

Annual List of Rulemaking Activity
Rules Adopted January 1, 2023 to December 31, 2023
Prepared by the Secretary of State pursuant to 5 MRS §8053-A(5)

Agency name: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board for Social Worker Licensure**

Umbrella-Unit: **02-416**

Statutory authority: 32 M.R.S. §§ 7001-A(10), 7030(2), 7053-A

Chapter number/title: **Ch. 10**, Definitions

Filing number: **2023-100**

Effective date: 7/4/2023

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:

The principal reason for this proposed rulemaking is to amend the definition of “organic mental illness” in the board’s rules. While 32 M.R.S. § 7001-A(10) and 32 M.R.S. § 7053-A use the term “organic mental illness” in the board’s law, that term is undefined. Pursuant to 32 M.R.S. § 7053-A, no social worker at any level may diagnose organic mental illness.

The board recently revised its rules, including Chapter 10 and the definition of “organic mental illness” to mean “any neurocognitive disorder or neurodevelopmental disorder” as described in the Diagnostic and Statistical Manual of Mental Disorders (Fifth Edition), American Psychiatric Association (Washington, D.C. 2013) (“DSM”). After the rule was adopted, the board received feedback from various stakeholders that the rule as amended broadened the disorders included in the definition of “organic mental illness” in a way that unintentionally restricts the ability of licensed clinical social workers to diagnose certain disorders, such as ADD/ADHD. As such a restriction was not the intent of the board, it is now proposing a language change to define “organic mental illness” to accurately reflect the board’s interpretation of the term as used in 32 M.R.S. §§ 7001-A(10) and 7053-A.

Basis statement:

The Maine Board of Social Worker Licensure (the “Board”) is charged by the Legislature with the regulation of social workers in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 7030.

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Chapter 10, Definitions: The rulemaking is proposing a language change to define “organic mental illness” to accurately reflect the Board’s interpretation of the term as used in 32 M.R.S. §§ 7001-A(10) and 7053-A.

The Board accepted written comments from March 22, 2023 through 5:00 pm on April 21, 2023.

Fiscal impact of rule:

None Anticipated