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Social Service Coordinator Licensing Requirements  
32 M.R.S.A. §7001-8  
32 M.R.S.A. §7051  
32 M.R.S.A. §7001-5

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333  
December 7, 1978

Elinor F.C. Nackley, Director  
Division of Licensing and Certification  
99 Western Avenue  
Augusta, Maine 04330

Re: Social Service Coordinator - P.L. 1977 c. 673 (32 MRSA §§7001 et seq.

Dear Ms. Nackley:

The following is in response to your memo dated October 2, 1978. In that memo you asked whether the Social Service Coordinator, whose position is described in the attached Amendment to the Regulations Governing the Licensing and Functioning of Skilled Nursing Facilities and Intermediate Care Facilities, dated June 27, 1978, (hereinafter referred to as the attached Amendment) must comply with the requirements of 32 M.R.S.A. §7001 et seq. hereinafter referred to as the Social Worker Registration Law).

The title "Social Service Coordinator" is not determinative of the issue. If the Coordinator is actually engaging in "social work" as defined by 32 M.R.S.A. §7001-8, then 32 M.R.S.A. §7001 et seq. would require the Coordinator to be licensed or registered only under the following conditions:

- 1) if the Coordinator practices or offers to practice as a "certified", "registered" or "associate social worker", 32 M.R.S.A. §7051, or
- 2) if the Coordinator engages in the practice of social work as defined by 32 M.R.S.A. §7001-5, after April 1, 1979, without the supervision of a certified social worker and while employed by other than a state or federal government agency or a licensed hospital. CF. 32 M.R.S.A. §7003.

In other words, a Coordinator could engage in social work and would not be required to register or obtain a license to do so if he/she were properly supervised and made no direct or indirect representations regarding registration.

It is not possible to determine at this time whether Coordinators or their employing facilities will directly or indirectly represent

that the Coordinator is a "certified", "registered", or "associate" social worker. Assuming that this will not be done, the remaining issues are: Whether the Coordinator will be engaging in "social work"; whether he/she will be viewed as engaging in the "independent practice of social work" after April 1, 1979; and whether the Social Worker Registration Law exempts persons doing the latter while employed by skill nursinghomes or intermediate care facilities.

"Social work" is defined in 32 M.R.S.A. §7001-8 as

engaging in psycho-social evaluation and therapy to effect a change in the feelings, attitudes and behavior of a client, whether an individual, group or community, in response to a social situation.

A "psycho-social evaluation" according to 32 M.R.S.A. §7001-6

means the determination and examination by social workers of the social situation of an individual or group related to inter and intra personal stress, family background, family interaction, living arrangements and socio-economic problems and treatment evaluation, plans and goals.

A review of 16.B.1. of the attached Amendment indicates that a person having a Master's Degree in social work from an accredited school of social work would possess the necessary skills for the Coordinator's position. Although persons with lesser educational background would be considered for employment as a Coordinator, they are required to possess many skills traditionally associated with social work, i.e., the ability to empathize, communicate, work directly with people, and have a helping attitude. The requirement of a Master Degree Social Worker or some one with similar skills certainly implies that the Coordinator is expected to perform the services of a social worker. A review of the Coordinator's responsibilities presented in 16.B.3. appears to confirm this conclusion. The Coordinator is required to evaluate the patient's social and psychological situation, 16.B.3.(a); formulate a treatment plan and goals, 16.B.3.(b); periodically reassess the patient's needs, the plan and goals, 16.B.3.(c); prepare summaries of patient's attitude and progress to assist other staff members working with patients, 16.B.3.(d); assist in changing attitudes and behavior of the patient if necessary, 16.B.3.(e); motivate the family to remain involved in the patient's care, 16.B.3.(g); participate in the evaluation of the appropriateness of continued care for the patient. 16.B.3.(k); evaluate the appropriateness of patient's home situation for purposes of discharge, 16.B.3.(l); and finally perform "any other related duties as necessary for the preservation of the resident's social and emotional well being", 16.B.3.(p). The latter may well include extensive counseling with the patient, the family, separately or as a group. All of the services

Elinor F.C. Nackley  
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just mentioned clearly fall within the definition of "social work" found in 32 M.R.S.A. §7001.

