



# Maryland Register

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## IN THIS ISSUE

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before June 3, 2019, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of June 3, 2019.

Gail S. Klakring  
Administrator, Division of State Documents  
Office of the Secretary of State



- and
- [(b)] (ii) The date the participant reaches 22 years old;
- (b) Effective July 1, 2019, services of up to 15 days per month, when:
- (i) The participant has co-occurring substance use and mental health diagnoses; and
- (ii) The provider is located in-State;
- (6)—(16) (text unchanged)

ROBERT R. NEALL  
Secretary of Health

## Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

### 10.42.10 Teletherapy

Authority: Health Occupations Article, §§1-901—1-903, Annotated Code of Maryland

#### Notice of Proposed Action [19-119-P]

The Secretary of Health proposes to adopt new Regulations .01—.06 under a new chapter, COMAR 10.42.10 Teletherapy.

#### Statement of Purpose

The purpose of this action is to establish a new teletherapy chapter pursuant to Ch. 610, Acts of 2017.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through July 22, 2019. A public hearing has not been scheduled.

#### .01 Scope.

This chapter:

A. Applies to a licensed certified social worker-clinical (LCSW-C), or a licensed masters social worker (LMSW) under the supervision of an LCSW-C, who may provide behavioral health services using teletherapy in Maryland.

B. Does not prohibit the following from using electronic means as defined under Regulation .02B(4)(a) within their scope of practice:

- (1) A licensed bachelor social worker (LBSW);
- (2) A licensed bachelor social worker (LBSW) practicing independently;
- (3) A licensed certified social worker (LCSW); or
- (4) A licensed masters social worker (LMSW) practicing independently.

#### .02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the Maryland Board of Social Work Examiners.

(2) "Client" means the individual, couple, family, group, business, agency, school, organization, or association that the licensed social worker provides, or has provided, with professional services.

(3) "Synchronous" means simultaneously or quickly enough to allow two or more individuals to conduct a conversation.

(4) Teletherapy.

(a) "Teletherapy" means the use of interactive audio, video, or other telecommunications or electronic media by a licensed social worker to deliver social work services:

(i) Within the scope of practice of an LCSW-C or an LMSW, under the supervision of an LCSW-C; and

(ii) At a location other than the location of the client;

(b) "Teletherapy" does not include:

(i) An audio-only telephone conversation between an LCSW-C or an LMSW, under the supervision of an LCSW-C, and a client;

(ii) An electronic mail message between an LCSW-C or an LMSW, under the supervision of an LCSW-C, and a client;

(iii) A facsimile transmission between an LCSW-C or an LMSW, under the supervision of an LCSW-C, and a client; or

(iv) A text message or other type of message sent between an LCSW-C or an LMSW, under the supervision of an LCSW-C, and a client by a short message service or multimedia messaging service.

#### .03 Licensure.

An LCSW-C or an LMSW, under the supervision of an LCSW-C, licensed in Maryland may provide social work services using teletherapy if one or both of the following occurs:

A. The individual practicing teletherapy is physically located in Maryland; or

B. The client is in Maryland.

#### .04 Standards of Practice for Teletherapy.

A. Before providing teletherapy services, an LCSW-C or an LMSW, under the supervision of an LCSW-C, shall develop and follow a procedure to:

(1) Verify the identification of the client receiving teletherapy services;

(2) Obtain informed consent specific to teletherapy services using appropriate language understandable to the client;

(3) Prevent access to data by unauthorized persons through encryption, or other means;

(4) Notify clients in the event of a data breach;

(5) Ensure that the teletherapy practitioner provides a secure and private teletherapy connection and complies with federal and State privacy laws; and

(6) Establish safety protocols to be used in the case of an emergency, including contact information for emergency services at the client's location.

B. An LCSW-C or an LMSW, under the supervision of an LCSW-C, shall:

(1) Obtain or confirm an alternative method of contacting the client in case of a technological failure;

(2) Determine whether the client is in Maryland and identify the client's specific location;

(3) For an initial teletherapy interaction only, disclose the name, location, license number, and contact information of LCSW-C or LMSW;



(4) Identify all individuals present at each location and confirm they are permitted to hear the client's health information; and

(5) Be held to the same standards of practice and documentation as those applicable for in-person sessions.

C. An LCSW-C or an LMSW, under the supervision of an LCSW-C, may not treat a client based solely on an online questionnaire.

#### .05 Client Evaluation.

An LCSW-C or an LMSW, under the supervision of an LCSW-C, shall perform a client evaluation to establish diagnoses and identify underlying conditions or contraindications to teletherapy before providing the teletherapy service.

#### .06 Discipline.

A. The Board shall use the same standards in evaluating and investigating a complaint and disciplining an LCSW-C or an LMSW, under the supervision of an LCSW-C, who practices teletherapy as it would use for an LCSW-C or an LMSW, under the supervision of an LCSW-C, who does not use teletherapy technology.

B. The failure of an LCSW-C or an LMSW, under the supervision of an LCSW-C, to comply with this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board in accordance with COMAR 10.42.09.

ROBERT R. NEALL  
Secretary of Health

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 04 SPECIFIC SUBJECTS

#### 13A.04.12 Program in Mathematics

Authority: Education Article, §§[2-205(h)] 2-205(c) and (h) and 7-205.1, Annotated Code of Maryland

#### Notice of Proposed Action [19-123-P]

The Maryland State Board of Education proposes to amend Regulation .02 under COMAR 13A.04.12 Program in Mathematics. This action was considered at the April 23, 2019, meeting of the State Board of Education.

#### Statement of Purpose

The purpose of this action is to define the process that local school systems must use to demonstrate evidence of alignment of curriculum to Maryland College and Career Ready Standards.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The proposed amendments require local school system leaders to provide evidence that the curriculum being implemented in mathematics is aligned to State standards. There are three methods of demonstrating alignment:

1. A curriculum vetting report produced by the Maryland State Department of Education.

2. A curriculum vetting report produced by a nationally recognized third party.

3. Documentation of national ratings to demonstrate an alignment to standards and strong (level 1) or moderate (level 2)

evidence for all third-party curriculum and curriculum support materials in use.

All options will have an economic impact at either the State or local level.

#### II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure  
(E+/E-)

Magnitude

A. On issuing agency:

(E+)

Unknown

B. On other State agencies:

NONE

C. On local governments:

(E+)

Unknown

Benefit (+)

Cost (-)

Magnitude

D. On regulated industries or trade groups:

NONE

E. On other industries or trade groups:

NONE

F. Direct and indirect effects on public:

NONE

#### III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The Maryland State Department of Education (MSDE) has allocated funds to support curriculum vetting. This includes hiring a Coordinator to oversee curriculum vetting and hiring consultants to vet curriculum.

C. There will be an expense on local government if school system leaders decide not to have the MSDE vet their curriculum. The expense would be for local school system leaders to have their curriculum vetted by a nationally recognized external party. There will be an expense on local government if a school system has to replace or revise curriculum if it is determined that the curriculum is not aligned to standards.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Tiara Booker-Dwyer, Executive Director, Office of Leadership Development and School Improvement, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-3676 (TTY 410-333-6442), or email to tiara.booker-dwyer@maryland.gov. Comments will be accepted through July 22, 2019. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on August 27, 2019, at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

#### .02 Certification Procedures.

[By September 1, 2005 and each 5 years after that, each local superintendent of schools shall certify to the State Superintendent of Schools that the instructional programming within grades