

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1148

S.P. 425

In Senate, April 4, 1995

An Act to Amend the Social Work Practice Licensing Laws.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator AMERO of Cumberland.

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

2 Sec. 1. 32 MRSA §7001-A, as amended by PL 1987, c. 395, Pt.
4 B, §10, is further amended to read:

6 §7001-A. Definitions

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

12 1. **Accredited educational program.** An "accredited
14 educational ~~institution~~ program" is an--~~institution~~ a program
16 accredited by the Council on Social Work Education.

18 1-A. Advanced generalist. "Advanced generalist" means
20 equal emphasis on knowledge and skills working with individuals,
families, groups, organizations and communities.

22 2. **Board.** "Board" is the State Board of Social Worker
24 Licensure.

26 3. **Certified social worker - independent practice.** A
28 "certified social worker - independent practice" is a person who
30 was licensed as a certified social worker and permitted to engage
32 in the independent practice of social work pursuant to section
7052, before January 1, 1985.

34 4. **Clinical setting.** A "clinical setting" is a setting
36 where ~~mental disorders are evaluated, prevented, diagnosed and~~
38 ~~treated using~~ psychosocial evaluation assessment is the basis of
social work practice.

40 5. **Consultation.** "Consultation" is regularly scheduled
42 face-to-face case discussion ~~and evaluation~~ focusing on ~~raw data,~~
44 psychosocial evaluation or psychosocial assessment, or both,
46 goals and objectives from the social worker's practice provided
by an individual qualified to supervise the licensee.

48 5-A. Counseling. "Counseling" is a process based upon
50 psychosocial evaluation or psychosocial assessment, or both, used
by social workers in working with individuals, families, groups,
organizations and communities. "Counseling" may include, but is
not limited to, identifying needs, helping to articulate goals,
advocating with clients, delineating alternatives and providing
needed information.

5-B. Ethics. "Ethics" means a system of professional
principles maintained and endorsed by the social work profession
and documented by the National Association of Social Workers'
code of ethics.

2 **6. Licensed clinical social worker.** A "licensed clinical
3 social worker" is a person who has ~~received a license as a~~
4 ~~clinical social worker from the board~~ holds a master's degree in
5 social work and who specializes in the micropractice area of
6 practice.

8 **7. Licensed master social worker.** A "licensed master social
9 worker" is a person who has ~~received a license as a master social~~
10 ~~worker from the board~~ holds a master's degree and specializes in
11 the advanced generalist area.

12 **8. Licensed social worker.** A "licensed social worker" is a
13 person who has received a ~~license as a licensed social worker~~
14 ~~from the board~~ BA, BS or BSW degree to practice social work.

15 **8-A. Micropractice.** "Micropractice" means emphasis on
16 knowledge and skills working with individuals, families and
17 groups, and cursory knowledge and skills working with
18 organizations and communities.

19 **9. Private practice.** "Private practice" is practicing
20 social work on a self-employed basis through which the social
21 worker receives reimbursement for counseling and
22 psychotherapeutic services.

23 **10. Psychosocial evaluation.** ~~"Psychosocial evaluation"~~
24 ~~includes the determination and examination by social workers of~~
25 ~~the psychosocial situation of an individual or group related to~~
26 ~~interpersonal and intrapersonal stress, family background, family~~
27 ~~interaction, living arrangements and socioeconomic problems and~~
28 ~~treatment, evaluation, plans and goals, including the diagnosis~~
29 ~~of mental illness and emotional disorders for the purpose of~~
30 ~~treatment and therapeutic intervention, but excluding the~~
31 ~~diagnosis of organic mental illness or treatment of any illness~~
32 ~~by organic therapy, to the extent permitted by the licensure~~
33 ~~provision of this chapter. In the process of making a diagnosis~~
34 ~~and formulating a treatment plan for mental illness or emotional~~
35 ~~disorder, the social worker shall assure, consistent with rules~~
36 ~~to be promulgated by the board, that the person is examined by a~~
37 ~~physician and may take into account the physician's opinion in~~
38 ~~forming the psychosocial evaluation. When a person has been seen~~
39 ~~by a physician within 3 months prior to seeking mental health~~
40 ~~treatment, a telephone conversation between that physician and~~
41 ~~the social worker may be held in lieu of the examination required~~
42 ~~by this subsection. The medical visit or the telephone~~
43 ~~conversation shall be documented in the clinical records of the~~
44 ~~person. This requirement shall apply only in cases where there~~
45 ~~is a presence of psychopathology. The board shall define~~
46 ~~standards by rule, in accordance with the Maine Administrative~~
47
48
49
50

Procedure Act, Title 5, chapter 375, for implementation of this subsection.