In order to safeguard the life, health and welfare of the people of this state, the legislature has decided that after April 1, 1979, a person engaging in the independent practice of social work, i.e., practicing social work for remuneration and without the supervision of a "certified social worker," must demonstrate that he or she is qualified to do so and obtain a license in accordance with 32 M.R.S.A. §§7003 & 7052. A violation of the Social Worker Registration Law in this area does not require any specific representation to the public at large or to the smaller community of persons and their families served by the nursing home social worker. It merely requires engaging in the practice of social work, under the conditions just described and without a license.

If the Coordinator does not meet the qualifications for licensure as an independent social worker, there is no indication in the attached Amendment that this person will be supervised by a certified social worker after April 1, 1979. Other than working under proper supervision the only exceptions from this licensure requirement under the present law are in the case of employment by a licensed hospital or a state or federal government agency, 32 M.R.S.A. §7003. Neither exemption applies to the person performing social work while employed in a licensed nursing home or intermediate care facility.

In summary the unlicensed Coordinator performing the duties outlined in the attached Amendment would be engaging in the independent practice of social work and without the required supervision would violate the Social Worker Registration Law after April 1, 1979.

Sincerely,



Carmen L. Coulombe  
Assistant Attorney General

CLC:mm

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

H. P. 1936 — L. D. 2016

AN ACT Relating to the State Board of Social Worker Registration.

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

Sec. 1. 10 MRSA § 8081, 2nd sentence, as last amended by PL 1977, c. 466, § 1, is further amended to read:

The department shall be composed of the following bureaus, boards and commissions:

Board of Examiners on Speech Pathology and Audiology;

Bureau of Banking;

Bureau of Consumer Protection;

Bureau of Insurance;

Electricians' Examining Board;

Oil Burner Men's Licensing Board;

Maine Athletic Commission;

Real Estate Commission;

State Board of Examiners of Psychologists;

State Board of Social Worker Registration;

State Claims Board;

State Running Horse Racing Commission; and

Board of Registration of Substance Abuse Counselors.

Sec. 2. 32 MRSA c. 62-A, as enacted by PL 1969, c. 590, § 65, and as amended, is repealed.

Sec. 3. 32 MRSA c. 83 is enacted to read:

## CHAPTER 83

### SOCIAL WORKERS

#### SUBCHAPTER I

#### GENERAL PROVISIONS

##### § 7001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Accredited educational institution. An "accredited educational institution" is an institution accredited by the Council on Social Work Education.

2. Associate social worker. An "associate social worker" is a person who has received a certificate of registration as an associate social worker from the board.

3. Board. "Board" is the State Board of Social Worker Registration.

4. Certified social worker. A "certified social worker" is a person who has received a certificate of registration as a certified social worker from the board.

5. Independent practice of social work. The "independent practice of social work" means engaging in social work for remuneration other than under the direct supervision of a certified social worker.

6. Psycho-social evaluation. "Psycho-social evaluation" as used in this chapter means the determination and examination by social workers of the social situation of an individual or group related to inter and intra personal stress, family background, family interaction, living arrangements and socio-economic problems and treatment evaluation, plans and goals.

7. Registered social worker. A "registered social worker" is a person who has received a certificate of registration as a registered social worker from the board.

8. Social work. "Social work" means engaging in psycho-social evaluation and therapy to effect a change in the feelings, attitudes and behavior of a client, whether an individual, group or community, in response to a social situation.

##### § 7002. Violations

Notwithstanding the provisions of Title 17-A, section 4-A, any person who represents himself to the public as, or uses the titles of, a certified, registered or associate social worker, or any abbreviation thereof, without being registered with and holding a current certificate from the board shall, upon conviction, be punished by a fine of not less than \$50 nor more than \$500 for each offense.

