

SPONSOR: Rep. Bolden & Sen. Walsh
Reps. Bennett, Brady, Dukes, Spiegelman; Sens. Delcollo, Hansen, Lopez, Pettyjohn, Sokola

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 311
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF CLINICAL SOCIAL WORK EXAMINERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 39, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 39. Board of ~~Clinical~~ Social Work Examiners.

Section 2. Amend § 3901, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3901. Objectives of the Board.

The ~~primary objective of the~~ Board of ~~Clinical~~ Social Work ~~Examiners~~ Examiners' primary objective, to which all other objectives and purposes are secondary, is to protect the general ~~public (specifically~~ public, specifically those ~~persons~~ who are direct recipients of services ~~regulated by this chapter)~~ that this chapter regulates, from unsafe practices and occupational practices which tend to reduce competition or fix the price of services rendered. The Board achieves this objective through the effective control and regulation of the practice of ~~clinical~~ social ~~work;~~ work and the licensure, ~~control~~ control, and regulation of ~~persons~~ individuals who practice ~~clinical~~ social work within ~~Delaware, from unsafe practices, and from occupational practices which tend to reduce competition or fix the price of services rendered.~~ Delaware. The ~~secondary objectives of the Board~~ Board's secondary objectives are to maintain minimum standards of ~~practitioner competency, and to maintain~~ licensee competency and certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional ~~competency; shall~~ competency, monitor complaints brought against ~~practitioners regulated by~~ licensees, ~~the Board; shall~~ adjudicate at formal complaint ~~hearings; shall~~ hearings, promulgate rules and ~~regulations; and shall~~ regulations, and impose sanctions against licensees where necessary ~~against practitioners~~.

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Section 3. Amend § 3902, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3902. Definitions.

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.~~ As used in this chapter:

(1) “Advanced practice” means the specialized professional application of social work theory, knowledge, methods, principles, values, and ethics, and the professional use of self to community and organizational systems, meaning systemic and macrocosm issues, and other indirect, nonclinical services. “Advanced practice” includes activities such as community organization and development; social planning and policy development; administration of social work policies, programs, and activities; outcome evaluation; client education; research; nonclinical supervision of employees; nonclinical consultation; nonclinical assessment and referral; mediation; expert testimony; and advocacy.

(2) “Another jurisdiction” means another state of the United States, the District of Columbia, a territory of the United States, or a country outside of the United States or its territories.

(3) “Applicant” means an individual seeking licensure under this chapter.

(4) “Baccalaureate social work” is the entry level of social work and means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. “Baccalaureate social work” is generalist practice.

(5) “Baccalaureate social worker” means an individual licensed to practice baccalaureate social work.

~~(1)~~ (6) "Board" ~~shall mean~~ means the Board of ~~Clinical~~ Social Work Examiners.

(7) “Case management” means a method to plan, provide, evaluate, and monitor services from a variety of resources on behalf of and in collaboration with a client.

~~(2) "Clinical social work" shall mean the application of social work theory and methods, which may include the person-in-environment perspective, to the assessment, diagnosis, prevention and treatment of biopsychosocial dysfunction, disability and impairment, including mental and emotional disorders, developmental disabilities and substance abuse. The application of social work method and theory includes, but is not restricted to, assessment (excluding administration of the psychological tests which are reserved exclusively for use by licensed psychologists pursuant to Chapter 35 of this title), diagnosis, treatment planning and psychotherapy with individuals, couples, families and groups, case management, advocacy, crisis intervention and supervision of and consultation about clinical~~

~~social work practice. Such application and services may be provided through the use of telemedicine in a manner deemed appropriate by regulation. Services also may include participation in telehealth as further defined in regulation.~~

(8) “Client” means an individual, couple, family, group, organization, or community that seeks or receives social work services from a social worker or an organization whether those services are free or for a fee.

(9) “Clinical supervisor” means a licensed clinical social worker who has met the qualifications as determined by the Board.

(10) “Consultation” means an advisory professional relationship between a social worker and other professionals, with the social worker ethically maintaining responsibility for all judgments and decisions regarding service to a client.

(11) “Counseling” means a method, in addition to psychotherapy, advocacy, research, and consultation, used by social workers to assist individuals, couples, families, and groups in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns.

~~(3)~~ (12) "Distant site" means a site at which a health-care provider legally allowed to practice in the State is located while providing health-care services by means of telemedicine or telehealth.

(13) “Division” means the Division of Professional Regulation.

(14) “Excessive use or abuse of drugs” means the use of narcotics, controlled substances, or illegal drugs without a prescription from a licensed physician or other professional licensed to prescribe, or the abuse of alcoholic beverages such that it impairs an individual’s ability to perform social work.

(15) “Generalist practice” means a professional problem process that includes engagement, assessment, treatment planning, intervention, and evaluation. Methods of generalist practice include case management, information and referral, counseling, consultation, education, advocacy, community organization, research, and the development, implementation, and administrations of policies, programs, or activities.

(16) “Good standing” means meeting the standards of § 3907(a) of this title.

~~(4) "Independent practice" means the practice of clinical social work services by a clinical social work practitioner who assumes responsibility for the nature and quality of the services provided to the client in exchange for direct payment or third-party payment.~~

(17) "Licensed clinical social work" means the specialty within the practice of master’s social work, that requires the application of specialized clinical knowledge and advanced clinical skills of social work theory, knowledge, methods, and ethics, as applied to a clinical, therapeutic relationship which may include the person-in-environment perspective, to the assessment, diagnosis, prevention, and treatment of biopsychosocial dysfunction,

disability, and impairment, including mental and emotional disorders, developmental disabilities, and substance abuse. "Licensed clinical social work" includes the provision of individual, marital, couple, family and group counseling, and psychotherapy, as they are related to clinical, therapeutic relationship. "Licensed clinical social work" also includes private practice and supervision. "Licensed clinical social work" does not include the administration of psychological tests, which are reserved exclusively for use by licensed psychologists under Chapter 35 of this title.

~~(5)~~ (18) "Licensed clinical social worker" ~~shall mean any individual duly licensed under this chapter~~ means an individual licensed to practice licensed clinical social work.

(19) "Licensee" means an individual licensed under this chapter.

(20) "Master's social work" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. "Master's social work" is the application of generalist practice, specialized knowledge, and advanced practice skills, and includes supervision.

(21) "Master's social worker" means an individual licensed to practice master's social work.

~~(6)~~ (22) "Originating site" means a site in Delaware at which a ~~patient~~ client is located at the time health-care services are provided to ~~him or her~~ the client by means of telemedicine or telehealth~~, unless the term is otherwise defined with respect to the provision in which it is used; provided, however, notwithstanding any other provision of law, insurers and providers may agree to alternative siting arrangements deemed appropriate by the parties~~.

