

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 41

S. P. 29

In Senate, January 6, 1977

Referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Pierce of Kennebec.

Cosponsor: Senator Conley of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to the State Board of Social Workers Registration Law.

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

Sec. 1. 32 MRSA c. 79 is enacted to read:

CHAPTER 79
SOCIAL WORKERS
SUBCHAPTER I
GENERAL PROVISIONS

§ 6201. Findings and purpose

The Legislature finds that the activities of professionals in the field of social work profoundly affect the lives of the people of this State and finds that it is necessary to assure the availability of qualified professionals in the field of social work. In order to safeguard the public health, safety, and welfare, it is necessary to provide regulatory authority over persons offering social work services to the public.

§ 6202. Definitions

As used in this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings.

1. Accredited. "Accredited" means accreditation by an agency or organization approved by the board.

2. Board. "Board" shall mean the State Board of Social Workers Registration, established under section 6221.

3. **Person.** "Person" means any individual, organization, or corporate body, except that only an individual may be licensed under this chapter.

4. **Social work.** "Social work" means engaging in the practice of social casework, social group work, community organization, administration of a social work program, social work education, social work research or any combination of these in accordance with social work principles and methods. The purpose of social work is to help individuals, families, groups and communities to prevent or resolve problems caused by social or emotional stress.

5. **Social worker.** "Social worker" means an individual who engages in the practice of social work and who, by virtue of academic and practical training, represents himself to the public by any title or description of services incorporating the words "social work," "social worker," "social services," "social casework," "social caseworker," or "social groupworker."

6. **Supervision.** "Supervision" means the direct observation of work and the assessment of written records by a person deemed qualified by the board to evaluate and direct the provision of social work services.

§ 6203. Persons and practices not affected

Nothing in this chapter shall be construed as preventing or restricting the activities and services of:

1. **Other professions.** Any person licensed by this State from engaging in any activities defined herein as "social work" so long as the person does not, by any manner or means, or by any title or description of service, hold himself out to the public as being engaged in the practice of social work or providing services as a social worker;

2. **Person pursuing course of study in social work.** Any person pursuing a course of study leading to a degree in social work at an accredited college or accredited university, if such activities and services constitute a part of the course of study and such person is designated "social work intern" or some other title clearly indicating the training status appropriate to such person's level of training;

3. **Person currently registered with the board.** Any person who is currently registered by the board as a "registered" or "associate" social worker.

SUBCHAPTER II

STATE BOARD OF SOCIAL WORKER REGISTRATION

§ 6221. State Board of Social Worker Registration

There is created a State Board of Social Worker Registration 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 3 years. All members shall hold office until their successors are appointed and qualified.

Any vacancies occurring on the board subsequent to the effective date of this chapter shall be filled on a basis that will insure that within 3 years the board shall be composed as follows: Three certified social workers, 2 graduate

social workers, 2 social workers and 1 consumer. All subsequent appointments shall be consistent with the foregoing delineation of board composition. 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.

§ 6222. Qualifications

Members of the board shall be residents of this State and of good moral character. Seven members shall have been engaged in the active practice of social work. One member shall be a representative of the public. No member of the board shall serve more than 2 terms as a board member. The Governor may remove any member for cause.

§ 6223. 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 expenses and incidental expenses necessarily incurred in carrying out this chapter.

§ 6224. Organization and meetings; quorum

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. Further meetings may be convened at the call of the chairman or the written request of any 2 members. All meetings of the board shall be open to the public, except that the board may hold closed sessions to prepare, approve, grade or administer examinations, or, upon the request of an applicant who fails an examination, to prepare a response indicating any reason for the applicant's failure. 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.

§ 6225. Powers and duties

The board shall have the powers and duties set forth in this section in addition to all other powers and duties imposed by this chapter.

1. Board to administer, coordinate and enforce. The board shall administer, coordinate and enforce this chapter; evaluate the qualifications and supervise the examination of applicants for registration under this chapter and shall, at its discretion, investigate allegations of practices violating this chapter.

2. Adopt criteria. The board shall have the power to design and adopt an examination and other suitable criteria for determining an applicant's knowledge in social work.

3. Hearings and procedure. The board shall have the power to hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board and, the board, acting through its chairman, shall have the authority to subpoena witnesses, books, records and documents in hearings before it. The board shall provide written notice of the time, place and subject of such hearing to all parties whose interests are to be dealt with at such hearings at least 7 days in advance of such hearing, except as provided in subsection 4.