##### § 7003. Exemptions

Nothing in this chapter shall prevent any person from engaging in the practice of social work so long as he does not represent himself as or use the titles of "certified social worker," "registered social worker" or "associate social worker," except as provided in subchapter III.

After April 1, 1979, no person shall engage in the independent practice of social work, as defined in section 7001, without being licensed to do so, unless:

1. Employment by state or federal governmental agency. The person is employed by a state or federal governmental agency and is acting in his capacity as an employee of the agency.

2. Employment by a hospital. The person is employed by a hospital licensed under Title 22, chapter 385, which meets the standards of the Joint Commission on Accreditation of Hospitals for the provision of social services by hospitals and that person is engaging in the independent practice of social work on behalf of that hospital.

#### § 7004. Services to minors for drug abuse

Any person certified under this chapter who renders social work services to a minor for problems associated with the abuse of drugs 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 shall be construed so as to prohibit the licensed person rendering this treatment from informing that parent or guardian. For purposes of this section, "abuse of drugs" means the use of drugs 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.

#### § 7005. Communication between social workers and clients

Except at the request of, or with the consent of, the client, no person registered under this chapter shall 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 registered person in connection with the provision of social work services shall be privileged and disclosure may be required.

Nothing in this section shall prohibit disclosure by a person registered under this chapter of information concerning a client when that disclosure is required by law and nothing in this section shall modify or affect the provisions of Title 22, section 3856-A.

### SUBCHAPTER II

#### STATE BOARD OF SOCIAL WORKER REGISTRATION

#### § 7026. State Board of Social Worker Registration created

There is created a State Board of Social Worker Registration within the Department of Business Regulation which shall administer this chapter. The board shall consist of 8 members who shall be appointed by the Governor. The term of office shall be for 2 years. All members shall hold office until their successors are appointed and qualified. Any vacancies occurring on the board

shall be filled on a basis to insure that, within 3 years of the effective date of this chapter, the board shall be composed as follows: four certified social workers, 2 registered social workers, one associate social worker and one consumer. All subsequent appointments shall be made in a manner which will insure that the board's composition remains consistent with that set out in this section. Prior to the filling of any vacancies, the Governor shall solicit recommendations of candidates from the Maine Chapter of the National Association of Social Workers and other social welfare organizations as he deems appropriate.

#### § 7027. Qualifications

Members of the board shall be residents of this State, of good moral character and, except for the consumer member, shall have been engaged in the active practice of social work as certified, registered or associate social workers for not less than 5 years prior to appointment. Appointees to the initial board, after the effective date of this chapter, shall have been engaged in the active practice of social work for not less than 5 years prior to appointment and shall be qualified for certification as certified, registered or associate social workers. No member of the board shall serve more than 2 terms as a board member. The Governor may remove any member for cause.

#### § 7028. Compensation and expenses

No member of the board shall receive any compensation for his services as a member of the board, but shall be reimbursed for all actual traveling and incidental expenses necessarily incurred in carrying out this chapter.

#### § 7029. Organization and meetings

The board shall annually elect a chairman, vice-chairman and secretary-treasurer from its membership. The secretary-treasurer shall keep full and complete records of its proceedings and accounts, which shall be open to public inspection at all reasonable times.

The board shall hold at least 2 regular meetings each year at such times and places as the board may prescribe. Special meetings may be held upon call of the chairman and any 2 members. Four members of the board shall constitute a quorum for the transaction of business.

The board shall adopt a seal for its use which shall remain in the custody of the secretary-treasurer.

#### § 7030. Powers

The board shall have the authority to make any rules and regulations that are necessary to carry out its duties in accordance with this chapter. In adopting or amending any rules or regulations, the board shall use the procedures required for rulemaking under Title 5, chapter 375, and any additional requirements of this subchapter.

### SUBCHAPTER III

### REGISTRATION

#### § 7051. Registration 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, registered or associate social worker shall be required to submit evidence that he is qualified to so practice and shall be registered as provided in this subchapter.

