 hours of consultation with a licensed social worker who has been licensed for at least 4 years or a licensed master social worker. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years. [PL 2005, c. 173, §1 (AMD).]

[PL 2005, c. 173, §1 (AMD).]

3-D. Contact hours for conditionally licensed social workers. A person who receives a conditional license as a licensed social worker on or after January 1, 2004 must complete, within the first 2 years of licensure, contact hours, as that term is defined by the board, in an amount set by the board. Of these contact hours required by the board, 6 hours must be on the subject of social work ethics and 6 hours must be on the subject of psychosocial assessment.

[PL 2003, c. 429, §4 (NEW); PL 2003, c. 429, §7 (AFF).]

4. Associate social worker.

[PL 1985, c. 736, §11 (RP).]

Any person having the necessary qualifications prescribed in this chapter to entitle that person to licensure as a licensed clinical, licensed master or licensed social worker is eligible for that license though that person may not be practicing that person's profession at the time of making the application. [RR 2013, c. 2, §39 (COR).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 413, §226 (AMD). PL 1983, c. 805, §10 (RPR). PL 1985, c. 736, §11 (AMD). PL 1987, c. 395, §B14 (AMD). PL 1987, c. 735, §69 (AMD). PL 1989, c. 682 (AMD). RR 2001, c. 1, §41 (COR). PL 2001, c. 316, §§2,3 (AMD). PL 2001, c. 542, §§1,2 (AMD). PL 2003, c. 211, §§1,2 (AMD). PL 2003, c. 429, §§2-4 (AMD). PL 2003, c. 429, §7 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 173, §1 (AMD). PL 2007, c. 402, Pt. V, §7 (AMD). PL 2009, c. 112, Pt. A, §§13, 14 (AMD). RR 2013, c. 2, §39 (COR). PL 2013, c. 217, Pt. J, §4 (AMD). PL 2013, c. 262, §3 (AMD).

§7053-A. Functions

No social worker at any level may diagnose organic mental illness or treat any illness by organic therapy. [PL 1985, c. 736, §12 (NEW).]

1. Licensed master social worker. Any licensed master social worker may:

- A. Engage in administration, research, consultation, social planning and teaching related to the functions in this section; [PL 1985, c. 736, §12 (NEW).]
- B. Perform all the functions of a licensed social worker; and [PL 1985, c. 736, §12 (NEW).]
- C. Engage in a nonclinical private practice. [PL 1985, c. 736, §12 (NEW).]

In addition, a licensed master social worker having met the requirements for licensure as a licensed clinical social worker prior to January 1, 1987, except for having completed the licensed clinical social worker examination, may engage in the clinical consultation of licensed master social worker, conditional for the purpose of preparing the licensed master social worker, conditional for eventual licensed clinical social workers' status or regular licensure. This includes responsibility for ongoing training and evaluation. The licensed master social worker has an obligation to assess the licensed master social worker, conditional's competence and ethics and share this assessment with the Board of Social Work Licensure at the time the licensed master social worker applies for the licensed clinical level.

In addition to paragraphs A, B and C, a person holding a "licensed master social worker, conditional" license may engage in psychosocial evaluation, including diagnosis and treatment of mental illness and emotional disorders, and provide clinical consultation to licensed social workers, social work students, other professionals practicing related professions and paraprofessionals engaging in related activities.

A "licensed master social worker, conditional" may not engage in private clinical practice, unless permitted under section 7053, subsection 1, and must receive individual consultation 4 hours a month while practicing social work in a clinical setting.

[PL 1987, c. 395, Pt. B, §15 (AMD).]

2. Licensed clinical social worker. A licensed clinical social worker may:

- A. Practice social work in a clinical setting without consultation; [PL 1985, c. 736, §12 (NEW).]
- B. Engage in psychosocial evaluation, including diagnosis and treatment of mental illness and emotional disorders; [PL 1985, c. 736, §12 (NEW).]
- C. Engage in clinical private practice of social work; [PL 1985, c. 736, §12 (NEW).]
- D. Perform all the functions of a licensed master social worker; and [PL 1985, c. 736, §12 (NEW).]
- E. Engage in the clinical consultation of licensed master social workers for the purpose of preparing the licensed master social worker for eventual licensed clinical social workers' status or regular licensure. This includes responsibility for ongoing training and evaluation. The licensed clinical social worker has an obligation to assess the licensed master social worker's competence and ethics and share this assessment with the Board of Social Worker Licensure at the time the licensed master social worker applies for the licensed clinical level. [PL 1987, c. 395, Pt. B, §16 (AMD).]

