

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 429

H.P. 1162 - L.D. 1589

**An Act To Change Certain
Educational Requirements and Make
Title Changes for Licensed Social
Workers**

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

Sec. 1. 32 MRSA §7001-A, sub-§8, as amended by PL 2001, c. 316, §1, is further amended to read:

8. Licensed social worker. A "licensed social worker" is a person who has received a license as a licensed social worker from the board. In accordance with the provisions of section 7053, subsection ~~3-A~~ **3-B**, "licensed social worker" includes a person who has received a conditional license as a licensed social worker.

Sec. 2. 32 MRSA §7053, sub-§3, as amended by PL 2001, c. 542, §1, is further amended to read:

3. Requirements to be a licensed social worker. ~~On or before September 30, 2003, the board may issue a license to an applicant who meets at least one of the requirements set out in this subsection. To be qualified to be licensed as a social worker an applicant must meet one of the following requirements:~~

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

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 the Council on Social Work Education but subsequently offered such a program; demonstrated to the satisfaction of the board adherence to the ethics of the social worker profession~~ conditional license as a licensed social worker in accordance with subsection ~~3-B~~ **3-B**; completed the requirements for consultation and contact hours in accordance with subsection ~~3-C, paragraph B~~ **3-C, paragraph B** and subsection ~~3-D~~ **3-D**; and successfully completed the examination prescribed by the board.

~~The board shall issue rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter~~

~~375, by which an individual who has a bachelor's degree that does not qualify under paragraph A or B may be eligible for a license.~~

~~The board may not issue a licensed social worker conditional license under this subsection after September 30, 2003. Individuals who have met the requirements of this subsection and have a licensed social worker conditional license issued prior to September 30, 2003, may continue to work towards full licensure as a licensed social worker under this subsection.~~

Sec. 3. 32 MRSA §7053, sub-§3-A, as amended by PL 2001, c. 542, §2, is repealed.

Sec. 4. 32 MRSA §7053, sub-§§3-B to 3-D are enacted to read:

3-B. Conditional license as a licensed social worker. The board may issue a conditional license as a licensed social worker to an applicant who provides to the board:

A. Documented proof of a bachelor's degree in a field that is sufficiently related to social work or social welfare, as determined by the board; and

B. Any documentation as required by the board, which may include, but is not limited to:

(1) Evidence of employment in a social service delivery field;

(2) Evidence of an arrangement of consultation to be provided in accordance with subsection 3-C, paragraph B; and

(3) Letters of professional recommendation.

3-C. Consultation requirements for licensed social workers and conditionally licensed social workers. A licensed social worker or conditionally licensed social worker must complete the following requirements for consultation.

A. A licensed social worker must complete a minimum of 96 hours of consultation as determined by the board. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years.

B. A person who receives a conditional license as a licensed social worker on or after January 1, 2004 must complete the following requirements for consultation.

(1) A person who is not an employee of the Department of Human Services must complete a minimum of 96 hours of consulta-

tion as determined by the board. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years.

(2) A person who is an employee of the Department of Human Services must complete a minimum of 96 hours of consultation with a licensed social worker who has been licensed for at least 4 years or a licensed master social worker. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years.

3-D. Contact hours for conditionally licensed social workers. A person who receives a conditional license as a licensed social worker on or after January 1, 2004 must complete, within the first 2 years of licensure, contact hours, as that term is defined by the board, in an amount set by the board. Of these contact hours required by the board, 6 hours must be on the subject of social work ethics and 6 hours must be on the subject of psychosocial assessment.

Sec. 5. 32 MRSA §7053-A, sub-§4, as amended by PL 2001, c. 316, §4, is further amended to read:

4. Licensed social worker. A licensed social worker may:

- A. Engage in psychosocial evaluation, excluding the diagnosis and treatment of mental illness, and conduct basic data gathering of records and specific life issues of individuals, groups and families, assess this data and formulate and implement a plan to achieve specific goals related to specific life issues;
- B. Serve as an advocate for clients or groups of clients for the purpose of achieving specific goals relating to specific life issues;
- C. Refer clients to other professional services;
- D. Plan, manage, direct or coordinate social services; and
- E. Participate in training and education of social work students from an accredited institution or an educational institution in candidacy for accreditation with the Council on Social Work Education or a successor organization and supervise other licensed social workers.