~~(7) "Practitioner," as used in this chapter, shall mean any individual engaged in the practice of clinical social work.~~

(23) "Person-in-environment perspective" means observing human behavior, development, and function in the context of the environment, social functioning, mental health, physical health, or any combination thereof.

(24) "Social work" means baccalaureate social work, master's social work, and licensed clinical social work, collectively or, if context demands, individually.

(25) "Social worker" means baccalaureate social worker, master's social worker, and licensed clinical social worker, collectively or, if context demands, individually.

~~(8)~~ (26) "Store and forward transfer" means the transmission of a ~~patient's~~ client's medical information either to or from an originating site or to or from the provider at the distant site, but does not require the ~~patient~~ client being ~~present nor must it~~ present or the transmission to be in real time.

~~(9)~~ (27) "Substantially related" means the nature of the criminal ~~conduct,~~ conduct for which the ~~person~~ individual was ~~convicted,~~ convicted has a direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to ~~clinical~~ social work.

(28) "Supervision" means the professional relationship between a clinical supervisor and a social worker that provides evaluation and direction over the services that the social worker provides and promotes continued development of the social worker's knowledge, skills, and abilities to provide social work services in an ethical and competent manner.

~~(10)~~ (29) "Telehealth" means the use of information and communications technologies consisting of telephones, remote ~~patient~~ client monitoring ~~devices~~ devices, or other electronic means which support clinical health care, provider consultation, ~~patient~~ client and professional health-related education, public health, health administration, and other services as described in regulation.

~~(11)~~ (30) "Telemedicine" means a form of telehealth which is the delivery of clinical health-care services by means of real time 2-way audio, visual, or other telecommunications or electronic communications, including the application of secure video conferencing or store and forward transfer technology to provide or support health-care delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, care ~~management~~ management, and self-management of a ~~patient's~~ client's health care by a licensee practicing within ~~his or~~ her the licensee's scope of practice as would be practiced in-person with a ~~patient~~ client and with other restrictions as defined in regulation.

Section 4. Amend § 3903, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3903. License required.

~~(a) No person shall engage in the independent practice of clinical social work or hold himself or herself out to the public in this State as being qualified to practice the same; or use in connection with that person's name, or otherwise assume or use, any title or description conveying or tending to convey the impression that the person is qualified to practice clinical social work, unless such person has been duly licensed under this chapter. A person who provides the Board with proof, to the Board's satisfaction, no later than February 1, 2011, that such person has practiced clinical social work for at least 20 years and is currently practicing clinical social work, shall be exempted from this provision, except that such person shall be required to show successful completion of the Association of Social Work Boards (ASWB) clinical examination.~~

~~(b) Whenever a license to practice clinical social work in this State has expired or has been suspended or revoked, it shall be unlawful for the person to practice clinical social work in this State.~~

(a) It is unlawful for an individual who is not licensed under this chapter to do any of the following:

(1) Engage in the practice of social work.

(2) Hold the individual out to the public in this State as being qualified to practice social work.

(3) Use in connection with the individual's name or otherwise assume or use any title or description conveying or tending to convey the impression that the individual is qualified to practice social work.

(b) It is unlawful for an individual to practice social work in this State if the individual's license to practice social work is expired, suspended, or revoked.

(c) Exemptions.

(1) This chapter does not apply to an individual who meets any of the following criteria:

a. Is licensed in good standing to practice social work in another jurisdiction, provided that the individual has made prior written application to the Board to practice social work in this State and the Board has approved the application. An individual may practice social work, within the scope of practice designated by the individual's license, in this State under this subsection for no more than 30 days per year. An individual who provides services under this subsection is deemed to have submitted to the Board's jurisdiction and bound by the laws of this State.

b. Is certified or licensed in this State by any other law, and is engaged in and acting within the scope of the profession or occupation for which the individual is certified or licensed.

c. Is clergy of any denomination, when engaging in activities that are within the scope of the performance of that individual's regular or specialized ministerial duties.

d. Performs assessments such as basic information collection, gathering of demographic data, and informal observations, screening, and referral to determine a client's general eligibility for a program or service and a client's functional status for the purpose of determining need for services unrelated to a behavioral health diagnosis or treatment plan.

e. Creates, develops, or implements a service plan unrelated to a behavioral health diagnosis or treatment plan. Service plans may include job training and employability, housing, general public assistance, in-home services and supports or home-delivered meals, de-escalation techniques, peer services, or skill development.

f. Participates as a member of a multi-disciplinary team to implement behavioral health services or a treatment plan, provided that all of the following conditions are met:

1. The team includes 1 or more health care professionals licensed under Title 24.

2. The activities that each team member performs are consistent with the scope of practice for that member's license under Title 24.

3. Individuals exempted under paragraph (c)(1)f. of this section do not engage in any of the following restricted practices:

A. Diagnosis of mental, emotional, behavioral, addictive, and developmental disorders and disabilities.

B. Client assessment and evaluation.

C. Provision of psychotherapeutic treatment.

D. Development and implementation of assessment-based treatment plans.

(2) Nothing in this subsection may be construed as requiring a license for any particular activity or function solely because the activity or function is not listed in this subsection.

(3) Licensure of social workers employed on [the date of enactment of this Act] by a state agency or private or non-profit agency is voluntary. However, an individual who is newly-employed or employed in a new position by a state agency or private or non-profit agency 5 years after [the date of enactment of this Act] must be licensed under this chapter if the individual provides services as a social worker. Individuals to whom this paragraph applies and who choose to seek licensure must do so under the grandfathering provisions of § 3907B of this title.

Section 5. Amend § 3904, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3904. Board of ~~Clinical~~ Social Work Examiners — Appointment; composition; qualifications; term of office; suspension or removal; compensation.

(a) The Board of ~~Clinical~~ Social Work Examiners ("Board") ~~shall consist~~ consists of 7 members who are appointed by the Governor and meet the following qualifications:

(1)a. Four professional members, ~~who shall be licensed clinical social workers,~~ consisting of 2 licensed clinical social workers and 2 at-large professional members who may be baccalaureate social workers, master's social workers, or licensed clinical social workers.

b. ~~and 3~~ Three public ~~members. To serve on the Board, a public member shall not be, nor ever have been, a clinical~~ members who are accessible to inquiries, comments, and suggestions from the general public and are not, nor have ever been, any of the following:

1. A social worker~~, nor~~ or a member of the immediate family of a ~~clinical~~ social ~~worker;~~ worker.

2. ~~shall not have been employed~~ Employed by a social work ~~agency;~~ agency.

3. ~~shall not have had~~ Holder of a material financial interest in the providing of goods and services to ~~clinical~~ social ~~workers;~~ workers.