#### § 7052. Independent practice of social work; license required

In order to safeguard the life, health and welfare of the people of this State, any person engaging in or offering to engage in the independent practice of social work shall be required to submit evidence to the board that he is qualified to so practice, shall have been employed in social work for at least 2 years and shall be licensed as a certified social worker as provided in this subchapter.

#### § 7053. Qualifications

To be eligible for certification as a certified social worker, registered social worker or an associate social worker, an applicant shall be at least 18 years of age, of good moral character and a resident of this State, and shall satisfactorily pass any examination as the board may prescribe by its rules and regulations.

The following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration and certification as a certified, registered or associate social worker, respectively.

1. Certified social worker. As a certified social worker, an applicant shall have received either a masters or doctoral degree in social work from an accredited educational institution, shall have demonstrated to the satisfaction of the board adherence to the ethics of the social work profession and shall have successfully completed the examinations prescribed by the board.

2. Registered social worker. As a registered social worker, an applicant shall have received a bachelor's degree in social work or social welfare from an accredited educational institution, shall have been employed in social work for a period of at least one year subsequent to the receipt of a bachelor's degree, shall have demonstrated to the satisfaction of the board adherence to the ethics of the social worker profession and shall have successfully completed the examination prescribed by the board.

3. Associate social worker. As an associate social worker, an applicant shall have been employed in social work for not less than 6 years, or shall have received a bachelor's degree from an accredited educational institution and shall have been employed in social work for not less than 2 years, shall have demonstrated to the satisfaction of the board adherence to the ethics of the social work profession and shall have successfully completed the examination prescribed by the board.

Any person having the necessary qualifications prescribed in this chapter to entitle him to registration as a certified, registered or associate social worker shall be eligible for that registration though he may not be practicing his profession at the time of making the application.

#### § 7054. Registration without examination

A person holding a certificate of registration under the laws of another state, territory or possession of the United States, the District of Columbia or of any foreign country, which is the equivalent of a certificate of registration as a certified, registered or associate social worker under this chapter, who, in the

opinion of the board, meets the requirements of this chapter, based upon verified evidence, may, upon application, be registered without further examination.

Any person registered by the board on the effective date of this chapter as a registered social worker shall automatically be registered as a "certified social worker" without further examination, and any person who is registered as an associate social worker on the effective date of this chapter and who has received a bachelor's degree in social work or social welfare from an accredited educational institution shall automatically be registered as a "registered social worker" without further examination. Any other person registered as an associate social worker on the effective date of this chapter shall automatically be reregistered as an "associate social worker" without further examination.

#### § 7055. Certified social worker; equivalency registration

Any person who applies to the board and pays the fee prior to December 1, 1978, and meets the criteria for registration as a certified social worker under section 7052, except for successful completion of the examination, shall, without examination, be granted a certificate of registration at that level. In addition, such an applicant may demonstrate compliance with the education criteria in that section by the submission of evidence satisfactory to the board that he has obtained equivalent years of practical experience in social work. Any person so certified, upon application and payment of the fee, shall be granted a renewal of certification without meeting education requirements beyond those outlined in section 7053.

The failure of the board to act on an application under this section by April 1, 1979, shall result in the automatic granting of a certificate of registration as a certified social worker.

#### § 7056. Application; fees

Application for registration and certification as a certified, registered or associate social worker shall be on a form prescribed and furnished by the board. The registration fee for an associate social worker shall be established by the board in an amount not to exceed \$25. The fee shall accompany the application.

The registration fee for a registered social worker shall be established by the board in an amount not to exceed \$50. The fee shall accompany the application.

The registration fee for a certified social worker shall be established by the board in an amount not to exceed \$75. The fee shall accompany the application.

Should the board deny the issuance of a certificate of registration to any applicant, the fee shall be nonrefundable.