4. Rules and regulations. The board shall have the power to adopt rules and regulations commensurate with this chapter including, but not limited to, rules and regulations relating to professional conduct and ethical standards of practice by registrants, to delineation of the scope of the practice of social work and to approval of various educational accreditation or certification agencies. The rules and regulations adopted by the board shall govern and control the professional conduct of every person who holds a registration to practice social work in this State. No rules and regulations may be adopted except after a public hearing. Such public hearing shall be held only after sending, at least 14 days prior to the date of such hearing, a copy of all proposed rules and regulations and a written notice of and agenda for such hearing to all persons registered under this chapter. A copy of all rules and regulations adopted by vote of the board, after such hearing, shall be sent to all persons registered under this chapter. All rules and regulations shall not take effect until at least 30 days after adoption by the board.

5. Complaints. The board shall have the duty to investigate complaints on its own motion and those lodged with the board or its members regarding the violation of any section of this chapter or the violation of any rules or regulations adopted by the board pursuant to its authority.

6. Salary and duties. The board shall have the power to employ, fix the salary of, and prescribe the duties of, such other personnel as the board may deem necessary to properly administer this chapter.

7. Legal representation. The board shall have the power to engage legal counsel, approved by the Attorney General, of its own choosing to advise the board generally and specifically and to represent the board in any hearings before it and in any appeals taken from a decision of the board.

8. Open financial records. The board shall have the duty to keep a record of the names and residences of all persons registered under this chapter and a record of all moneys received and disbursed by the board. The board shall annually make a report to the Governor and to the Legislature containing a full and complete account of all its official acts during the preceding year, a statement of the receipts and disbursements, and such comments or suggestions as it may deem essential.

9. Publication of list. The board shall have the power to publish a registry of all social workers showing the name, address, category of registration, and specialty, if any, of all individuals registered under this chapter.

SUBCHAPTER III REGISTRATION

§ 6241. Registration required

In order to safeguard the life, health and welfare of the people of this State, any person practicing or offering to practice social work shall be required to submit evidence that he is qualified to so practice or offer to practice social work until he shall be registered as provided in this chapter.

1. Registration. No person shall practice social work, except under appropriate supervision, unless such person is registered by the board as a certified social worker.

§ 6242. Qualification for registration

To be eligible for registration under this chapter, an applicant must be at least 18 years of age, of good moral character and a resident of this State.

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a certified social worker, graduate social worker or social worker, respectively:

1. Certified social worker. As a certified social worker:

A. Graduation, experience, and examination. Applicants shall have received either a master's or doctoral degree in social work from an accredited educational institution, shall have 2 years of social work experience under appropriate supervision, subsequent to the receipt of either a master's or doctoral degree, 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. Graduate social worker. As a graduate social worker:

A. Graduation and examination. Applicants shall have met all the requirements necessary for registration as a certified social worker except those requirements pertaining to social work experience subsequent to receipt of either a master's or doctoral degree;

3. Social worker. As a social worker:

A. Graduation, supervision and examination. Applicants shall have received a bachelor's degree in social work or social welfare from an accredited educational institution, shall have been under the supervision of a certified social worker or master social worker 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 work profession and shall have successfully completed the examination prescribed by the board.

B. Graduation, supervision and examination. Applicants shall have received a bachelor's degree in a social or behavioral science from an accredited educational institution, shall have been under the supervision of a certified social worker or master social worker for at least 2 years 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 work profession and shall have successfully completed the examination prescribed by the board.

§ 6243. Registration by waiver or endorsement; interim registration

1. **Registration.** Any person registered with the board, as of the effective date of this chapter, as a registered social worker shall automatically be registered by the board as a "graduate social worker" under this chapter. Such persons, upon filing satisfactory proof with the board showing that he has at least 2 years of social work experience, under appropriate supervision, shall be entitled to have such registration modified by the board and the board shall register such person as a certified social worker.

Any person registered with the board, as of the effective date of this chapter, as an associate social worker shall automatically be registered by the board as a "social worker" under this chapter.

2. **Certificate of registration.** A person holding a certificate of registration as either a certified social worker, graduate social worker or social worker under the laws of another state, territory or possession of the United States, the District of Columbia, or any foreign country, who, in the opinion of the board, meets the requirements of this chapter, based upon verified evidence, may, upon application be registered with the appropriate classification without further examination.