[PL 1987, c. 395, Pt. B, §16 (AMD).]

3. Certified social worker - independent practice. A certified social worker - independent practice may:

- A. Perform all the functions of a licensed master social worker; [PL 1985, c. 736, §12 (NEW).]
- B. Practice social work in a clinical setting without consultation; and [PL 1985, c. 736, §12 (NEW).]

C. Engage in clinical private practice of social work.

In addition, a certified social worker - independent practice having met the requirements for licensure as a licensed clinical social worker prior to January 1, 1987, except for having completed the licensed clinical social worker examination, may engage in the clinical consultation of licensed master social worker, conditional for the purpose of preparing the licensed master social worker, conditionals for eventual licensed clinical social workers' status or regular licensure. This includes responsibility for ongoing training and evaluation. The certified social worker - independent practice has an obligation to assess the licensed master social worker, conditional's competence and ethics and share this assessment with the Board of Social Work Licensure at the time the licensed master social worker applies for the licensed clinical level. [PL 1987, c. 395, Pt. B, §17 (AMD).] [PL 1987, c. 395, Pt. B, §17 (AMD).]

4. Licensed social worker. A licensed social worker may:

A. Engage in psychosocial evaluation, excluding the diagnosis and treatment of mental illness, and conduct basic data gathering of records and specific life issues of individuals, groups and families, assess this data and formulate and implement a plan to achieve specific goals related to specific life issues; [PL 1985, c. 736, §12 (NEW).]

B. Serve as an advocate for clients or groups of clients for the purpose of achieving specific goals relating to specific life issues; [PL 1985, c. 736, §12 (NEW).]

C. Refer clients to other professional services; [PL 1985, c. 736, §12 (NEW).]

D. Plan, manage, direct or coordinate social services; and [PL 1985, c. 736, §12 (NEW).]

E. Participate in training and education of social work students from an accredited institution or an educational institution in candidacy for accreditation with the Council on Social Work Education or a successor or other organization approved by the board and supervise other licensed social workers. [PL 2007, c. 402, Pt. V, §8 (AMD).]

A licensed social worker may not engage in the private practice of social work, diagnose mental illness and emotional disorders or provide psychotherapy. A licensed social worker with less than 2 years' experience must receive consultation from either a licensed master social worker, a licensed clinical social worker or a certified social worker - independent practice in a manner to be prescribed by the board on a group or individual basis 4 hours a month. Licensed social workers in health care facilities licensed by the Department of Health and Human Services must receive consultation on a quarterly basis in a manner prescribed by the department. The department staff giving consultation to intermediate care facilities must be on the master or clinical level by January 1, 1993.

State agencies employing social workers are responsible for providing supervision necessary for those social workers to maintain their licenses.

[PL 2007, c. 402, Pt. V, §8 (AMD).]

SECTION HISTORY

PL 1985, c. 736, §12 (NEW). PL 1987, c. 395, §§B15-B17 (AMD). PL 1989, c. 296, §1 (AMD). PL 2001, c. 316, §4 (AMD). PL 2003, c. 429, §5 (AMD). PL 2003, c. 429, §7 (AFF). PL 2003, c. 689, §B6 (REV). PL 2007, c. 402, Pt. V, §8 (AMD).

§7054. Registration without examination

(REPEALED)

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 805, §11 (AMD). PL 1985, c. 736, §13 (RP).

§7054-A. Licensure without examination

A person holding a certificate of registration or license under the laws of another state, territory or possession of the United States, the District of Columbia or of any foreign country that is the equivalent of a license as a licensed clinical, licensed master or licensed social worker under this chapter who meets the requirements of this chapter, based upon verified evidence may, upon application, be licensed without further examination. [PL 2007, c. 402, Pt. V, §9 (AMD).]

Any person registered by the board prior to the effective date of this section, under former section 7054, as a registered social worker or an associate social worker shall automatically be licensed as a "licensed social worker" without further examination. [PL 1985, c. 736, §14 (NEW).]

Any person certified by the board prior to the effective date of this section or under former section 7054 as a certified social worker and who engages in the independent practice of social work pursuant to former section 7052 must be licensed as a "certified social worker - independent practice" and may continue to practice social work as previously authorized. This person has the option to be licensed as a "licensed master social worker" without further examination if the person has a master's degree in social work or social welfare. [PL 2017, c. 475, Pt. A, §54 (AMD).]