#### § 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.

The passing grade on any examination shall be not less than 70%. A candidate failing any examination may apply for reexamination, which shall be granted upon payment of a fee established by the board in an amount not in excess of the original application fee. Any candidate for registration having an average grade of less than 50% in his written examination may not apply for reexamination for one year.

#### § 7058. Certificates

The board shall issue a certificate of registration to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter.

§ 7059. Revocation and reissuance

1. Board revocation. The board shall have the power in accordance with the Maine Administrative Procedure Act to revoke the registration of a certified, registered or associate social worker for:

A. Conviction of a violation of law by any court of competent jurisdiction which, if committed within this State, would:

(1) Constitute a Class C crime; or

(2) Be punishable by one year or more of imprisonment.

2. Administrative Court revocation. The board shall have the power to proceed in the Administrative Court seeking to revoke the registration of a certified, registered or associate social worker for any of the following reasons:

A. The practice of fraud or deceit in obtaining a certificate of registration under this chapter or in connection with service rendered as a certified, registered or associate social worker;

B. Addiction, as confirmed by medical findings, to the use of alcohol or other drugs, which has resulted in the certified registered or associate social worker being unable to perform his duties or perform those duties in a manner which would not endanger the health or safety of the clients to be served;

C. A medical finding of mental incompetency;

D. Aiding or abetting a person not duly certified as a certified, registered or associate social worker in representing himself as a certified, registered or associate social worker in this State; or

E. Any gross negligence, incompetency or misconduct in the practice of professional social work.

Any person may prefer charges against any certified, registered or associate social worker. Any charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board.

The board, for reasons it may deem sufficient, may reissue a certificate of registration as a certified, registered or associate social worker to any person whose certificate of registration has been revoked, provided 4 or more members of the board vote in favor of that reissuance. A new certificate of registration as a certified, registered or associate social worker, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board. A charge of \$3 shall be made for that issuance.

§ 7060. Expiration and renewals

Certificates of registration shall expire biennially on December 31st or at such other times as the Commissioner of Business Regulation may designate. Biennial fees for renewal of registration shall be set by the board in an amount not to exceed \$20 and shall be due and payable biennially on or before the first day of January. Every 2nd renewal shall be contingent upon evidence of participation in a continuing professional education course or program as approved by the board. Any person who fails to renew his license within 90 days following the expiration date shall be required to take an examination.

Any person who fails to renew his registration for a period of 3 years or more shall be stricken from the rolls and his registration may be renewed only after meeting the requirements of this chapter.

The board shall provide by regulation that a person registered under this

chapter may, upon written request, be placed in an inactive status. Reasons for granting inactive status shall include, but not be limited to, changes in occupation, residence and health. The payment of fees shall be suspended during the term of inactive status. A person may be reinstated to active status by notifying the commissioner and by paying the fees for the year of reinstatement.

The board shall notify every person registered under this chapter of the date of expiration of his license and the fee required for its renewal for a 2-year period. The notice shall be mailed to the person's last known address at least 30 days in advance of the expiration date of the registration.

§ 7061. Receipts and disbursements

The secretary-treasurer of the board shall receive and account for all moneys derived under this chapter and shall pay the same to the Treasurer of State, who shall keep the money in a separate fund to be known as the "Certified, Registered and Associate Social Workers' Fund." The board may authorize those expenditures from the fund as are necessary for the purpose of administering and enforcing this chapter. The expenditures of the board shall not in any year exceed the amount of money remaining in the fund.

Any moneys remaining in the Certified, Registered and Associate Social Workers' Fund at the end of the fiscal year shall be carried forward to the credit of the fund for the succeeding year. Any moneys in the fund on the effective date of this chapter, although accumulated from prior fiscal years, shall be carried forward for the current fiscal year.

§ 7062. Reports.

No later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation, for the preceding fiscal year ending June 30th, an annual report of its operations and financial position, together with those comments and recommendations which the board deems essential.

IN HOUSE OF REPRESENTATIVES..... 1978

Read twice and passed to be enacted.