4. ~~nor have been engaged~~ Engaged in an activity directly related to ~~clinical~~ social work. ~~Such public members shall be accessible to inquiries, comments and suggestions from the general public.~~

(b) Each member ~~shall serve~~ is appointed for a period of 3 years, and may ~~succeed himself or herself for~~ serve 1 additional ~~term; provided, however, that where a member was initially appointed to fill a vacancy, such member may succeed himself or herself for only 1 additional full term. Any person appointed to fill a vacancy on the Board shall hold office for the remainder of the unexpired term of the former member~~ term. Each term of office ~~shall expire~~ expires on the date specified in the ~~appointment, except that each member shall serve until a successor is duly appointed~~ appointment; however, a member remains eligible to participate in Board proceedings until the Governor replaces that member.

(c) ~~A person who has never served on the Board may be appointed to the Board 2 consecutive times; but, no such person shall thereafter be eligible for 2 consecutive appointments. No person who has been twice appointed to the Board, or who has served on the Board for 6 years within any 9-year period, shall again be appointed to the Board until an interim period of at least 1 term has expired since such person last served.~~ An individual who has served on the Board for 6 years may not be appointed to the Board again until the expiration of an interim period of at least 3 years since the individual last served.

(d) ~~A member of the Board shall be suspended or removed by the Governor~~ The Governor may suspend or remove a member for misfeasance, nonfeasance, malfeasance, or neglect of duty.

(1) A member is deemed in neglect of duty if the member is absent from 3 consecutive Board meetings without good cause or fails to attend at least 50% of all regular Board meetings in a calendar year.

(2) A member who is deemed in neglect of duty is considered to have resigned.

(3) A member subject to disciplinary proceedings ~~shall be~~ is disqualified from Board business until the charge is adjudicated, or the matter is otherwise concluded.

(4) A ~~Board~~ member may appeal any suspension or removal to the Superior Court.

(e) ~~No~~ A member ~~of the Board~~ while serving on the Board ~~shall~~ may not be a president, ~~chairperson~~ chair, or other elected official of a professional association for social workers other than the Board.

(f) The provisions set forth for employees in Chapter 58 of Title 29, ~~shall apply~~ apply to all members ~~of the Board,~~ and ~~to all~~ agents that the Board ~~appointed~~ appoints or otherwise ~~employed by the Board~~ employs.

(g) Each member of the Board shall be reimbursed for all expenses involved in each meeting, including travel, and in addition shall receive compensation per meeting attended in an amount determined by the Division in accordance with Del. Const. art. III, § 9.

(h) An act or vote by an individual appointed in violation of this section is invalid. An amendment or revision of this chapter is not sufficient cause for an appointment or attempted appointment in violation of subsection (e) of this section, unless the amendment or revision amends this chapter to permit such an appointment.

Section 6. Amend § 3905, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3905. Board of ~~Clinical~~ Social Work Examiners — ~~Officers;~~ Organization; officers; meetings; quorum.

(a) In the same month of each ~~year~~ year, the members shall elect, from among their number, a President, ~~a Vice-President~~ Vice-President, and Secretary. Each officer ~~shall serve~~ serves for 1 year, and may serve no more than 2 consecutive years in the same office.

(b) The Board shall hold regularly scheduled business meetings at least once in each quarter of a calendar year, and at such other times as the President deems necessary, or at the request of a majority of the ~~Board~~ members.

(c) A majority of members ~~shall constitute a quorum; and no action shall be taken without the affirmative vote of at least 4 members. Any member who fails to attend 3 consecutive meetings, or who fails to attend at least 1/2 of all regular business meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from office and a replacement shall be appointed.~~ constitutes a quorum for the purpose of transacting business. The Board may not take disciplinary action without the affirmative vote of at least 4 members.

(d) Minutes of all meetings ~~shall be recorded; and, copies shall be maintained by the Division of Professional Regulation~~ must be recorded and the Division shall maintain copies of meeting minutes. At any hearing where evidence is presented, a record from which a verbatim transcript can be prepared ~~shall~~ must be made. The expense of preparing any transcript ~~shall~~ must be incurred by the person requesting it.

Section 7. Amend § 3906, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3906. Board of ~~Clinical~~ Social Work Examiners — Powers and duties.

(a) The Board ~~shall have the authority to~~ may do all of the following:

(1) Formulate rules and regulations, with appropriate notice to those ~~affected; all rules~~ affected. Rules and regulations ~~shall~~ must be promulgated in accordance with the procedures specified in the Administrative Procedures Act of this State [Chapter 101 of Title 29]. Each rule or regulation ~~shall~~ must implement or clarify a specific section of this ~~chapter;~~ chapter.

(2) Designate the application form to be used by all ~~applicants,~~ applicants and ~~to~~ process all ~~applications;~~ applications. An application form may not require a picture of the applicant; information relating to the applicant's citizenship, place of birth, or length of state residency; or personal references.

(3) Designate, under § 3908(a) of this title, a written national examination, prepared by either ~~the~~ a national professional association or ~~by a~~ recognized legitimate national testing ~~service and~~ service, approved by the ~~Division of Professional Regulation~~ Division, and administered to applicants. The examination ~~shall~~ must be prepared for testing on a national basis, and not specifically prepared at the Board's request ~~of the Board~~ for its individual use. ~~The national examination shall be taken by persons applying for licensure except applicants who qualify for licensure by reciprocity;~~

(4) ~~Provide for the administration of all examinations, including notice and information to applicants;~~ [Repealed.]

(5) Evaluate certified records to determine whether an applicant ~~for licensure,~~ who has been previously licensed, ~~certified~~ certified, or registered in another jurisdiction to practice ~~clinical~~ social ~~work,~~ work has engaged in any act or offense that would be grounds for disciplinary action under this chapter and whether there are disciplinary proceedings or unresolved complaints pending against ~~such applicants~~ the applicant for such acts or ~~offenses;~~ offenses.

(6) Grant licenses to all ~~persons~~ applicants who meet the qualifications for licensure ~~and/or~~ or renewal of ~~licenses;~~ licenses.

(7) Establish by rule and regulation continuing education standards required for license ~~renewal;~~ renewal.

(8) Refer all complaints from licensees and the public concerning ~~practitioners~~ licensees, or concerning practices of the Board or of the profession, to the Division ~~of Professional Regulation~~ for investigation ~~pursuant to~~ under § 8735(h) of Title ~~29; and,~~ 29 and assign a Board member ~~of the Board~~ to assist the Division in an advisory capacity with the investigation of the technical aspects of the complaint. ~~Such member shall recuse himself or herself from the deliberations on the complaint;~~ A Board member who is assigned to assist the Division under this paragraph may not participate in deliberations on the complaint.

(9) ~~Determine whether or not a practitioner shall be the subject of a disciplinary hearing; and, if so, to conduct such hearing in accordance with this chapter and the Administrative Procedures Act [Chapter 101 of Title 29];~~ [Repealed.]

(10) Conduct hearings and issue orders in accordance with procedures established ~~pursuant to~~ under this chapter, Chapter 101 of Title 29, and § 8735 of Title 29. ~~Where such provisions conflict with the provisions of this chapter, this chapter shall govern;~~

(11) ~~Where it has been determined~~ If the Board determines after a disciplinary ~~hearing,~~ hearing that penalties or sanctions should be imposed, ~~to~~ designate and impose the appropriate sanction or ~~penalty after time for appeal has lapsed;~~ penalty.