Any other person certified by the board prior to the effective date of this section or under former section 7054 as a certified social worker shall automatically be licensed as a "licensed master social worker" without further examination and any person licensed as a "licensed clinical social worker" prior to the effective date of this section, under former section 7054, shall remain licensed as a "licensed clinical social worker" without further examination. [PL 1985, c. 736, §14 (NEW).]

SECTION HISTORY

PL 1985, c. 736, §14 (NEW). PL 1987, c. 395, §B18 (AMD). PL 1987, c. 537 (AMD). PL 1989, c. 296, §2 (AMD). PL 2007, c. 402, Pt. V, §9 (AMD). PL 2017, c. 210, Pt. E, §1 (AMD). PL 2017, c. 475, Pt. A, §54 (AMD).

§7054-B. State employees

(REPEALED)

SECTION HISTORY

PL 1989, c. 296, §§3,4,5 (NEW).

§7055. Certified social worker; equivalency registration

(REPEALED)

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1985, c. 736, §15 (RP).

§7056. Fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$175. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 402, Pt. V, §10 (RPR); PL 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 413, §227 (AMD). PL 1983, c. 805, §12 (AMD). PL 1985, c. 736, §16 (AMD). PL 1987, c. 113, §2 (AMD). PL 2007, c. 402, Pt. V, §10 (RPR). PL 2011, c. 286, Pt. B, §5 (REV).

§7057. Examinations

Written examinations shall be held at such times and places as the board shall determine and shall be based on fundamental social work subjects as determined by the board. [PL 1977, c. 673, §3 (NEW).]

The passing grade on any examination must be established by the board based upon National Testing Scores set by the testing company. [PL 2007, c. 402, Pt. V, §11 (AMD).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 413, §228 (AMD). PL 1985, c. 736, §17 (AMD). PL 2007, c. 402, Pt. V, §11 (AMD).

§7058. Certificates

(REPEALED)

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 2007, c. 402, Pt. V, §12 (RP).

§7059. Suspension, revocation and reissuance

(REPEALED)

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 413, §229 (RPR). PL 1985, c. 736, §18 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. V, §13 (RP).

§7059-A. Denial or refusal to renew license; disciplinary action

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [PL 2007, c. 402, Pt. V, §14 (NEW).]

1. Addiction to the use of alcohol or other drugs. Addiction, as confirmed by medical findings, to the use of alcohol or other drugs, that has resulted in the licensed clinical, licensed master or licensed social worker or certified social worker - independent practice being unable to perform duties or perform those duties in a manner that would not endanger the health or safety of the clients to be served; [PL 2019, c. 165, §25 (AMD).]

2. Mental incompetency. A medical finding of mental incompetency; or [PL 2019, c. 165, §25 (AMD).]

3. Prohibited conduct. A violation of section 7006. [PL 2019, c. 165, §26 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. V, §14 (NEW). PL 2019, c. 165, §§25, 26 (AMD).

§7060. Expiration and renewals

A license renewal fee as set under section 7056 must be paid by the licensee. Licenses expire biennially on December 31st or at such other times as the Commissioner of Professional and Financial Regulation may designate. Each renewal is contingent upon evidence of participation in a continuing professional education course or program as approved by the board. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 7056. Any person who submits an application for renewal more than 90 days after the renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is received, together with the late fee and renewal fee, within 2 years from the date of the expiration. [PL 2007, c. 402, Pt. V, §15 (AMD).]

Beginning January 1, 2020, an applicant for license renewal shall demonstrate to the satisfaction of the board a one-time successful completion of a minimum of 12 hours of course work in family or intimate partner violence, including course work in spousal or partner abuse that addresses screening, referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. An applicant may fulfill this requirement through course work provided through contact hours, Internet hours or distance learning programs, as evidenced by certification from an accredited educational institution or equivalent teaching or practice experience. The board may accept equivalent courses in family or intimate partner violence screening and referral and intervention strategies or equivalent teaching or practice experience completed prior to January 1, 2020 in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph may be used to satisfy the licensee's required hours of continuing education. [PL 2013, c. 262, §4 (NEW).]

