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POSITION ON PROPOSED LEGISLATION

BILL: SB145 - State Board of Social Work Examiners - Temporary License to Practice Social Work

FROM: Maryland Office of the Public Defender

POSITION: Oppose

DATE: 2/6/2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 145. Our concerns are both philosophical and practical – authorizing the practice of social work before one meets the certification requirements will disproportionately impact our clients and other low income individuals who will potentially receive needed services by individuals who are less qualified, reduce accountability, and weaken the credibility of social workers. Moreover, the administrative process of establishing and issuing temporary licenses will exacerbate the delays that currently exist in the licensure process.

If passed, SB 145 would allow for individuals who have not yet passed the required examination to practice social work under a temporary license. Certification by exam is a common practice for professions that impact individuals' wellbeing and daily lives. Social workers should be held to standards to the same extent that doctors, lawyers, and other helping professions are.

Examinations provide an accountability measure and base standard for competence that is needed prior to practice. The Association of Social Work Boards (ASWB) Model Social Practice Act requires, at each licensure level (LBSW, LMSW, LCSW- and LCSW-C), that each applicant successfully pass an Examination or examinations prescribed by the Board. The ASWB has also never endorsed a temporary licensure. Removing the examination requirement, even temporarily, would place Maryland below national standards for its social worker expectations.

Temporary licensure to people who have not yet passed the licensure examination will allow for social work practice by people who are ultimately determined to be unqualified. The pass rate among people seeking their LMSW certification in Maryland is 86.4%, meaning that 13.6% will be able to practice temporarily despite not subsequently meeting the base competency expectations.

Our clients and their communities need and deserve the highest quality social work services. We would not hire someone who only has a temporary license, and we are concerned that community resources that provide services to our clients may rely on temporary social workers who may ultimately be found not sufficiently qualified. With a high number of suicides, mental illness, and overdoses throughout the state and country, this is no time to risk the health and life of citizens by allowing unlicensed MSWs to practice.

Given the import and impact of social workers' efforts, we are also concerned about the additional responsibility it places on the Board Certified Clinical Supervisors, who accept the responsibility and risk associated with providing social work supervision. The purpose of a licensing examination is to identify persons who possess the minimum knowledge and experience necessary to perform tasks on the job safely. Without an examination, this responsibility falls to the supervisor. Board certified clinical supervisors already provide clinical supervision to LMSWs and adding this group would be an additional burden.

Underlying this bill is a systems problem that has resulted in a backlog and delay in licenses being issued. According to the Department of Health's [Health Professional Boards and Commissions' Analysis of FY 2023 Maryland Executive Budget](#), in the past five years, the Maryland Board of Social Work Examiners (MBSWE) failed to meet the requirement to issue 95% of new licenses within 10 days of receipt of the last qualifying document. If the MBSWE is unable to timely process LMSW and LCSW-C licenses, adding another group will further complicate the systems problems. Ultimately, the result will be to extend the delay of full licensure to those who have met the qualification standards.

The most impactful solutions for the issue of access to examinations are an increased number of testing sites, an increased number of available testing time slots, and ensuring that local schools of social work release transcripts in a timely manner. Larger 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) and an increase in the number of permanent, merit social worker pins across State Agencies.

All Marylanders in need of treatment services deserve the best possible care that meets basic minimum standards. This includes ensuring that basic standards are met, and accountability measures that assess professional competency remain in place.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on SB 145.

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

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