10-A. Psychosocial assessment. "Psychosocial assessment" is the ongoing process of psychosocial evaluation and examination by social workers for the psychosocial situation of an individual, family or group relating to interpersonal and intrapersonal stress, family environment, social interaction, living arrangements and socioeconomic and cultural conditions.

"Psychosocial assessment" involves collaboration with clients in the formulation of treatment or service plans, or both, and includes, but is not limited to, the diagnosis and treatment of mental and emotional disorders. "Psychosocial assessment" does not include the diagnosis of organic mental illness, treatment of any illnesses or treatment by organic therapy to the extent prohibited by licensure provisions of this chapter. "Psychosocial assessment" may include diagnostic labels, codes and descriptions from empirically valid assessment tools. In the process of making a diagnosis and formulating a treatment plan for mental illness or emotional disorder, the social worker shall ensure, consistent with rules to be adopted by the board, that the person is examined by a physician and may take into account the physician's opinion in forming the psychosocial evaluation. When a person has been seen by a physician within 3 months prior to seeking mental health treatment, a telephone conversation between that physician and the social worker may be held in lieu of the examination required by this subsection. The medical visit or the telephone conversation must be documented in the clinical records of the person. This requirement applies only in cases where psychopathology is present. The board shall define standards by rule, in accordance with the Maine Administrative Procedure Act, for implementation of this subsection.

10-B. Psychosocial evaluation. "Psychosocial evaluation" means the determination and examination by social workers of basic data gathered concerning the psychosocial situation of an individual or group related to interpersonal and intrapersonal stress, family background, family interaction, living arrangements and socioeconomic problems; the evaluation of this data; and formulation and carrying out of a service plan to produce change in the feelings, attitudes and behavior of a client.

11. Social work. "Social work" means engaging in psychosocial evaluation and intervention, including therapy, to the extent permitted by the licensure provisions of this chapter, to effect a change in the feelings, attitudes and behavior of a client, whether an individual, group or community. "Social work" also means engaging in community organization, social planning, administration and research.

2 (1) ~~Shall-have~~ Have subsequently completed a minimum
4 of 2 years of social work experience with 96 hours of
6 consultation in a ~~clinical setting~~ an area of practice
performing psychosocial assessment and treatment with
individuals, families and small groups; or

8 (2) ~~Shall-have~~ Have demonstrated 2 years of full-time
10 clinical social work experience or its equivalent and
12 have completed the graduate degree prior to January 1,
14 1987, and have completed 2 years of subsequent social
work experience in micropractice area, performing
diagnosis, psychosocial assessment and treatment with
96 hours of consultation in a private setting; or

16 B. A ~~masters~~ master's or doctoral degree in social work or
18 social welfare in a ~~nonclinical~~ an advanced generalist
concentration from an accredited educational ~~institution~~
20 program and:

22 (1) ~~Shall-have~~ Have subsequently completed 4 years of
social work experience with 192 hours of consultation
24 in a clinical setting where psychosocial diagnosis,
assessment and treatment takes place; or

26 ~~(2)---Shall---have---demonstrated---2---years---of---full-time~~
~~clinical-social-work-experience-or-its-equivalent-and~~
28 ~~have-completed-the-graduate-degree-prior-to-January-1,~~
~~1987,-and-have-completed-4-years-of-subsequent-social~~
30 ~~work-experience-with-192-hours-of-consultation-in-a~~
~~private-setting.~~

32 (3) Have demonstrated 2 years of full-time social work
34 experience and have completed 4 years of subsequent
social work experience in the area of micropractice
36 with 192 hours of consultation in a private setting.

38 Any person wishing to practice social work in a micropractice
40 setting in order to complete the requirements for the licensed
clinical social work license must receive a "licensed clinical
42 social worker, conditional" license.

