

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1387 - L.D. 2074

An Act to Update the Requirements for Social Worker Licensure

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation updates the licensing requirements for social workers to remove barriers and potential delays in the licensing process; and

Whereas, immediate enactment of this legislation is necessary to make it easier for persons to be licensed as social workers or to reenter the social work profession; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §7001-A, sub-§7-A is enacted to read:

7-A. Licensed master social worker - conditional clinical. "Licensed master social worker - conditional clinical" means a person who has met the educational requirements as a licensed clinical social worker and is working to meet the consultation and the social work experience requirements of this chapter.

Sec. 2. 32 MRSA §7001-A, sub-§8-A is enacted to read:

8-A. Licensed social worker - conditional. "Licensed social worker - conditional" means a person who has met the educational requirements as a licensed social worker and is working to meet the consultation and the social work experience requirements of this chapter.

Sec. 3. 32 MRSA §7051, as amended by PL 1985, c. 736, §9, is further amended to read:

§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 social work under this chapter is required to submit evidence to the board that he the person is qualified to so practice and shall must be licensed as provided in this subchapter.~~

~~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.~~

Sec. 4. 32 MRSA §7053, first ¶, as amended by PL 2007, c. 402, Pt. V, §7, is further amended to read:

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 ~~and must have demonstrated to the satisfaction of the board adherence to the ethics of the social work profession.~~ Applications for licensure must be submitted to the board together with the fee as set under section 7056.

Sec. 5. 32 MRSA §7053, sub-§1, as amended by PL 2013, c. 262, §3, is further amended by repealing the 3rd blocked paragraph.

Sec. 6. 32 MRSA §7053, sub-§1, as amended by PL 2013, c. 262, §3, is further amended by enacting at the end a new last blocked paragraph to read:

For purposes of meeting the requirements of this subsection, an applicant is not required to be licensed as a licensed master social worker - conditional clinical under this chapter in order to qualify as a licensed clinical social worker. The board shall consider consultation and social work experience previously obtained in this State or another jurisdiction as long as that experience is substantially equivalent to the requirements of this chapter.

Sec. 7. 32 MRSA §7053, sub-§2-A, as enacted by PL 2003, c. 211, §2, is amended to read:

2-A. Licensed master social worker. ~~As To be qualified as a licensed master social worker, an applicant must have received either a masters master's 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.~~

Sec. 8. 32 MRSA §7053, sub-§2-B is enacted to read:

2-B. Licensed master social worker - conditional clinical. To be qualified as a licensed master social worker - conditional clinical, an applicant must have received either a master's or doctoral degree in social work or social welfare from an accredited educational institution, must have successfully completed the examination prescribed by the board and must attest to obtaining the consultation and the social work experience requirements of this chapter. The consultation arrangement must be with a licensed clinical social worker, certified social worker - independent practice, licensed clinical professional counselor,

licensed marriage and family therapist, licensed psychologist, licensed psychiatrist or other qualified consultant as determined by the board.

Sec. 9. 32 MRSA §7053, sub-§3, as amended by PL 2009, c. 112, Pt. A, §13, is further amended to read:

3. Requirements to be a licensed Licensed social worker. To be qualified ~~to be~~ licensed as a licensed social worker, an applicant must attest to obtaining the consultation and social work experience requirements of this chapter and 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

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 social work experience while licensed as a licensed social worker - conditional under this chapter, must have completed contact hours in accordance with subsection 3-C, paragraph B and subsection 3-D; and must have successfully completed the examination prescribed by the board. For purposes of meeting the requirements of this subsection, an applicant is not required to be actively licensed as a licensed social worker - conditional under this chapter in order to qualify as a licensed social worker.

Sec. 10. 32 MRSA §7053, sub-§3-B, as amended by PL 2013, c. 217, Pt. J, §4, is further amended to read:

3-B. Conditional license as a licensed Licensed social worker - conditional. ~~The board may issue a conditional license~~ To be qualified as a licensed social worker to an applicant who provides to the board - conditional, an applicant must provide:

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 attestation to obtaining the consultation and social work experience requirements of this chapter. For purposes of this paragraph, "field that is sufficiently related to social work or social welfare" includes, but is not limited to, behavioral science, social and behavioral sciences, childhood development, counseling, criminal justice, education, human development, mental health and human services, nursing, psychology, educational psychology, rehabilitation services, sociology and other sufficiently related fields as determined by the board.

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.~~

A licensed social worker - conditional license may be held for no more than 6 years.

Sec. 11. 32 MRSA §7053, sub-§3-C, as amended by PL 2005, c. 173, §1, is further amended to read:

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

A. A licensed social worker ~~and a licensed social worker - conditional~~ 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 ~~6~~ years from initial licensure. The consultation arrangement must be with a consultant who is a licensed social worker licensed under this chapter who has at least 2 years of work experience as a licensed social worker. A licensed social worker - conditional is not eligible to be a consultant under this chapter.

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 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, regardless of 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.~~

~~(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.~~

Sec. 12. 32 MRSA §7053-A, sub-§4, as amended by PL 2007, c. 402, Pt. V, §8, is further amended to read:

4. Licensed social worker; licensed social worker - conditional. A licensed social worker ~~or a licensed social worker - conditional~~ 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;

- B. Serve as an advocate for clients or groups of clients for the purpose of achieving specific goals relating to specific life issues;
- C. Refer clients to other professional services;
- D. Plan, manage, direct or coordinate social services; and
- 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.

A licensed social worker or a licensed social worker - conditional 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.

Sec. 13. 32 MRSA §7060, as amended by PL 2013, c. 262, §4, is further amended to read:

§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.

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.

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.

~~In addition to the other requirements of this section, a licensed social worker must:~~

~~**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~~

~~**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~~

~~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.~~

A person who submits an application for license renewal more than 2 years from the date of expiration of the license 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, consider consultation and work experience obtained under this chapter and require evidence of completing continuing professional education.

Sec. 14. Continued review of licensing for social work profession. The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation, after consultation with the State Board of Social Worker Licensure and stakeholders, shall continue review of the Maine Revised Statutes, Title 32, chapter 83 and any laws associated with the provisions of that chapter that began

before the Second Regular Session of the 132nd Legislature to recommend changes to update the licensure provisions for the social work profession, including changes to the educational and examination requirements for initial licensure and to the consultation requirements, and to recommend alternative pathways for licensure. The director shall review and identify best practices from similar efforts in other states. The director shall report any recommendations from the review conducted under this section to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters on or before February 15, 2027. The joint standing committee may report out a bill to the 133rd Legislature in 2027 based on the review.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.