3. **Interim registration.** Any person who, in the opinion of the board, meets the requirements of this chapter and has applied for examination, may be granted interim registration for a period not to exceed 6 months, which registration shall, in all cases, be terminated upon failing to take the scheduled examination or upon failing to successfully complete such examination.

§ 6244. Applications; fees; examinations; certificates

1. **Application for registration.** Application for registration as a certified social worker, master social worker or social worker shall be on a form prescribed and furnished by the board. The registration fees for a certified social worker, graduate social worker or social worker shall be established by the board in an amount not to exceed \$50, which fee shall accompany the application. Should the board fail to issue a certificate of registration to any applicant, the fee shall be retained as an application fee.

2. **Written examinations.** Written examinations, prepared by the board, shall be held at such times and places as the board shall determine. 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.

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

§ 6245. Revocation and reissuance

The board shall have the power to revoke, suspend, or fail to renew the registration of a person registered under this chapter for any of the following reasons:

1. **Felony conviction.** Conviction of a violation of a law by any court of competent jurisdiction which if committed within this State would constitute a felony under the laws of this State; or

2. **Fraud or deceit.** The practice of fraud or deceit in obtaining a certificate of registration under this chapter or in connection with services rendered as a person registered under this chapter.

3. **Addiction.** Addiction to the use of alcohol, morphine, opium, cocaine or other drugs having similar effect; or

4. **Mental incompetency.** A medical finding of mental incompetency; or

5. **Aiding and abetting misrepresentation.** Aiding or abetting a person not duly registered, in representing himself as registered under this chapter.

6. **Unprofessional conduct or negligence.** Any gross negligence, incompetency or misconduct in the practice of social work.

7. **Violation of rules and regulations promulgated by the board.** Any person may prefer charges against any person registered under this chapter. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within 3 months after the date on which they have been preferred. The time and place for the hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on the registrant, or sent by certified mail to the last known address of such registrant, at least 30 days before the date set for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense. If, after such hearing, 4 or more members of the board vote in favor of finding the accused guilty, the board shall revoke, suspend or fail to renew the certificate of registration of such registrant. The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate or registration has been revoked, provided 4 or more members of the board vote in favor of such reissuance. A new certificate of registration to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board, and a charge of \$3 shall be made for such issuance.

§ 6246. Expiration and renewal of registration

Registrations issued under this chapter expire biennially and become invalid at midnight, January 31st of every other year. Every person registered under this chapter shall, on or before the biennial expiration date, pay a fee for renewal of registration to be determined by the board but such fee shall not exceed \$50. The board shall notify every person registered under this chapter of the date of expiration of his registration and the amount of fee required for its renewal for a 2-year period. The notice shall be mailed to such person's last known address at least 30 days in advance of the expiration of such registration. No person who requests renewal of registration whose registration has expired, shall be required to submit to examination as a condition of renewal,

if such renewal application is made within 2 years from the date of such expiration. Renewals are contingent upon evidence of participation in continuing professional education courses or programs as approved by the board.

§ 6247. 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 such moneys in a separate fund to be known as the "State Board of Social Workers Registration Fund." The board may authorize such expenditures from such 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 fees collected by the board for that year.

Upon the effective date of this Act, all funds held by the Treasurer of State in the Registered and Associate Social Workers Fund shall be transferred to the fund set forth above. All moneys remaining in the State Board of Social Workers Registration Fund at the end of the fiscal year shall be carried forward to the credit of said fund for the succeeding year. All moneys in the fund on the effective date of this chapter, although accumulated in prior fiscal years, shall be carried forward for the current fiscal year.

§ 6248. Services to minors for drug abuse

Any person registered 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 said minor's parent or guardian or to inform such parent or guardian of such treatment. Nothing in this section shall be construed so as to prohibit the registered person rendering such treatment from informing such 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.

§ 6249. 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 such 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 at issue in such action, suit or proceeding or when a court in the exercise of sound discretion, deems such disclosure necessary to the proper administration of justice, no information communicated to, or otherwise learned by, such 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 such disclosure is required by law.

§ 6250. Violation

Any person who shall represent himself to the public as being engaged in the practice of social work without being registered with the board shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not more than 3 months, or both, for each offense.

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

STATEMENT OF FACT

The purpose of this bill is to clarify the powers of the State Board of Social Workers, set forth the various qualifications of individuals performing social work in the State and to require the registration of all persons holding themselves out as being engaged in social work.