(12) Bring proceedings in the courts for the enforcement of this chapter.

(13) Perform random post-renewal audits of continuing education credits submitted by licensees for license renewal.

(14) Request a copy of supervisory logs from an applicant who has applied for license under this chapter, as established in the rules and regulations.

(b) The Board ~~of Clinical Social Work Examiners~~ shall promulgate regulations specifically identifying ~~those crimes,~~ crimes which are substantially related to ~~clinical~~ social work.

Section 8. Amend § 3907, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3907. Qualifications of applicants; licensure tiers; report to Attorney General; judicial review.

(a) An applicant who is applying for examination and licensure under this chapter shall submit evidence, verified by oath and satisfactory to the Board, that ~~such person~~ the applicant meets all of the following criteria:

(1) ~~Has received a doctoral or master's degree in clinical social work from a college or university accredited by the Council on Social Work Education. In addition, the applicant shall submit proof satisfactory to the Board that, subsequent to the receipt of a master's degree from an accredited school of social work, the applicant has acquired 2 years of clinical social work experience acceptable to the Board. The clinical social work experience shall consist of not less than 3,200 hours, at least 1,600 hours of which shall have been under professional supervision acceptable to the Board. Acceptable supervision shall mean supervision by a licensed clinical social worker. When such supervision is not available, the applicant may be supervised by a master's level degree social worker, a licensed psychologist, or a licensed psychiatrist. Persons holding degrees from programs outside the United States or its territories must provide evidence of training and degree equivalent to accredited programs. These applicants are responsible for providing the Board with an educational credential evaluation from an agency or institution recognized by the Board for this purpose;~~ [Repealed.]

(2) Has not engaged in any of the acts or offenses that would be grounds for disciplinary action under this ~~chapter; has no disciplinary proceedings or unresolved complaints pending against that person in any jurisdiction where the applicant previously has been, or currently is, licensed to practice clinical social work.~~ chapter. Applicants who have been or who currently are licensed to practice ~~clinical~~ social work in another jurisdiction must provide the

Board with a certified statement to this effect from the ~~Board, or from a~~ board or comparable agency of each jurisdiction in which the applicant has ever been licensed to practice ~~clinical~~ social work. Applicants ~~for licensure in this State shall be~~ are deemed to have given consent to the release of such information and ~~to waive~~ waived all objections to the admissibility of such ~~evidence;~~ evidence.

(3) Has not been convicted of a felony sexual ~~offense;~~ offense.

(4)a. Has submitted, at the applicant's expense, fingerprints and other necessary information in order to obtain the following:

~~a.~~ 1. A report from the State Bureau of Identification of the applicant's entire criminal history record ~~from the State Bureau of Identification~~ in this State or a statement from the State Bureau of Identification that the State Central Repository contains no such information relating to that ~~person~~ individual.

~~b.~~ 2. A report of the applicant's entire federal criminal history record ~~pursuant to~~ under the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534). The State Bureau of Identification ~~shall be~~ is the intermediary for purposes of this section and the Board ~~of Clinical Social Worker Examiners shall be~~ is the screening point for the receipt of ~~said~~ the federal criminal history records.

b. An applicant may not be licensed as a ~~clinical~~ social worker until the applicant's criminal history reports have been produced. ~~An applicant whose record shows a prior criminal conviction may not be certified by the Board unless a waiver is granted pursuant to this chapter.~~ The State Bureau of Identification may release any subsequent criminal history to the ~~Board;~~ Board.

(5) ~~Shall~~ Does not have any impairment related to drugs or alcohol or a finding of mental incompetence by a physician, licensed mental health professional, or licensed or certified substance abuse professional that would limit the applicant's ability to undertake the practice of ~~clinical~~ social work in a manner consistent with the safety of the ~~public; and~~ public.

(6) ~~Shall provide such~~ Has or will provide all information ~~as may be~~ required on ~~an~~ the application ~~form furnished by the Board. No application form shall require a picture of the applicant; require information relating to citizenship, place of birth, length of state residency; nor require personal references~~.

(7) Has not been convicted of a crime that is substantially related to social work or any offense which would limit the applicant's ability to carry out the applicant's professional duties with due regard for the health and safety of clients. The Board may, by affirmative vote of a quorum of the Board, waive the requirement of this paragraph if it finds, after a hearing or review of documentation, that the applicant seeking waiver meets, when the applicant's application is filed, all of the following criteria:

a. For waiver of a misdemeanor conviction or violation, the applicant is not incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence and is in substantial compliance with all court orders pertaining to fines, restitution, and community service.

b. For waiver of a felony conviction, more than 5 years have elapsed since the date of conviction; the applicant is not incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence; and the applicant is in substantial compliance with all court orders pertaining to fines, restitution, and community service.

c. The applicant has not been convicted of a felony sexual offense.

d. The applicant is capable of practicing social work in a competent and professional manner.

e. Granting the waiver will not endanger the public health, safety, or welfare.

(8) Has submitted to the Board reports from child and adult abuse registries in Delaware and every state in which the applicant has ever been licensed or employed, or resided as an adult.

(b) Licensed clinical social worker. An applicant who is applying for licensure as a licensed clinical social worker shall submit evidence, verified by oath and satisfactory to the Board, that the applicant meets all of the following requirements:

(1) Meets the criteria under subsection (a) of this section.

(2) Has graduated and received a master's or doctoral degree in social work from a program accredited by the Council on Social Work Education or its successor, or has graduated and received a doctoral degree from a program the Board has approved.

(3) Has successfully passed an examination that the Board designated under § 3906(a)(3) of this title.

(4) Has completed 2 years of supervised experience that the Board has approved, under the supervision of a licensed clinical social worker, after receiving a master's or doctoral degree described in paragraph (b)(2) of this section. If an applicant demonstrates to the Board's satisfaction and in compliance with the Board's rules and regulations that a licensed clinical social worker was not available for supervision, the applicant may complete 2 years of supervised experience supervised by a master's social worker, licensed psychologist, or licensed psychiatrist, if the supervision meets all other requirements established in the Board's rules and regulations.

(c) Master's social worker. An applicant who is applying for licensure as a master's social worker shall submit evidence, verified by oath and satisfactory to the Board, that the applicant meets all of the following requirements:

(1) Meets the criteria under subsection (a) of this section.

(2) Has graduated and received a master's degree in social work from a program accredited by the Council on Social Work Education or its successor.

(3) Has successfully passed an examination that the Board designated under § 3906(a)(3) of this title.

