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## POSITION ON PROPOSED LEGISLATION

<b>BILL: HB 0173 Temp Social Work License</b>
<b>FROM: Maryland Office of the Public Defender</b>
<b>POSITION: Opposed</b>
<b>DATE: 02/1/2022</b>

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 0173 State Board of Social Work Examiners - Temporary License to Practice Social Work.

The Association of Social Work Boards (ASWB) has a Model Social Practice Act that was instituted in 1997. The purpose of the ASWB Model Act is simple: to provide a resource to legislatures and social work boards when addressing issues related to the public protection mission of regulating the practice of social work. Informed by a national perspective, the Model Act establishes standards of minimal social work competence, methods of fairly and objectively addressing consumer complaints, and means of removing incompetent and/or unethical practitioners from practice. Social work Boards can better protect the public when they have access to resources, such as the ASWB Model Act, that reflect current issues in professional regulation.

The last revision was in 2018, and at no time from 1997 to 2018, has the ASWB endorsed the idea of allowing the issuance of a temporary license if or when the required examination is not available, and the other provisions exist (appropriate education and experience). The ASWB maintains under each licensure level requirement that each applicant for a social work license at all levels (LBSW, LMSW, LCSW- and LCSW-C) will: ...successfully pass(ed) an Examination or examinations prescribed by the Board.

The most impactful solutions for the issue of access to examinations are an increased number of testing sites, increased number of available testing time slots, and ensuring that local universities - Schools of Social Work release transcripts in a timely manner. It is not untenable under current COVID safety precautions such as wearing of masks, social distancing, and stringent cleaning measures that access to the social work examination centers should be sufficient.

My experience and perspective come from being a Board Certified Clinical Supervisor since 2013. I accept the responsibility and risk associated with providing social work supervision to LMSWs, however, I cannot accept the responsibility and risk of providing supervision to a temporarily licensed social worker. Many MSW applicants who take the examination fail. The sole purpose of a licensing examination is to identify persons who possess the minimum knowledge and experience necessary to perform tasks on the job safely. This responsibility to ensure that job tasks are performed “safely” then falls to the responsibility of the Board Certified Clinical Supervisor in lieu of taking the examination. This is an unacceptable risk to the license of any individual supervisor for any amount of time.

If the concern is that access to the license examination is creating a shortage of social workers, then there is clear, empirical evidence to the contrary. The shortage of social workers across the United States is not new. The COVID pandemic began in 2020 creating a tremendous burden on the demand for all healthcare workers including social workers. However, there is clear and convincing empirical evidence that the shortage of social workers was not a new phenomenon related to the pandemic. The issuance of a temporary license is not an appropriate measure unless there is the concern that the inability to gain access to the exam leads to the shortage of social workers. According to a 2016 report by the Health Resources and Services Administrations (HRSA) National Center for Health Workforce Analysis forecasts a shortage of psychiatrists; clinical, counseling, and school psychologists; **mental health and substance use disorder (SUD) social workers**; school counselors; and marriage and family therapists through 2025. Furthermore, it projects shortfalls of more than 10,000 full-time employees for **mental health and SUD social workers** and school counselors. Also contributing to lack of access to care by those in need is geographic disparity. “Maldistribution intensifies the magnitude of provider shortages, as certain areas of the country have few or no behavioral health providers available,” says Michelle Washko, PhD, acting director of the HRSA National Center for Health Workforce Analysis.

The shortage of social workers is a national problem and not specific to Maryland only. The research regarding the shortage of social workers does not endorse or attribute any evidence that the shortage is due to lack of access to the examination, thus requiring the State Board of Social Work Examiners to have the ability to issue temporary social work licenses. The reasons for the shortage are complicated and vast as noted in an article entitled, The US is Facing Massive Social Worker Shortages - What Can be Done About it (January 30, 2020).

But there are many factors that can explain why these shortages occur. Some of them include:

- Relatively high educational requirements required for the job
- Lack of funding and incentives for workers in rural areas
- Incredible professional demands
- The increasing complexity of [challenges that social workers face](#)
- The looming retirement wave hitting the profession

Certainly, there is a mental health crisis in the United States. An estimated 44 million Americans experience a diagnosable mental illness. However, that number isn’t stable. An estimated one in

ten children has a serious mental health issue. The number of adolescents suffering from mental illness is on the rise, notably depression. The youth depression rate was 8.5 percent in 2011 and 11 percent in 2014, and a whopping eighty percent of young adults have limited or insufficient treatment.

This is going to increase the number of adults in need of mental health services. Yet half today don't receive treatment. Making matters worse, these adults are in greater need of social worker support. This trend is also driving demand for mental health specialists in the social work field. Another side effect of this trend is that it increases the complexity of cases that social workers face.

Larger macro solutions to the overall shortage of social workers include more competitive pay (Maryland's close proximity to Washington DC creates major pay disparities in social work salaries), an increase in the number of state of Maryland, permanent, merit social worker pins across all agencies such as DOH, and allowing local county health departments to resume provision of mental health services to low-income, vulnerable, at risk populations; as well as for MOPD to allow those same at risk populations involved in the criminal justice system access to social workers, DPSCS to provide a wide array of social work services to the incarcerated population, and MSDE to hire social workers in schools to break the prison to school pipeline.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on HB0173.**

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**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**

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Sources:

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<https://www.socialworktoday.com/archive/MJ19p16.shtml>

The US is Facing Massive Social Worker Shortages - What Can Be Done About it. January 30, 2020.

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Model Social Work Practice Act. Association Social Work Boards.

<https://www.aswb.org/wp-content/uploads/2020/12/Model-law-for-web.pdf>