44 The board may waive up to one year of the post-master of social
work, clinical experience requirement pursuant to this subsection
46 for those candidates who demonstrate to the satisfaction of the
board equivalent clinical experience prior to receiving the
48 ~~masters~~ master's degree in social work.

50 The board shall issue rules, in accordance with the Maine
Administrative Procedure Act, Title 5, chapter 375, defining the
clinical experience required for this level of licensure.

2 2. **Licensed master social worker.** As a licensed master
social worker, an applicant shall ~~have received either a masters~~
4 ~~or doctoral degree in social work or social welfare from an~~
~~accredited educational institution~~ shall must have demonstrated
6 to the satisfaction of the board adherence to the code of ethics
of the social work profession and shall have successfully
8 completed the examination prescribed by the board, and have
either: After meeting these qualifications, the applicant shall
10 ~~receive a "licensed master social worker" license. In addition,~~
~~any person wishing to practice social work in a clinical setting~~
12 ~~shall receive a "licensed master social worker, conditional"~~
~~license.~~

14
16 A. A master's degree in social work or social welfare from
an accredited program in an advanced generalist
18 concentration and have subsequently completed 2 years of
social work experience with 96 hours of consultation in an
area of advanced generalist practice; or

20
22 B. A master's degree in social work from an accredited
program in a micropractice concentration and have
24 subsequently completed 4 years of social work experience
with 192 hours on consultation in an area of advanced
26 generalist practice.

28 Any person wishing to practice social work in an advanced
generalist practice area in order to complete the requirements
30 for the licensed master social worker license must receive a
"licensed master social worker, conditional" license.

32 3. **Licensed social worker.** To be qualified to be licensed
as a social worker an applicant must meet one of the following
34 requirements.

36 A. The applicant must have received a bachelor's degree in
social work or social welfare from an accredited educational
38 ~~institution~~ program; demonstrated to the satisfaction of the
board adherence to the ethics of the social worker
40 profession; and successfully completed the examination
prescribed by the board.

42
44 B. The applicant must have received a bachelor's degree in
a related field from an institution that, at the time the
degree was received, did not have a program accredited by
46 the Council on Social Work Education but subsequently
offered such a program; demonstrated to the satisfaction of
48 the board adherence to the ethics of the social worker
profession; and successfully completed the examination
50 prescribed by the board.

2 The board shall issue rules, in accordance with the Maine
3 Administrative Procedure Act, Title 5, chapter 375, by which an
4 individual who has a bachelor's degree that does not qualify
5 under paragraph A or B may be eligible for a license.

6
7 Any person having the necessary qualifications prescribed in
8 this chapter to entitle ~~him~~ that person to licensure as a
9 licensed clinical, licensed master or ~~license~~ licensed social
10 worker ~~shall--be~~ is eligible for that license though he ~~he~~ that
11 person may not be practicing ~~his~~ the profession at the time of
12 making the application.

13 **Sec. 4.** 32 MRSA §7053-A, sub-§1, as amended by PL 1987, c.
14 395, Pt. B, §15, is further amended to read:

15 **1. Licensed master social worker.** Any licensed master
16 social worker may:

17
18 A. Engage in administration, research, consultation, social
19 planning and teaching related to the functions in this
20 section;

21
22 B. Perform all the functions of a licensed social worker;
23 and

24
25 C. Engage in ~~a nonclinical~~ advanced generalist social work
26 private practice; and

27
28 D. Engage in advanced generalist consultation of a person
29 holding a licensed master social worker, conditional license
30 for the purpose of preparing for the licensed master social
31 worker license. This includes responsibility for ongoing
32 training and evaluation. The licensed master social worker
33 shall assess the competence and ethics of the person holding
34 the licensed master social worker, conditional license and
35 share this assessment with the Board of Social Worker
36 Licensure at the time that person applies for the master
37 level licensure.

