

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2016

H. P. 1936

Office of the Clerk of the House

Filed by the Joint Standing Committee on Business Legislation under Joint Rule 17 and 2,000 ordered printed.

EDWIN H. PERT, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

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 § 8001, 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Sec. 2. 32 MRSA c. 62-A, as enacted by PL 1969, c. 590, § 65, and as amended, is repealed.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. **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.

2. **Board.** “Board” is the State Board of Social Worker Registration.

3. **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.

4. **Independent practice of social work.** The “independent practice of social work” means engaging in social work for remuneration other than the direct supervision of a certified social worker.

5. **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.

6. **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.

§ 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,” provided that, 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 as is provided for in section 7052.

§ 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 at 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.

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 3 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: 3 certified social workers, 2 registered social workers, 2 associate social workers 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 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

Any person in the Armed Forces of the United States on October 1, 1969, who was employed as a social worker prior to entrance into the Armed Forces, shall be certified as a registered or associate social worker without examination, provided he makes application for registration within 3 months after separation or release from the Armed Forces and provided he otherwise qualifies as set forth in this section.

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

The board shall have the power to revoke the registration of a certified, registered or associate social worker for any of the following reasons:

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

- A. Constitute a Class C crime; or
- B. Be punishable by one year or more of imprisonment;

2. Fraud or deceit. 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;

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

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

5. **Aiding and abetting misrepresentation.** 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

6. **Unprofessional conduct or negligence.** 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.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard in accordance with Title 5, Chapter 375.

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 such 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 or participation in a continuing professional education course or program as approved by the board. The failure of any registrant to renew his certificate upon expiration shall not deprive that person of the right of renewal, but the fee to be paid for renewal after expiration shall be increased 10% for each month or fraction thereof that payment for renewal is delayed. The maximum fee for delayed renewal shall not exceed twice the normal biennial renewal fee.

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.

A person registered under this chapter may, upon request, be placed in an inactive status category without fees, and may be reinstated to active status by paying the fees for the current year.

The board shall notify every person registers 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 fees collected by the board for that year.

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.

STATEMENT OF FACT

The purpose of this bill is to:

1. Provide that anyone providing social work services, except under the supervision of a certified social worker, be licensed as a certified social worker and furthermore to provide that those presently serving in positions equivalent to those which will be filled by certified social workers, upon passage of this Act, may continue to do so without taking an examination upon a showing that all other criteria for such certification are met;
2. Establish a fee of not more than \$75 for applying for registration as a certified social worker;
3. Change the definition of registered and associate social workers to provide that applicants who have received a bachelor's degree in social work or social welfare and have been employed for a period of at least one year and have passed an examination be allowed to use the term "registered social worker," while those who have received a bachelor's degree and 2 years' experience, or in the alternative have been employed in social work for not less than 6 years, shall be allowed to present themselves as associate social workers, providing they pass the examination;
4. Alter the makeup of the Board of Social Worker Registration, requiring that 3 members be certified social workers, 2 members be registered social workers, 2 members be associate social workers, and one be a consumer;
5. Require evidence of participation in continuing education courses of programs as a condition of renewing registration every 4th year;
6. Provide automatic registration in the new categories for those who are presently certified as registered or associate social workers; and
7. Provide a limited privilege against testifying in court for social workers on behalf of their clients, unless a court deems the disclosure to be "necessary to the proper administration of justice."