~~(d) All individuals licensed as a clinical social worker in this State shall be required to be fingerprinted by the State Bureau of Identification, at the licensee's expense, for the purposes of performing subsequent criminal background checks. Licensees shall submit by January 1, 2013, at the applicant's expense, fingerprints and other necessary information in order to obtain a criminal background check.~~

(d) Baccalaureate social worker. An applicant who is applying for licensure as a baccalaureate social worker shall submit evidence, verified by oath and satisfactory to the Board, that the applicant meets all of the following requirements:

(1) Meets the criteria under subsection (a) of this section.

(2) Has graduated and received a baccalaureate degree in social work from a program accredited by the Council on Social Work Education or its successor.

(3) Has successfully passed an examination that the Board designated under § 3906(a)(3) of this title.

~~(b)~~ (e) ~~Where the Board has found~~ If the Board finds, to its satisfaction, that an application is fraudulent, or that false information has been intentionally supplied, it shall report its findings to the Attorney General for further action.

~~(c)~~ (f) ~~Where the application of a person has been refused or rejected, and such applicant feels that the Board has acted without justification; has~~ If an applicant believes the Board has denied an applicant without justification, imposed higher or different standards for the applicant than for other applicants or ~~licensees; or has~~ licensees, or in some other manner contributed to or caused the failure of ~~such~~ the application, the applicant may, within 30 days of such denial, appeal the Board's decision to the Superior Court.

Section 9. Amend Chapter 39, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3907A. Applicants educated outside of the United States or its territories.

In addition to meeting all other applicable requirements under § 3907 and § 3909 of this title, an applicant whose application is based on a diploma or degree issued by a social work program outside of the United States or its territories shall furnish evidence satisfactory to the Board that the applicant completed a course of professional instruction equivalent to a program approved by the Council on Social Work Education or its successor. The applicant shall arrange and pay for a credential evaluation of the foreign program, to be completed by an agency that the Board has approved.

Section 10. Amend Chapter 39, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3907B. Qualifications of applicant; grandfathering.

(a) Grandfathering period.

(1) The Board shall issue a license to an applicant who meets all the applicable requirements under this section and has submitted a completed, signed application and the applicable fee within 2 years of [the date of enactment of this Act].

(2) If the applicant does not provide all of the information that the Board has requested within 2 years after [the date of enactment of this Act], the application for licensure is considered ineligible for grandfathering and is closed.

(b) An applicant who applies for licensure as a master's social worker during the grandfathering period shall submit evidence, verified by oath and satisfactory to the Board, that the applicant meets the criteria under § 3907(a) of this title and has at least 1 of the following:

(1) At least 10 years of work experience obtained within 12 years immediately preceding application and supported by an experience affidavit, as established by the Board's rules and regulations. The applicant must have obtained the work experience within the scope of master's social work.

(2) At least 2 years of work experience obtained within the 4 years immediately preceding application and supported by an experience affidavit, as established by the Board's rules and regulations. The applicant must have obtained the work experience within the scope of master's social work. An applicant seeking licensure under this subsection must also have graduated and received a master's degree that meets at least 1 of the following criteria:

a. Is a master's degree in social work from a program accredited by the Council on Social Work Education or its successor.

b. Is a master's degree in human services, social and behavioral sciences, psychology, sociology, or other related degree that the Board accepts, as established by the Board's rules and regulations, from an accredited college or university.

(c) An applicant who applies for licensure as a baccalaureate social worker during the grandfathering period shall submit evidence, verified by oath and satisfactory to the Board, that the applicant meets the criteria under § 3907(a) of this title and has at least 1 of the following:

(1) At least 3 years of work experience obtained within 5 years immediately preceding application and supported by an experience affidavit, as established by the Board's rules and regulations. The applicant must have obtained work experience within the scope of baccalaureate social work.

(2) At least 1 year of work experience obtained within 2 years immediately preceding application and supported by an experience affidavit, as established by the Board's rules and regulations. The applicant must have obtained work experience within the scope of baccalaureate social work. The applicant must have also graduated and received a baccalaureate degree that meets at least 1 of the following criteria:

a. Is a baccalaureate degree in social work from a program accredited by the Council on Social Work Education or its successor.

b. Is a baccalaureate degree from an accredited college or university in human services, social and behavioral sciences, psychology, sociology, or other related degree that the Board accepts, as established by the Board's rules and regulations.

Section 11. Amend § 3908, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3908. Examination.

(a) ~~The Board shall administer, in the same month of each year, or at such times as are determined by the American Association of State Social Work Boards (AASSWB), or its successor, a national clinical examination prepared by the American Association of State Social Work Boards, or its successor. Such national written examination shall be obtained from and graded by the American Association of State Social Work Boards, or its successor. There is no limit on the number of times that an applicant may sit for the national examination.~~ The Board shall promulgate regulations to designate each of the following:

(1) An examination, as described in § 3906(a)(3) of this title, to be administered to applicants.

(2) The maximum number of times an applicant may take the national examination designated under paragraph (a)(1) of this section.

(b) In the event the applicant has already taken and passed the national ~~clinical~~ examination ~~prepared by the American Association of State Social Work Boards, or its successor~~ designated under paragraph (a)(1) of this section, the Board shall accept the certificate or other evidence of successful completion ~~shall be accepted~~, and ~~no~~ the applicant is not required to take any further state examination ~~shall be necessary~~.

Section 12. Amend § 3909, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3909. Reciprocity.

~~An applicant for licensure who is licensed as a clinical social worker in another state shall meet all of the qualifications for licensure under §§ 3907 and 3908 of this title. The applicant shall contact the American Association of State Social Work Boards, or its successor, and obtain and provide to the Board a certified statement as to whether there are any outstanding or ongoing disciplinary actions and/or ethical violations against the applicant or whether the applicant has engaged in any of the acts or offenses that would be grounds for disciplinary action under this chapter. In the event that a disciplinary proceeding or unresolved complaint is pending, the applicant shall not be licensed in this State until the proceeding or complaint has been resolved. Applicants for licensure as licensed clinical social workers in this State shall be deemed to have given consent to the release of such information and to waive all objections to the admissibility of such information as evidence at any hearing or other proceeding to which the applicant may be subject. Each application for licensure shall be accompanied by payment of the application fee.~~

(a) Upon payment of the required fee and submission and acceptance of a written application on forms that the Board provides, the Board shall grant a license to an applicant who has done all of the following:

(1) Presented proof of a current, active license in good standing and with no disciplinary action taken against the applicant in another jurisdiction whose standards the Board has determined are substantially similar to those of this State.

(2) Presented proof that, in any other jurisdiction in which the applicant is or was licensed, the applicant's license is in good standing or the applicant is voluntarily no longer licensed.

(3) Successfully passed an examination that the Board designated under § 3906(a)(3) of this title.

(4) Provided the Board with a certified statement as to whether any outstanding or ongoing disciplinary actions or ethical violations are against the applicant, or whether the applicant has engaged in any of the acts or offenses that may be grounds for disciplinary action under this chapter. Applicants are deemed to consent to the release of information regarding disciplinary actions or ethical violations and waive all objections to the admissibility of the information as evidence at any hearing or other proceeding to which the applicant may be subject under this chapter.