.....Speaker

IN SENATE..... 1978

Read twice and passed to be enacted.

.....President

Approved..... 1978

.....Governor

DEPARTMENT OF HUMAN SERVICES

DIVISION OF LICENSING AND CERTIFICATION

AMENDMENT TO THE REGULATIONS GOVERNING THE  
LICENSING AND FUNCTIONING OF SKILLED NURSING  
FACILITIES AND INTERMEDIATE CARE FACILITIES

June 27, 1978

16.B. Social Services

Each facility shall have a Qualified Social Service Coordinator.

16.B.1. Qualifications

A Social Service Coordinator shall be qualified by training or experience as evidenced by:

- (a) Having a Master's Degree in social work and is a graduate of a school of social work accredited or approved by the Council on Social Work Education; or
- (b) Having a high school education or its equivalent; and
- (c) Having at least two years quality experience in a position involving direct service through person to person contact with a public or private agency or institution; and
- (d) Having the ability to communicate clearly and concisely, both verbally and in writing; and
- (e) Having the ability to work without close supervision, making decisions within facility policy and procedure and consistent with licensing and certification requirements; and
- (f) Having the ability to maintain a positive, emphatic attitude of assistance towards residents, families, and fellow staff members; and
- (g) Having the ability to listen to, understand and empathize with resident problems and needs, and to communicate these to other services; and
- (h) Having the ability to handle confidential data discreetly; and
- (i) Having the knowledge of community resources.

Any person employed as a social service designee at any facility within the State of Maine on the effective date of these regulations shall be permitted to continue in that position at the same facility.

16.B.2. Hours in Accordance with Resident Census

An average of 1/2 hour per resident per week is allowed up to forty (40) hours per week. Additional time over forty (40) hours per week shall be prior approved by the Department.

16.B.3. Responsibilities

The Social Service Coordinator shall be responsible for the following:

- (a) Preparing an initial social history and assessment on each resident within one month of admission. Included in the history shall be the education, employment, hobbies, locality of residence(s), family relationships. The assessment will cover the individual's knowledge of and reaction to his illness, his feelings and expectations of this placement, the availability of home and family at discharge. It should also include an assessment of the family's reaction to the illness, placement, and how much support will be available from them during the resident's stay and at point of discharge.
- (b) Developing the written social service plan with goals established with the resident, where appropriate. The plan shall be incorporated in the total plan for each resident.
- (c) Reviewing and updating the written plans and goals as needed but at least quarterly.
- (d) Writing progress notes as needed but at least quarterly. Notes should include a summary of contacts with the resident, his family, significant emotional attitudes and events, referrals made to other agencies, progress made on goals and information to aid other staff members involved with the care of the resident.
- (e) Assisting in the adjustment to the facility by visiting the resident within one working day after admission in order to assess the immediate needs of the resident and arranging for these services, as needed.
- (f) Making subsequent visits in a timely manner in order to implement ongoing services, as needed.

- (g) Substaining contact with the family, involving them in the resident's care, as appropriate, providing them with non-medical progress reports when requested, as appropriate.
- (h) Informing resident and family of his personal and property rights and documenting that this has been done.
- (i) Substaining contact with other staff members relative to the resident's needs, and sharing pertinent information.
- (j) Arranging for supportive community services, as needed.
- (k) Participating in the evaluation of the resident's need for continued care within the facility through periodic review.
- (l) Assisting the resident and family with discharge plans, including an evaluation of the environment to which the resident will transfer, and referring to appropriate supportive services as needed.
- (m) Working with the Department of Human Services Medical Social Worker Consultant on Medicaid requirement including, but not limited to, discharge plans to a higher or lower level of care.
- (n) Maintaining such records as needed to fulfil these requirements, assuring their confidentiality and consistency with the resident's rights requirements.
- (o) Attending in-service programs, workshops and seminars relating to social service and discharge planning.
- (p) Performing any other related duties as necessary for the preservation of the resident's social and emotional well being.