A licensed social worker ~~shall~~ may not engage in the private practice of social work, diagnose mental illness and emotional disorders or provide psychotherapy. A

licensed social worker with less than 2 years' experience must receive consultation from either a licensed master social worker, a licensed clinical social worker or a certified social worker - independent practice in a manner to be prescribed by the board on a group or individual basis 4 hours a month. Licensed social workers in health care facilities licensed by the Department of Human Services ~~shall~~ must receive consultation on a quarterly basis in a manner prescribed by the department. The department staff giving consultation to intermediate care facilities must be on the master or clinical level by January 1, 1993.

~~Notwithstanding the provisions of this subsection, licensed social workers employed by the Department of Human Services shall receive consultation in a manner to be prescribed by the department.~~

State agencies employing social workers ~~shall be~~ are responsible for providing supervision necessary for those social workers to maintain their licenses.

Sec. 6. 32 MRSA §7060, as amended by PL 2001, c. 316, §5, is repealed and the following enacted in its place:

§7060. Expiration and renewals

Licenses expire biennially on December 31st or at such other times as the Commissioner of Professional and Financial Regulation may designate. Biennial fees for renewal of licenses must be set by the board in an amount not to exceed those amounts specified in section 7056 and are due and payable biennially on or before the first day of January. License renewal fees for certified social workers are the same as those for licensed master social workers. Each renewal is contingent upon evidence of participation in a continuing professional education course or program as approved by the board. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

The board shall adopt rules that provide that a person licensed under this chapter may, upon written request, be placed in an inactive status. Reasons for granting inactive status include, but are not limited to, changes in occupation, residence and health. The payment of fees must be suspended during the term of inactive status. The board shall also adopt rules by

which a person in an inactive status may be reinstated. A person may be reinstated to active status by paying the fees for the year of reinstatement.

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

In addition to the other requirements of this section, a licensed social worker must:

1. Not employee of Department of Human Services. If not employed by the Department of Human Services, provide documentation of 96 hours of consultation as determined by the board during the first 3,200 hours of social work employment in a period of not less than 2 years but not more than 4 years; or

2. Employee of Department of Human Services. If employed by the Department of Human Services, provide documentation of either:

A. A minimum of 96 hours of consultation with a licensed social worker who has been licensed for at least 4 years or a licensed master social worker. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years; or

B. A minimum of 96 hours of consultation concurrent with the person's first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years with a licensed social worker who has been licensed for at least 2 years, has been designated by the department as a supervisor trainee and is concurrently receiving 48 hours of consultation with a licensed master social worker.

Sec. 7. Retroactivity. This Act applies retroactively to September 21, 2001.

See title page for effective date.

CHAPTER 430

H.P. 209 - L.D. 254

An Act To Require Full Disclosure of Prescription Drug Marketing Costs

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

Sec. 1. 22 MRSA §2699 is enacted to read:

§2699. Marketing costs

A manufacturer or labeler of prescription drugs dispensed in this State that employs, directs or utilizes marketing representatives in this State shall report marketing costs for prescription drugs in this State as provided in this section.

1. Purposes. Marketing costs for prescription drugs in this State must be reported to the department for the purposes of assisting this State in its role as a purchaser of prescription drugs and an administrator of prescription drug programs, enabling this State to determine the scope of prescription drug marketing costs and their effect on the cost, utilization and delivery of health care services and furthering the role of this State as guardian of the public interest.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Labeler" has the same meaning as provided in section 2697, subsection 1.

B. "Manufacturer" has the same meaning as provided in section 2697, subsection 1.

C. "Marketing" means advertising and promotional activities, including, but not limited to, the activities described in subsection 4.

3. Manner of reporting. By July 1st each year a manufacturer or labeler of prescription drugs that directly or indirectly distributes prescription drugs for dispensation to residents of this State shall file a report with the department in the form and manner provided by the department. The report must be accompanied by payment of a fee, as set by the department in rule, to support the work of the department under this section.

4. Content of annual report by manufacturer or labeler. The annual report filed under subsection 3 must include the following information as it pertains to marketing activities conducted within this State in a form that provides the value, nature, purpose and recipient of the expense:

A. All expenses associated with advertising, marketing and direct promotion of prescription drugs through radio, television, magazines, newspapers, direct mail and telephone communications as they pertain to residents of this State, except for expenses associated with advertising purchased for a regional or national market that includes advertising within the State;

B. With regard to all persons and entities licensed to provide health care in this State, including health care professionals and persons