(b) An applicant who has a license in another jurisdiction that has less stringent requirements than those of this State may obtain a license under this section if the applicant can prove to the Board's satisfaction that the applicant has worked in another jurisdiction in the field for which the applicant is seeking a license in this State for at least 5 years in the

7 years immediately preceding application in this State. The Board may determine whether the requirements of another jurisdiction are less stringent than those of this State.

Section 13. Amend § 3910, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3910. Fees.

The amount to be charged for each fee imposed under this chapter ~~shall~~ must approximate and reasonably reflect all costs necessary to defray the Board's expenses ~~of the Board as well as the~~ and proportional expenses ~~incurred by the Division of Professional Regulation~~ that the Division incurs in its services on behalf of the Board. ~~There shall be a~~ A separate fee must be charged for each service or ~~activity; but,~~ activity, but no fee ~~shall~~ may be charged for a purpose not specified in this chapter. ~~The application fee shall not be combined with any other fee or charge. At the beginning of each calendar year the Division of Professional Regulation, or any other state agency acting in its behalf, shall compute, for each separate service or activity, the appropriate Board fees for the coming year.~~

Section 14. Amend § 3911, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3911. Issuance of license; renewal; inactive status~~; reinstatement~~.

(a) The Board shall issue a license to each applicant who meets the ~~requirements of this chapter for licensure as a clinical social worker~~ applicable qualifications and ~~who~~ pays the fee ~~established~~ required under ~~§ 3910 of this title~~ this chapter.

(b)(1) Each license ~~shall~~ must be renewed biennially, in such a manner ~~as is determined by the Division of Professional Regulation~~ that the Division determines, and upon payment of the ~~appropriate~~ required fee ~~and submission of a renewal form provided by the Division of Professional Regulation,~~ and ~~proof~~ attestation that the licensee has met the continuing education requirements that the Board established ~~by the Board~~.

(2) ~~The~~ Each license ~~will expire~~ expires on ~~January 1~~ January 31 of the renewal year.

(3) The Division ~~A late fee~~ shall ~~be~~ set ~~by the Division of Professional Regulation~~ a late fee. If a ~~practitioner~~ licensee fails to renew the license in 1 year from the renewal date, the ~~practitioner~~ licensee must ~~re-apply~~ reapply for licensure.

(c)(1) Any licensee, upon written request, may be placed in an inactive status for up to ~~1 year~~ 3 years. ~~The Board may extend the inactive status for additional 1 year periods upon written request of the licensee.~~

(2) The renewal fee of a licensee on inactive status ~~will~~ must be prorated in accordance with the amount of time ~~a person~~ the licensee is on inactive status.

(3) The licensee may ~~re-enter practice~~ reactivate the license after meeting all of the following criteria:

a. Providing the Board with written notification ~~to the Board of the licensee's intent to do so and after~~ that the licensee intends to reactivate the license.

b. ~~satisfying~~ Satisfying all the continuing education ~~requirements and~~ requirements.

c. ~~paying~~ Paying the appropriate renewal fee.

(4) A licensee who fails to reactivate a license within 3 years of being placed on inactive status must reapply for licensure.

~~(d) A former licensee, whose license has been revoked, and who subsequently is permitted to apply for reinstatement, shall apply for a new license, and shall successfully complete the national clinical examination and shall pay all appropriate fees.~~

Section 15. Amend § 3912, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3912. Continuing education.

The Board shall promulgate regulations that require licensees to complete ~~at least 45~~ continuing education hours for each biennial licensing period. ~~Continuing education may consist of, but not be limited to, additional professional development in the field of clinical social work, including attendance at workshops, seminars, lectures and preparation of a first-time clinical course.~~

~~If a licensee shall be unable to complete the required continuing education hours during any biennial licensing period, the Board may extend, for good cause shown by the licensee, the time to complete the required number of hours up to 120 days after the close of the biennial licensing period. The Board shall set forth by regulation the procedures that shall be applicable to such extensions. Such regulations may provide that each application for an extension be accompanied by an appropriate administrative fee as determined by the Division of Professional Regulation.~~

Section 16. Amend § 3913, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3913. Privileged communications.

~~No licensed clinical~~ A social worker may not disclose any information acquired from ~~persons~~ a person consulting the social worker in a professional capacity except:

(1) With the written consent of ~~such person; or~~ the person or, in the case of death or disability, the written consent of ~~such~~ the person's personal ~~representative;~~ representative.

(2) ~~That a licensed clinical~~ A social worker ~~shall not be~~ is not required to treat as confidential a communication that reveals the planning of any violent crime or ~~act;~~ act.

(3) ~~That any licensed clinical~~ A social worker who knows or reasonably suspects child abuse or neglect ~~shall make a~~ must report to the Division of ~~Child Protective~~ Family Services of the Department of Services for Children, Youth and Their Families according to § 904 of Title ~~16;~~ 16.

(4) ~~When~~ If the person waives the privilege by bringing charges against the licensed ~~clinical~~ social worker.

Section 17. Amend § 3914, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3914. Complaints.

(a) ~~A practitioner or member of the public desiring to file a complaint against a practitioner or licensee regulated by the Board shall file a written complaint with the Division of Professional Regulation. All complaints shall be received and investigated by the Division of Professional Regulation in accordance with the procedures as specified in § 8735(h) of Title 29. The Division shall be responsible for issuing a final written report at the conclusion of the investigation.~~ The Division shall receive and investigate, in accordance with § 8735 of Title 29, all complaints under this chapter.

(b) The Division shall issue a final, written report at the conclusion of its investigation of a complaint under this chapter.

Section 18. Amend § 3915, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3915. Grounds for discipline; procedure.

(a) ~~Practitioners regulated under this chapter shall be~~ A licensee or former licensee is subject to ~~those~~ disciplinary actions ~~set forth~~ established in § 3916 of this title if, after a hearing, the Board finds that the ~~practitioner~~ licensee or former licensee has done any of the following:

(1) Employed or knowingly cooperated in fraud or material deception in order to be licensed as a ~~clinical~~ social ~~worker; has~~ worker, impersonated ~~another person holding a license,~~ licensee, ~~or~~ allowed another ~~person~~ individual to use the ~~practitioner's~~ the licensee's or former licensee's license, or aided or abetted ~~a person~~ an individual not licensed as a ~~clinical~~ social worker to represent ~~himself or herself~~ the individual as a ~~clinical~~ social ~~worker;~~ worker.

(2) Illegally, ~~incompetently~~ incompetently, or negligently practiced ~~clinical~~ social ~~work;~~ work.

