

Maine Board of Social Work Licensure

Rules effective 10/11/2022

<https://www.maine.gov/sos/cec/rules/02/chaps02.htm#416>

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL SERVICES

416 BOARD OF SOCIAL WORKER LICENSURE

Chapter 10: DEFINITIONS

Summary: This chapter defines terms used in these rules and supplements those contained in 32 M.R.S. §7001-A.

Changes: Terms were clarified in this chapter including the descriptions of educational and experience requirements for licensure, update of the term “sexual misconduct” to include violations that occur during electronic communication, and update of the term “organic mental illness” to reflect groupings of neurodevelopmental and neurocognitive used in the DSM-5.

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Chapter 11: ADVISORY RULINGS

Summary: This chapter provides for the discretionary issuance of advisory rulings by the board.

Changes: There were minor, technical formatting amendments made to the chapter.

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Chapter 12: LICENSURE BY ENDORSEMENT

Summary: This chapter describes the pathway for Maine licensure for applicants with an active license in a U.S. jurisdiction that maintains licensing requirements that are substantially similar to Maine’s requirements for the licensed profession or occupation, so long as the applicant is in

good standing in all jurisdictions in which the applicant holds or has held a license and no cause for denial exists under 10 M.R.S. §8003(5-A)(A) or under any other law. This rule implements LD 149 (P.L. 2021, c. 167), “An Act to Facilitate Licensure for Credentialed Individuals” from Other Jurisdictions.

Change: This chapter repealed and replaced the former Chapter 12 “Application for Licensure” and includes updates the process by which an applicant from another U.S. jurisdiction can obtain licensure in Maine.

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Chapter 13: LICENSURE

Summary: This chapter contains the requirements for initial issuance and renewal of the social worker licenses issued by the board, including licensure without examination, and provides for inactive licenses. These requirements supplement the statutory requirements for licensure contained in 32 M.R.S. §§ 7053(3) and 7060.

Changes: Sections from former Chapter 12 were relocated here. Letters of professional recommendation were removed as part of the initial licensure process. Clarification of the rules for consultation hours provided for LMSW-CC to sit for their LCSW license. LCPC, LMFT, licensed psychologists, and licensed psychiatrists can now provide supervision hours to LMSW-CC licensees. Supervision can be delivered in person or via live synchronous video technology. Audio-only technology is not permitted for supervision. Supervision may be completed in groups of no more than 8 members. The term “social work employment” is defined as work which is entirely compensated financially. Requirement of notification to the Board of changes in consultancy must occur within 10 days.

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Chapter 14: CONTINUING PROFESSIONAL EDUCATION

Summary: This chapter sets forth the nature and amount of continuing professional education contact hours required for renewal of licenses issued by the board.

Changes: Incorporates new statutory requirement (32 M.R.S. § 7060) for a one-time attestation of course work in domestic violence (intimate partner violence) for all licensees

(Note, this course work can be completed prior to licensure including any related course work completed as part of college or university degree programs). Clarification is given to the requirement of 6 hours of Psychosocial Assessment (along with 6 hours of Ethics) being required for LSW-C (LSX) licensees only. This rule further clarifies the retention rule for documentation of continuing education activities and makes amendments to the scope of acceptable continuing professional education activities, specifically delineating the number of hours that may be earned through sessions in which immediate interaction with the instructor is/is not available and hours that may be earned through teaching, writing, and/or independent study (maximum of 10 hours allowable).

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Chapter 15: SCOPE OF PRACTICE

Summary: This chapter contains restrictions on the permissible scope of practice applicable to the different categories of licenses issued by the board, and related provisions.

Changes: There were minor, technical formatting amendments made to the chapter. This chapter reinforces the state statute forbidding social workers at any level to diagnosis “organic mental illness” (32 M.R.S. §7053-A) and forbidding LSW-C, LSW, and LMSW-CC licensees from engaging in the private practice of clinical social work. This section also reinforces the state statute requiring the assurance by the licensee that a client has been examined by a physician in the course of psychosocial evaluation and documentation standards of such (32 M.R.S. §7001-A(10)).

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Chapter 16: CODE OF ETHICS AND GROUNDS FOR DISCIPLINE

Summary: This chapter sets forth the board’s interpretation of certain grounds for discipline contained in 10 M.R.S. §8003(5-A)(A).

Changes: The title of this chapter was changed from the former Chapter 16 “Enforcement and Disciplinary Procedures”. This chapter omits the procedures for imposing discipline and conduct of adjudicatory hearings that are contained elsewhere in Maine law (Title 10, Section 8003 and Title 5, Chapter 375). There are additional updates to this chapter to reflect what activities are considered “misconduct”, amends what conduct is considered “sexual

misconduct”, and updates the version of the NASW Code of Ethics being used by this chapter (updated to version approved by the 202 Delegate Assembly, copyright 2021).

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Chapter 17: RECORD RETENTION REQUIREMENTS

Summary: This chapter sets forth client record retention requirements.

Changes: There were minor, technical formatting amendments made to the chapter.

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Chapter 18: TELEHEALTH

Summary: This chapter implements the provisions of P.L. 2021, c. 291 (32 M.R.S. §§ 7071 *et seq.*) by establishing standards of practice and appropriate restrictions for when social workers use telehealth to provide services to clients.

Changes: This chapter is new. Clarified that social workers licensed in Maine can provide telehealth services from anywhere, but the client must be physically located in Maine. From Maine’s perspective, the point of service is where the client is. It is important for licensees to verify the physical location of client prior to providing treatment. Of note, different states have different standards, so the licensee from Maine who is practicing out of state must check with any state they will be providing services to Maine clients from to verify if licensure in that state is also required. Social workers must use a HIPPA compliant platform and document this in notes. This applies for both audio-only and visual telehealth platforms. This chapter requires social workers to obtain informed consent before providing services via telehealth and outlines the components of such informed consent.