38
39
40 In addition, a licensed master social worker having met the
41 requirements for licensure as a licensed clinical social worker
42 prior to January 1, 1987, except for having completed the
43 licensed clinical social worker examination, may engage in the
44 clinical consultation of licensed master social worker,
45 conditional for the purpose of preparing the licensed master
46 social worker, conditional for eventual licensed clinical social
47 workers' status or regular licensure. This includes
48 responsibility for ongoing training and evaluation. The licensed
49 master social worker has an obligation to assess the licensed
50

2 master social worker, conditional's competence and ethics and
share this assessment with the Board of Social Work Licensure at
4 the time the licensed master social worker applies for the
licensed clinical level.

6 In addition to paragraphs A, B and C, a person holding a
"licensed master social worker, conditional" license may engage
8 in psychosocial evaluation, including diagnosis and treatment of
mental illness and emotional disorders, and provide clinical
10 consultation to licensed social workers, social work students,
other professionals practicing related professions and
12 paraprofessionals engaging in related activities.

14 A "licensed master social worker, conditional" may not engage in
private clinical micropractice social work practice, unless
16 permitted under section 7053, subsection 1, and must receive
individual consultation 4 hours a month while practicing social
18 work in a clinical micropractice social work setting.

20 **Sec. 5. 32 MRSA §7053-A, sub-§2, as amended by PL 1987, c.**
395, Pt. B, §16, is further amended to read:

22 **2. Licensed clinical social worker.** A licensed clinical
24 social worker may:

26 A. Practice social work in a clinical micropractice social
work setting without consultation;

28 B. Engage in psychosocial evaluation and assessment,
30 including diagnosis and treatment of mental illness and
emotional disorders;

32 C. Engage in clinical micropractice social work private
34 practice of social work;

36 D. Perform all the functions of a licensed master social
worker; and

38 E. Engage in the clinical micropractice consultation of a
40 person holding a licensed master clinical social workers
worker's, conditional license for the purpose of preparing
42 the--licensed--master--social--worker for eventual licensed
clinical social workers' worker status or regular licensure
44 license. This includes responsibility for ongoing training
and evaluation. The licensed clinical social worker has an
46 obligation to assess the competence and ethics of the person
holding the licensed master clinical social worker's
48 competence-and-ethics worker, conditional license and share
this assessment with the Board of Social Worker Licensure at
50 the time the--licensed--master--social--worker that person
applies for the licensed clinical level.

2 Sec. 6. 32 MRSA §7053-A, sub-§3, as amended by PL 1987, c.
395, Pt. B, §17, is further amended to read:

4 3. **Certified social worker - independent practice.** A
6 certified social worker - independent practice may:

8 A. Perform all the functions of a licensed master clinical
social worker;

10 B. Practice social work in a clinical micropractice setting
12 without consultation; and

14 C. Engage in clinical micropractice private practice of
social work.

16 In addition, a certified social worker - independent
18 practice having met the requirements for licensure as a
licensed clinical micropractice social worker prior to
20 January 1, 1987, except for having completed the licensed
22 clinical micropractice social worker examination, may engage
in the clinical consultation of a person holding a licensed
24 master clinical social worker, conditional license for the
purpose of preparing ~~the--licensed--master--social--worker,~~
26 ~~conditional's--competence--and--ethics~~ that person for eventual licensed clinical
social workers' ~~worker~~ status or regular licensure. This
includes responsibility for ongoing training and evaluation.
28 The certified social worker - independent practice has an
obligation to assess the competence and ethics of the person
30 holding a licensed master clinical social worker,
~~conditional's--competence--and--ethics~~ conditional license and
32 share this assessment with the Board of Social Work
Licensure at the time ~~the--licensed--master--social--worker~~ that
34 person applies for the licensed clinical level.

36 Sec. 7. 32 MRSA §7054-A, last ¶, as enacted by PL 1987, c. 395,
Pt. B, §18, is amended to read:

38 Any person having received a ~~masters--or--doctoral~~ master's
40 degree in social work or social welfare from an accredited
educational ~~institution~~ program and having completed 5 years'
42 experience prior to January 1, 1987, with 3 years or its
equivalent having been gained within 5 years of the date of
44 application for licensure, ~~shall--be~~ is automatically licensed as
a "licensed master social worker," or "licensed clinical social
46 worker," depending upon the applicant's areas of education and
experience.

48 Sec. 8. 32 MRSA §7058, as enacted by PL 1977, c. 673, §3, is
50 repealed.