(3) ~~Excessively used or abused drugs either in the past or currently; excessive use or abuse of drugs shall mean any use of narcotics, controlled substances, or illegal drugs without a prescription from a licensed physician, or~~

~~the abuse of alcoholic beverage such that it impairs the practitioner's ability to perform the work of a clinical social worker;~~ Engaged within the previous 10 years or currently engages in the excessive use or abuse of drugs.

(4) Been convicted of a crime that is substantially related to ~~clinical~~ the practice of social work. ~~work or any offense which would limit the ability of the practitioner to carry out the practitioner's professional duties with due regard for the health and safety of clients; however, after a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph (a)(4), if it finds all of the following:~~

~~a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

~~b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.~~

~~c. The applicant is capable of practicing clinical social work in a competent and professional manner.~~

~~d. The granting of the waiver will not endanger the public health, safety or welfare.~~

~~e. The applicant has not been convicted of a felony sexual offense;~~

(5) Violated a lawful provision of this ~~chapter,~~ chapter or any lawful regulation established ~~thereunder;~~ under this chapter.

(6) Exceeded the scope of the licensee's license, as the scope is defined in this chapter or any lawful regulation established under this chapter. For example, baccalaureate social work may be practiced only under supervision as provided by regulation. And, a master's social worker must be supervised to provide clinical services as provided by regulation.

(6) Had the ~~practitioner's~~ licensee's license, ~~certification~~ certification, or registration as a ~~clinical~~ social worker suspended or revoked, or other disciplinary action taken by the appropriate licensing authority in another ~~jurisdiction; provided, however, that~~ jurisdiction, if the underlying grounds for such action in another jurisdiction have been presented to the Board by certified record~~; and the Board has determined that the facts found by the appropriate authority in the other jurisdiction constitute 1 or more of the acts defined in this chapter~~. Every ~~person licensed as a clinical social worker in this State shall be~~ licensee is deemed to have given consent to ~~the~~ the social work board or other comparable agency in another jurisdiction to release ~~of~~ this information ~~by the Board of Clinical Social Work~~

~~Examiners or other comparable agencies in another jurisdiction~~ and to waive all objections to the admissibility of previously adjudicated evidence of such acts or ~~offenses;~~ offenses.

(7) Failed to notify the Board that the ~~practitioner's~~ licensee's license as a ~~clinical~~ social worker in another ~~state~~ jurisdiction has been subject to ~~discipline,~~ discipline or has been surrendered, ~~suspended~~ suspended, or revoked. A certified copy of the record of disciplinary action, surrender, ~~suspension~~ suspension, or revocation ~~shall be~~ is conclusive evidence ~~thereof;~~ of the discipline, surrender, suspension, or revocation.

(8) Been convicted of a felony sexual ~~offense;~~ offense.

(9) Failed to report child abuse or neglect as required by § 903 of Title 16, or ~~any successor thereto;~~ any of its successors.

~~(10) Failed to report to the Division of Professional Regulation as required by § 3919 of this title.~~

(b) ~~Where a practitioner~~ If a licensee fails to comply with the Board's request that the ~~practitioner~~ licensee attend a hearing, the Board may petition the Superior Court to order such attendance, and the ~~said~~ Court ~~or any judge assigned thereto shall have~~ has jurisdiction to issue such an order.

(c) Subject to the provisions of this chapter and subchapter IV of Chapter 101 of Title 29, ~~no license shall be restricted, suspended or revoked by the Board~~ the Board may not restrict, suspend, or revoke a license, ~~and no practitioner's right to practice shall be limited by the Board~~ or limit the licensee's right to practice, until ~~such practitioner~~ the licensee has been given notice and an opportunity to be heard in accordance with the Administrative Procedures Act, Chapter 101 of Title 29.

Section 19. Amend § 3916, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3916. Disciplinary sanctions.

(a) The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee has violated any ~~of the conditions~~ condition or ~~violations~~ committed any violation set forth in § 3915 of this title ~~applies to a practitioner regulated by this chapter~~:

(1) Issue a letter of ~~reprimand;~~ reprimand.

(2) ~~Censure a practitioner;~~ [Repealed.]

(3) Place ~~a practitioner~~ the licensee on probationary status, and require the ~~practitioner~~ licensee to do one or more of the following:

a. Report regularly to the Board upon the matters which are the basis of the ~~probation;~~ probation.

b. Limit all practice and professional activities to those areas ~~prescribed by the Board; and/or~~ the Board prescribes.

c. Continue or renew the ~~practitioner's~~ licensee's professional education until the required degree of skill has been attained in those areas which are the basis of the ~~probation;~~ probation.

(4) Suspend ~~any practitioner's license;~~ the license.

(5) ~~Revoke a practitioner's license~~ Permanently revoke the license.

(6) Impose a monetary penalty not to exceed $10,000 for each violation.

(b) The Board may withdraw or reduce conditions of probation when it finds that the deficiencies which required such action have been remedied.

(c)(1) ~~In the event of~~ If the Board receives a formal or informal complaint concerning the activity of a licensee that presents a clear and immediate danger to the public health, ~~safety~~ safety, or welfare, the Board may ~~temporarily~~ suspend the ~~person's~~ licensee's license, pending a hearing, upon the written order of the Secretary of State or the Secretary's designee, with the concurrence of the Board chair or the Board chair's designee.

(2) ~~An order~~ The Board may not ~~temporarily suspending~~ suspend a license ~~may not be issued~~ unless the ~~person~~ licensee or ~~the person's~~ licensee's attorney received at least 24 hours' written or oral notice before the ~~temporary~~ suspension so that the ~~person~~ licensee or ~~the person's~~ licensee's attorney may file a written response to the proposed suspension.

(3) The decision as to whether to issue the ~~temporary~~ order of suspension ~~will~~ must be decided on the written submissions.

(4) An order of ~~temporary~~ suspension pending a hearing may remain in effect for no longer than 60 days from the date of the issuance of the order unless the ~~temporarily suspended person~~ licensee requests a continuance of the hearing date. If the ~~temporarily suspended person~~ licensee requests a continuance, the order of ~~temporary~~ suspension remains in effect until the hearing is convened and the Board renders a decision ~~is rendered by the Board~~. A ~~person~~ licensee whose license has been ~~temporarily~~ suspended ~~pursuant to~~ under this section may request an expedited hearing. The Board ~~shall~~ must schedule the hearing on an expedited basis, provided that the Board receives the request within 5 calendar days from the date on which the ~~person~~ licensee received notification of the decision to ~~temporarily~~ suspend the ~~person's~~ license.

(d) ~~Where~~ If a license has been suspended due to a disability of the licensee, the Board, at a Board meeting, may reinstate ~~such~~ the license if the Board is satisfied that the licensee is able to practice with reasonable skill and safety.

(e) As a condition of reinstatement of a suspended ~~license,~~ license or removal from probationary status, the Board may impose such disciplinary or corrective measures as are authorized under this chapter.