A licensee who is no longer actively practicing social work may apply for an inactive status license pursuant to Title 10, section 8003, subsection 5-A, paragraph D, subparagraph (5). The holder of an inactive status license may not practice social work in the State. The fee for inactive status licensure is set under section 7056. The holder of an inactive status license is required to renew the license annually and pay the renewal fee as set under section 7056, but is not required to meet the continuing education requirement of this chapter and the rules adopted under it. [PL 2007, c. 402, Pt. V, §15 (NEW).]

In addition to the other requirements of this section, a licensed social worker must: [PL 2003, c. 429, §6 (RPR); PL 2003, c. 429, §7 (AFF).]

1. Not employee of Department of Health and Human Services. If not employed by the Department of Health and Human Services, provide documentation of 96 hours of consultation as determined by the board during the first 3,200 hours of social work employment in a period of not less than 2 years but not more than 4 years. For purposes of fulfilling the requirement of 96 hours of consultation during the first 3,200 hours of social work employment, a licensed social worker who practiced social work and obtained social work consultation hours in a long-term care setting and who held a valid license as of September 13, 2003 may count consultation hours that were obtained prior to August 3, 2004, whether the consultation hours were obtained in individual or group settings, if the consultation was provided by a licensed social worker, regardless of the group size and the eligibility requirements of the consulting licensed social worker; or [PL 2005, c. 173, §2 (AMD).]

2. Employee of Department of Health and Human Services. If employed by the Department of Health and Human Services, provide documentation of either:

A. A minimum of 96 hours of consultation with a licensed social worker who has been licensed for at least 4 years or a licensed master social worker. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years; or [PL 2003, c. 429, §6 (NEW); PL 2003, c. 429, §7 (AFF).]

B. A minimum of 96 hours of consultation concurrent with the person's first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years with a licensed social worker who has been licensed for at least 2 years, has been designated by the department as a supervisor trainee and is concurrently receiving 48 hours of consultation with a licensed master social worker. [PL 2003, c. 429, §6 (NEW); PL 2003, c. 429, §7 (AFF).]
[PL 2003, c. 429, §6 (NEW); PL 2003, c. 429, §7 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1983, c. 204, §13 (AMD). PL 1983, c. 413, §§230,231 (AMD). PL 1985, c. 736, §19 (AMD). PL 1987, c. 113, §3 (AMD). PL 1987, c. 395, §B19 (AMD). PL 1987, c. 769, §A122 (AMD). PL 1993, c. 659, §A8 (AMD). PL 2001, c. 316, §5 (AMD). PL

2003, c. 429, §6 (RPR). PL 2003, c. 429, §7 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 173, §2 (AMD). PL 2007, c. 402, Pt. V, §15 (AMD). PL 2013, c. 262, §4 (AMD).

§7061. Receipts and disbursements

(REPEALED)

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1985, c. 389, §26 (RPR). PL 1995, c. 397, §85 (RP).

§7062. Reports.

(REPEALED)

SECTION HISTORY

PL 1977, c. 673, §3 (NEW). PL 1987, c. 395, §B20 (AMD). PL 2007, c. 402, Pt. V, §16 (RP).

§7063. Application

All persons licensed, registered or certified on any level under the prior social work registration law shall be entitled to practice social work as previously authorized as long as licensure remains current. [PL 1985, c. 736, §20 (NEW).]

SECTION HISTORY

PL 1985, c. 736, §20 (NEW).

SUBCHAPTER 4

TELEHEALTH SERVICES

§7071. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 291, Pt. B, §14 (NEW).]

1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a client and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the client and the person licensed under this chapter.

[PL 2021, c. 291, Pt. B, §14 (NEW).]

2. Store and forward transfer. "Store and forward transfer" means the transmission of a client's records through a secure electronic system to a person licensed under this chapter.

[PL 2021, c. 291, Pt. B, §14 (NEW).]

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a client and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

[PL 2021, c. 291, Pt. B, §14 (NEW).]

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

[PL 2021, c. 291, Pt. B, §14 (NEW).]

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a client's health status via electronic means, allowing the person licensed under this chapter to track the client's health data over time. Telemonitoring may be synchronous or asynchronous. [PL 2021, c. 291, Pt. B, §14 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §14 (NEW).

§7072. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice. [PL 2021, c. 291, Pt. B, §14 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §14 (NEW).

§7073. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws. [PL 2021, c. 291, Pt. B, §14 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §14 (NEW).

§7074. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services. [PL 2021, c. 291, Pt. B, §14 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §14 (NEW).

§7075. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 291, Pt. B, §14 (NEW).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §14 (NEW).

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