(f) The Board shall permanently revoke the license of any ~~person~~ licensee who ~~the Board determines has violated § 3915(a)(8) of this title~~ is convicted of a felony sexual offense.

Section 20. Amend § 3917, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3917. Hearing procedures.

(a) If a complaint is filed with the Board ~~pursuant to § 8735(h)~~ under § 8735 of Title ~~29,~~ 29 alleging violation of § 3915 of this title, the Board shall set a time and place to conduct a hearing on the complaint. ~~Notice of the hearing shall be given and the hearing conducted~~ The Board shall provide notice of the hearing and conduct the hearing in accordance with the Administrative Procedures Act, Chapter 101 of Title 29.

(b) ~~All hearings shall be informal without use of rules of evidence. If the Board finds, by a majority vote of all members, that the complaint has merit, the Board shall take such action permitted under this chapter as it deems necessary. The Board's decision shall be in writing and shall include its reasons for such decision. The Board's decision shall be mailed immediately to the practitioner.~~ [Repealed.]

(c) ~~Where the practitioner is in disagreement with the action of the Board, the practitioner~~ A licensee may appeal the Board's decision to the Superior Court within 30 days of ~~service, or of the postmarked date of the copy of the decision mailed to the practitioner~~ the date that notice of the Board's decision is mailed. Upon such ~~appeal~~ appeal, the Court shall hear the evidence on the record. ~~Stays shall be granted~~ The Court may grant a stay in accordance with § 10144 of Title 29 ~~of the Delaware Code~~.

Section 21. Amend § 3918, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3918. Penalties.

(a) ~~Where the Board has reason to believe that a person is holding himself or herself out to be a clinical social worker within this State without having lawfully obtained a license or that a person previously licensed under this chapter is holding himself or herself out to be a clinical social worker, notwithstanding that the person's license has been suspended or revoked, the Board shall submit a written complaint to the Division of Professional Regulation for investigation. If the investigation confirms such unlawful conduct, the Board shall formally warn such person. If the offense continues, the Board shall make a formal complaint to the Attorney General and may issue a cease and desist order. The complaint and/or~~

~~order shall include all evidence known to or in possession of the Board.~~ It is unlawful for an individual who is not licensed under this chapter to do any of the following:

(1) Engage in the practice of social work.

(2) Use in connection with that individual's name or otherwise assume or use any title or description that conveys or tends to convey the impression that the individual is qualified to practice social work.

(b) ~~Where the Board has placed a practitioner on probationary status under certain restrictions or conditions, and the Board has determined that such restrictions or conditions are being or have been violated by the practitioner, the Board, after a hearing on the matter, may suspend or revoke the practitioner's license.~~ An individual who violates subsection (a) of this section is guilty of a misdemeanor and subject to the following penalties:

(1) For the first offense, a fine of not less than $500 nor more than $1,000 for each offense.

(2) For each subsequent offense, a fine of not less than $1,000 nor more than $2,000 for each offense.

(c) Superior Court has jurisdiction over all violations of this chapter. ~~Where a person not currently licensed as a clinical social worker under this chapter is convicted of violating this chapter, such offender, upon the first offense, shall be fined not less than $500 nor more than $1,000 for each offense, and the offender shall pay all costs. Each day a violation continues shall constitute a separate offense. The Court shall order all client fees received for unlawful service to be refunded.~~

~~(1) Justices of the peace in the county in which the offense is alleged to have occurred shall have jurisdiction over any violation of this chapter.~~

~~(2) Any person convicted of any such offense before a justice of the peace or in any court of competent jurisdiction, other than the Superior Court, may appeal to the Superior Court in the county in which the conviction was had upon giving bond in the sum of $200 to this State with surety satisfactory to such justice or trial court; provided, however, that the appeal is taken and bond given within 7 days from the time of the conviction.~~

~~(d) A violation of this chapter shall be cause for revocation of any license issued thereunder, notwithstanding that the same violation may constitute a misdemeanor or felony.~~ [Repealed.]

Section 22. Amend § 3919, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3919. Duty to report conduct that constitutes grounds for discipline or inability to practice.

(a) ~~Every person~~ A licensee to whom a license to practice has been issued under this chapter has a duty to report to the Division ~~of Professional Regulation~~ in writing information that the ~~practitioner~~ licensee reasonably believes indicates any of the following:

~~that~~ (1) That any other ~~practitioner licensed under this chapter~~ licensee or any other healthcare provider has engaged in or is engaging in conduct that would constitute grounds for disciplinary action under this chapter or the other healthcare provider's licensing statute.

(2) ~~(b) Every person to whom a license to practice has been issued under this chapter has a duty to report to the Division of Professional Regulation in writing information that the licensee reasonably believes indicates that~~ That any other ~~practitioner licensed under this chapter~~ licensee or any other healthcare provider may be unable to practice with reasonable skill and safety to the public ~~by reason of~~ for any of the following reasons:

~~mental~~ a. Mental illness or mental ~~incompetence;~~ incompetence.

~~physical~~ b. Physical illness, including deterioration through the aging process or loss of motor ~~skill;~~ skill.

~~or excessive~~ c. Excessive use or abuse of drugs, including alcohol.

(3) ~~(c) Every person to whom a license to practice has been issued under this chapter has a duty to report to the Division of Professional Regulation any information that the reporting person reasonably believes indicates that a person~~ That an individual certified and registered to practice medicine in this State is or may be guilty of unprofessional conduct or may be unable to practice medicine with reasonable skill or safety to ~~patients by reason of~~ clients for any of the following reasons:

~~mental~~ a. Mental illness or mental ~~incompetence;~~ incompetence.

~~physical~~ b. Physical illness, including deterioration through the aging process or loss of motor ~~skill;~~ skill.

~~or excessive~~ c. Excessive use or abuse of drugs, including alcohol.

~~(d) All reports~~ (b) A licensee must file a report required under ~~subsections (a), (b) and (c)~~ subsection (a) of this section ~~must be filed~~ within 30 days of becoming aware of ~~such~~ information listed in paragraphs (a)(1), (2), or (3) of this section. A ~~person~~ licensee reporting or testifying in any proceeding as a result of making a report ~~pursuant to~~ under this section is immune from claim, suit, liability, damages, or any other recourse, civil or criminal, ~~so long as~~ if the ~~person~~ licensee acted in good faith and without gross or wanton ~~negligence; good~~ negligence. Good faith ~~being~~ is presumed until proven otherwise, and the licensee alleging gross or wanton negligence ~~required to be shown by the complainant~~ has the burden of proof.

Section 23. Amend Chapter 39, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3920. Telehealth and telemedicine.

(a) Licensed clinical social work may be provided through the use of telemedicine as permitted by regulation, and may include participation in telehealth as further defined in this chapter and by regulation.

(b) Notwithstanding any other provision of law, insurers, social workers, and clients may agree to alternative siting arrangements other than the originating site, as they deem appropriate.

Section 24. This Act takes effect 1 year after enactment.